

# Title IX, ADA, Drug & Alcohol

Oregon Coast  
Community  
College

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Interim Vice President of Academic & Student Affairs

Title IX Coordinator

ADA/504 Coordinator

# Title IX

No person in the United States shall, on the basis of sex, be excluded from participating in, denied the benefit of, or be subjected to discrimination under any educational program or activity receiving Federal financial assistance.

Title IX of the Education Amendments of 1972

Implementing Regulations at:

20 U.S.C. § 1681 & 34 C.F.R. Part 106

## **Who Does Title IX Apply to?**

Students, Employees, contractors/vendors and guests/visitors



# Terminology – Violations

- **Sex Discrimination**– Discrimination based on sex, including sexual orientation and gender identity in educational programs and activities.
- **Sexual Harassment** - conduct on the basis of sex prohibited by Title IX:
  - **Quid Pro Quo** - An employee/student of the recipient conditioning the provision of an aid, benefit, or service of the recipient on an individual's participation in unwelcome sexual conduct;
  - **Hostile Environment** - Unwelcome conduct (verbal or nonverbal) determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the recipient's education program or activity; or

# Terminology – Violations Cont.

- **Dating Violence** – Violence by a person who is or has been in a romantic or intimate relationship.
- **Domestic Violence** - Violence by a current or former spouse or intimate partner, co-parent, living partner, youth, or other under state law.
- **Sexual assault** – A forcible or non-forcible sex offense under the FBI Uniform Crime Reporting System. Sexual assaults consist of any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent:
  - Rape
  - Attempted Rape
  - Sodomy
  - Fondling
  - Statutory Rape
- **Stalking** - Interference with the peace and/or safety of a person; pattern of behavior which makes an individual feel afraid, nervous or harassed.

# Process

**Actual knowledge** - notice of sexual harassment or allegations of sexual harassment to the College's Title IX Coordinator or any official of the recipient who has the authority to institute corrective measures on behalf of the recipient.

**Formal complaint** - a document filed and signed by a complainant or signed by the Title IX Coordinator alleging sexual harassment against a respondent and requesting that the recipient investigate the allegation of sexual harassment. At the time of filing a formal complaint, a complainant must be participating in or attempting to participate in the education program or activity of the recipient with which the formal complaint is filed.

**Supportive measures** - non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the complainant or the respondent before or after the filing of a formal complaint or where no formal complaint has been filed.

**Investigations** - The Title IX Coordinator is responsible to oversee investigations to ensure timely resolution and compliance with Title IX and this procedure.

**Hearing-** After completing an investigation and prior to completing a determination regarding responsibility, the College will hold a live hearing to provide the Complainant and Respondent an opportunity to respond to the evidence gathered before a Decision-Maker.

**Appeals** - A Complainant or Respondent may appeal the College's determination regarding responsibility or the dismissal of a formal complaint or any allegations.

# Covered Activities

On Campus

College-sponsored activities (on or off campus)

Conferences

Internships or clinical placements

Areas where the College exercises substantial control over the respondent and the context in which the sexual harassment occurs.

Does not apply to activities outside the US and its territories.

# Roles and Responsibilities

- Title IX Coordinator and Deputy Coordinators:
  - Coordinates College's efforts to comply with Title IX
    - Investigations and Reporting
  - Coordinates the effective implementation of supportive measures
  - Coordinates Training

Bruce Clemetsen  
Title IX Coordinator  
Vice President of Academic and Student Affairs

Robin Gintner  
Deputy IX Coordinator  
Vice President of Administrative Services

Joy Gutknecht  
Deputy IX Coordinator  
Director of Human Resources



# Reports

Year	2021-2022	2022-2023	2023-2024
Title IX Reports	0	0	1
Title IX Investigations	0	0	1
Hearing	0	0	0
Appeals	0	0	0

# ADA/504

- ADA -A civil rights law to prohibit discrimination solely on the basis of disability in employment, public services, and accommodations.
- Section 504 - A civil rights law to prohibit discrimination on the basis of disability in programs and activities, public and private, that receive federal financial assistance.

# ADA/504

- Oregon Coast Community College does not discriminate on the basis of race, color, national origin, sex, disability, age, sexual orientation, gender identity, marital status, or religion in its programs and activities. The following individuals have been designated to handle inquiries regarding the non-discrimination policies:
- Oregon Coast Community College prohibits retaliation, including intimidation, threatening, harassing, coercing, or any way discriminating against the individual(s) or subjecting the individual to a materially adverse action because of the individual's complaint or participation in the grievance process.
- **Bruce Clemetsen, 541-867-8511, [bruce.clemetsen@oregoncoast.edu](mailto:bruce.clemetsen@oregoncoast.edu) or Joy Gutknecht, 541-867-8515, [joy.gutknecht@oregoncoast.edu](mailto:joy.gutknecht@oregoncoast.edu)**  
400 SE College Way, Newport, OR 97366

# Student Accessibility Services (SAS)

- SAS is dedicated to providing students with disabilities and other accessibility needs equitable opportunities to experience all OCCC programs and services fully. This work is directly related to our nondiscriminatory policy. SAS works with all faculty and staff to support them by ensuring services and programs are accessible by providing one-on-one support, training, workshops, and consulting. This department is as much of a resource to faculty as it is to students. This work is rooted in our obligations to ensure that OCCC follows all laws and requirements related to the Americans with Disabilities Act (ADA) and Section 504 of the Rehabilitation Act. Our support of and collaboration with faculty further our mission to serve a diverse community of students and provide each person with the opportunity to use their education at OCCC to open new doors. SAS recognizes each student as a responsible partner in accessing and utilizing all the services available to them through SAS.

# Grievance Process

- Students, Employees, or third parties may initiate a complaint
- After a complaint is submitted and filed, a determination will be made to investigate the complaint. If a complaint needs to be investigated, the complainant and respondent will be notified in writing of the investigation.
- Decision provided
- Appeals process
- Federal or State OCR complaint Process

# Reports

Year	2021-2022	2022-2023	2023-2024
ADA/504 Reports	0	0	2
ADA/504 Investigations	0	0	2
Appeals	0	0	2
Voluntary Resolution Agreement (OCR)	0	0	2

# Drug & Alcohol Prevention

- The Drug Free Schools and Campuses Regulations (34 CFR Part 86) of the Drug-Free Schools and Communities Act (DFSCA) require an Institution of Higher Education (IHE) to certify that it has implemented programs to prevent the abuse of alcohol and use, and/or distribution of illicit drugs both by students and employees either on its premises and as a part of any of its activities. At a minimum, an IHE must annually distribute the following in writing to all students and employees.

# Drug & Alcohol Prevention

1. Standards of conduct that clearly prohibit the unlawful possession, use or distribution of illicit drugs and alcohol by students and employees;
2. A description of the legal sanctions under local, state, or federal law for the unlawful possession or distribution of illicit drugs and alcohol;
3. A description of the health risks associated with the use of illicit drugs and alcohol abuse;
4. A description of any drug or alcohol counseling, treatment, or rehabilitation or reentry programs that are available to employees or students; and
5. A clear statement that the institution will impose sanctions on students and employees and a description of those sanctions, up to and including expulsion or termination of employment and referral for prosecution, for violations of the standards of conduct or law.



# Drug & Alcohol Prevention

Employees:

Vector Training

Students:

Annual Notice

# Reports

Year	2021-2022	2022-2023	2023-2024
Reports	0	0	1
Warnings SC or EC	0	0	0
Referrals	0	0	0