



Date: December 13, 2024

Time: 10:00 – 11:30 a.m.

Location: Zoom meeting

Attending	Absent	Guests
Tim Peterson, Chair		Andrew Davis
Tracy Crockett		Jeremy Abbey
Allison Dickerson		
Krissa Harris		
Breana Sylwester		
Marilyn Waller-Niewold		
Thomas Wisley		
Sara Henson		
Christina Grijalva		
Laurie Chesley, COCC President		
Kyle Matthews, Recorder		

Meeting called to order at 10:05 a.m.

1. Old Business

- a. Review Minutes from November 8, 2024 Meeting – Tim Peterson
  - Sylwester corrected that she did attend the meeting.
  - Motion to approve the meeting minutes with the requested correction.  
Motion made by Allison Dickerson. Seconded by Marilyn Waller-Niewold.
  - Motion approved by all voting members.\*
- b. Proposed Change to the College Affairs Committee (CAC) Policy: G-6-2, 2<sup>nd</sup> Reading – Tim Peterson
  - Harris asked if the Board of Directors was aware of the CAC’s comments regarding this change.
    - Chesley confirmed that they are aware.
  - Peterson asked if members of the Board have access to Bobcat Community and COCC Headlines in Outlook.
    - Chesley confirmed that they have access to COCC Headlines in Outlook, but did not know if they could assess Bobcat Community.
  - Motion to approve the second reading of the proposed change to the CAC policy.  
Motion made by Breana Sylwester, seconded by Tracy Crockett.
  - Motion approved by all voting members.\*

2. New Business

- a. Proposed Updates to Title IX Polices: G-28-0, G-28-0.1, G-28-0.2, G-28-2, G-28-2.1, N-1-1, N-1-1, N-1-3, N-2-0, N-2-1, N-2-3, N-2-8, N-2-10, N-2-11, N-3-10; 1<sup>st</sup> and 2<sup>nd</sup> Reading – Alicia Moore, Andrew Davis and Jeremy Abbey\*\*
  - Wisley asked what would qualify as an official complaint under the proposed updates to COCC’s Title IX policies.
    - Davis said that Title IX includes gender discrimination, which includes gender identify, gender stereotypes, gender characteristics and sexual orientation. The proposed



updates included pregnancy or related conditions, as well as hostile work environments, quid pro quo, sexual harassment, sexual assault, domestic violence, dating violence and stalking. This federal law is broadly written to cover all forms of gender discrimination and guide the College on what it must protect and respond to.

- Wrisley asked if transphobia or homophobia be covered by the new Title IX policies.
- Davis said that it could. COCC's Title IX Coordinator (Moore) or Deputy Coordinator (Abbey) would need to examine the context of any complaint brought to them and they would need to work with the reporting party to determine whether their complaint falls under Title IX or a more general, State or institutional sexual harassment or sexual discrimination policy.
- Peterson asked what the benefit might be of a complaint falling under Title IX or a more general policy.
- Davis and Abbey said there are certain thresholds required for a complaint to qualify under Title IX. Every Presidential administration has changed the language for those thresholds. The latest changes from Biden administration went back to the "severe, pervasive or objectively" standard. If a reporting party has a complaint they want to be investigated and addressed, the coordinators will work with them to determine which set of procedures to follow. Title IX has specific procedures and timelines to follow.
- Wrisley asked whether someone harassed for their gender identity could fall under Title IX, depending on the context of the case.
- Davis confirmed it would depend on the context of the case, as well as what the reporting party wishes to be done, which is another significant portion of Title IX.
- Peterson asked if that threshold was written into the proposed updates to the policies.
- Henson noted that the language asked whether the incident happened on COCC's property and that section G-28-2 included a list of conditions required to be considered a Title IX complaint. She also suggested that the standard Peterson asked about could be found in the policy's glossary.
- Peterson asked if there would be new changes to Title IX that the CAC would need to discuss when the next Presidential administration begins.
  - Davis said that is possible with every new administration.
  - Peterson asked if the proposed changes could be flexible to the changes in the next federal administration without requiring more changes to the policy.
  - Henson suggested that it was written broadly enough that those three standards were not specifically named under the required conditions. It does say that the policies in that section apply only to qualifying Title IX regulations.
  - Davis said that the answer to Peterson's question would depend on what the incoming administration decides to do. In this instance, COCC needed to update its Title IX policies the Biden administration made significant changes. It is possible that the College will need to make further changes if the next administration decides to make significant changes to Title IX as well.



- Abbey noted, under the sexual harassment subtitle in the proposed changes, “severe, pervasive or objectively offensive” is also in reference to gender based unwelcome conduct.
- Henson noted the changed language said “severe *and* pervasive or objectively offensive.”
- Davis said that was a change from the Biden administration, and it has been changed many times by previous administrations.
- Henson had questions regarding the proposed changes.
  - Page 1: Will employees still be required to receive Title IX trainings? Is it included in the proposed policy changes?
    - Abbey suggested that Moore would be the best person to answer this question, but noted that COCC’s Human Resources department currently oversees Title IX trainings for employees.
    - Davis suggested that it is currently a practice and not a policy of COCC, but would prefer for Moore to confirm when able.
    - Grijalva noted that the Title IX trainings administered by HR has changed to include pregnancy and pregnancy related conditions.
  - Page 5: Is Student Disability Services involved when a faculty member is required to provide accommodations to a student that is pregnant or has a pregnancy related condition, or would each student need to ask each of their faculty members for accommodations?
    - Abbey suggested that the regulation states that, if a student notifies a faculty member that they are pregnant or have a pregnancy related condition, the faculty member is required to give the student contact information for the Title IX Coordinators. The student would then need to contact a Coordinator to learn what their options are.
    - Henson clarified that she wanted to know if there were clear directions for faculty to follow.
    - Sylwester suggested that this was covered in a broader sense under N-1-1 Filing a Report.
    - Davis noted that G-28-0.1 Reporting Contact Information included contact information for COCC’s Title IX Coordinators, as well as other employees who would disclose reports to Title IX Coordinators.
    - Henson suggested that explicit directions should be included on how to request accommodations, even if that means directing individuals to contact a Title IX Coordinator.
    - Abbey noted that this information is included in HR’s Title IX training materials. He also said that Moore is working on a QR code driven business card with Title IX Coordinator information, which faculty can hand out to students who disclose one of these conditions.
    - Henson noted that, if procedures are not stated in COCC’s policies, then the College cannot be held accountable for not following its procedures.



- Page 1: Is COCC collecting Title IX complaints, regardless of where it happens?
  - Henson noted that page 5 stated that the policy only applies to incidents that take place on property owned or controlled by COCC, at COCC sponsored events, or in buildings owned or controlled by COCC's recognized student organizations. Does this mean that COCC's Title IX policies would apply to community members as well?
- Pages 1-2 and 7-8: In regards to reporting contact information, it seems unclear whether a reporting party should contact one or both Title IX Coordinators, or the Vice President of People and Technology for some cases regarding age, disability or marital status. It may be a formatting issue.
  - Peterson suggested that the General Policies manual should not name specific individuals who are responsible parties, but rather their positions.
- Henson recalled discussions a few years ago at Wickiup Hall where there was a concern for whether the Dean responsible for Wickiup should be the point of contact as that could be a conflict of interest.
  - Davis was unaware of these concerns.
- Page 2: Henson suggested adding definitions of terms.
  - Discrimination and non-discrimination.
  - General harassment outside of sexual harassment.
  - Gender discrimination, but that may fall under discrimination.
- Page 5: Under G-28-1 Nondiscrimination and Equal Employment/Affirmative Action Statement, what is the reference to "genetic information" as a protected status?
  - Davis understood it as disabilities that are tied to a genetic component. That information would not be shared, disclosed or used as a basis for discrimination. An example would be people who are on the Autism Spectrum.
- Page 5: Under G-28-2, it says that one condition of qualification for Title IX is that the reporting party must be participating or attempting to participate in an educational program or activity. Does that mean the reporting party must be a student, or could they be a faculty or staff member as well?
  - Davis confirmed that the reporting party could also be a faculty or staff member.
  - Abbey added that the language broadens eligible reporting parties to individuals including high school students who tour COCC's campus or someone participating in a club activity.
- Page 6: Does the proposal include the removal of G-28-2.1 Officials With Authority because all COCC faculty and staff are mandated reporters?
  - Davis confirmed this. It is related to the policy that requires all COCC employees to receive Title IX training.
  - Peterson asked if an employee is required to file a report if they observe an incident but no complaint is filed.
  - Davis said that it depends on the situation. Mandatory reporting *is* required for incidents of child abuse, but not if the parties involved are adults. Employees



- might still be ethically obligated to inform individuals who they can talk to in order to file complaints.
  - Abbey added that a reporting party can say they want no action taken.
- Wrisley asked if the proposed changes to the mandatory reporting requirement were a response to changes from the federal government.
  - Davis said that the changes to officials of authority and the mandatory trainings were part of the changed guidelines from the federal government. "Mandatory reporting" has a specific definition in Oregon, so the College needs to be sure to follow it.
  - Henson suggested it might be appropriate to replace the language on officials with authority to language on mandatory trainings in COCC's updated policies.
- Pages 10, 14, 18 and 23: Does the appeals timeline change if a faculty member is involved and they are about to go off contract or are on hiatus, or if the deadline takes place during finals week? The faculty has tried to allow for appeals that do not require completion while a faculty member is off contract. Could the language be updated to say "five contract days for faculty" or "five business days for students?"
  - Peterson noted that there was language in COCC's policies for student appeals that could accommodate this issue. He asked if the appeals process is mandated by federal regulations or if it is internal to the College.
  - Davis said that it is an internal policy of COCC, not a federally mandated process.
  - Peterson asked if the federal government gives any guidelines on appeals.
  - Davis said that the federal government leaves it up to each institution to establish, publish and follow its own appeals process.
- Harris noted that the proposal document states that all employees would be required to report any incidents they witness to a Title IX Coordinator. Does that conflict with the language in the proposed changes to COCC's policies?
  - Peterson noted that this had been discussed earlier in the meeting and would need further clarification.
- Wrisley asked for clarification whether there would be changes to these proposed updates to be considered at the CAC's next meeting.
  - Peterson said the CAC would vote in this meeting whether they would want to approve a first reading or table it until their next meeting. If the CAC votes to table this, Davis, Abbey and Moore can go over the CAC's recommendations and present again at the next CAC meeting.
- Motion to table the first and second reading of these proposed changes until the next meeting. Motion made by Thomas Wrisley, seconded by Allison Dickerson.
  - Motion approved by all voting members.

Motion to adjourn the meeting.

Motion made by Thomas Wrisley, seconded by Allison Dickerson.

Meeting adjourned at 10:49 a.m.



NEXT MEETING: Friday, January 10, 2025 at 10:00 a.m. via Zoom

\*Harris' camera and microphone were turned off, but she confirmed her vote of approval with Matthews via Zoom chat.

\*\*Moore was unable to attend this meeting, but reviewed a transcript from the recording and provided responses in writing to questions regarding Title IX. Her responses will be included in the meeting packet for January 10, 2025.