



Guidelines on Responding to Complaints of Sexual Harassment, Sexual Misconduct and/or Discrimination

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1.0. Introduction

Craven Community College is committed to providing and promoting an atmosphere in which students can engage fully in the learning process and employees can realize their maximum potential in the workplace. Sexual harassment, sexual misconduct and/or discrimination on the basis of color/creed, race, religion or sex are illegal and endanger the environment of tolerance, civility, and mutual respect that must prevail if Craven Community College is to fulfill its mission.

2.0. Guidelines

2.1. Craven Community College prohibits any acts of sexual misconduct and/or related retaliation. When an allegation of such misconduct or retaliation is brought to a Campus Security Authority as referenced in section 2.1 of this document and section 2.27 of the Craven Community College Policies and Procedures handbook <http://cravencc.edu/wp-content/uploads/2014/03/AS-Sexual-and-Other-Prohibited-Harassment-Procedure-12-05.pdf> or an otherwise obligated employee, and a Respondent is found to have violated this regulation, sanctions up to and including termination and/or expulsion will be imposed to reasonably ensure that such actions are not repeated by the accused within the college community. Craven is committed to “Zero Tolerance” for sexual misconduct in all forms to include but not limited to, domestic violence, relationship violence, sexual assault, sexual harassment, stalking, and will take appropriate remedial action against any individual found responsible for an act or acts in violation of this regulation.

Acts of sexual violence or sexual misconduct may also constitute violations of applicable criminal or civil law, or other applicable Craven Community College policies that may require separate proceedings. To further its commitment against sexual violence and/or sexual

misconduct, Craven provides reporting options, an investigative process, appropriate disciplinary processes, and prevention/awareness training and other related services as appropriate for the college community.

2.2. Craven students, employees, and/or visitors are encouraged to report sexual harassment, including sexual assault, sexual violence, sexual misconduct or discrimination to the Title IX Coordinator in the Human Resources Office located on the second floor of the Brock Administration Building or Campus Security located in the Student Center.

2.3. Craven policy and federal and state laws prohibit the taking of retaliatory measures against any individual who files a complaint in good faith and/or participates in any investigation related to an allegation of prohibited harassment or discrimination. If College Officials learn of such behavior the College reserves the right to take appropriate disciplinary action, as well as to act to protect the reporting parties.

3.0. Definitions

3.1. Campus Security Authority (CSA)

3.1.1. CSAs include Craven officials listed in the annual security report, linked in the related policies section, above, including but not limited to the Office of Human Resources, Campus Security, Office of the Dean of Enrollment Management, an advisor of a registered student organization, and any official that has significant responsibility for student and campus activities. For compliance with the Campus Security Act, the Anonymous Crime Reporting Form is to be completed whenever any faculty or staff person with significant responsibility for student activities becomes aware of a crime that has taken place.

3.1.2. CSAs do not include professional counselors or other personnel, whose official responsibilities include providing mental health counseling, medical care, or religious counseling and those who are functioning within the scope of their license, certification or religious training. In addition, faculty members who do not have any responsibility for student and campus activity beyond the classroom and clerical staff are not considered CSAs. On campus, confidential reports can be made to the Executive Director of Human Resources (Brock Building) as well as the Dean of Enrollment Management (Student Center).

3.2. Complainant - A Complainant is an individual alleging conduct prohibited under this regulation.

3.3. Consent - Consent is explicit approval and permission to engage in sexual activity demonstrated by clear actions, words, or writings. Consent is informed, freely given and mutually understood by all parties involved. If coercion, intimidation, threats, and/or physical force are used, there is no consent. If the Complainant was mentally or physically incapacitated or impaired so that the Complainant could not understand the fact, nature, or extent of the sexual situation, there is no consent; this includes conditions due to alcohol or drug consumption, or

being asleep or unconscious, or under the age of legal consent, or unable to give consent under current law. Silence does not necessarily constitute consent, and past consent of sexual activities does not imply ongoing future consent. Whether the Respondent has taken advantage of a position of influence over the Complainant may be a factor in determining consent. Consent to some form of sexual activity cannot be automatically taken as consent to any other form of sexual activity. Although consent may be given initially, it may be withdrawn at any point without regard to activity preceding the withdrawal of consent.

3.4. Preponderance of the evidence –This standard will be used to evaluate the evidence for purposes of making findings and drawing conclusions for an investigation conducted under this regulation; meeting the standard constitutes a conclusion it is more likely than not that the alleged conduct occurred.

3.5. Respondent - A Respondent is an individual accused of violation under this regulation

3.6. Retaliation - Retaliation is any act by a college employee or student of reprisal, interference, restraint, penalty, discrimination, coercion, or harassment against an employee or student for using the applicable policies responsibly.

3.7. Sexual Misconduct includes the following:

3.7.1. Sex Discrimination - actions that subject individuals to unequal treatment on the basis of their sex, including but not limited to the improper exclusion of individuals from meetings or college activities.

3.7.2. Sexual Assault - an actual, attempted, or threatened sexual act with another person without that person's consent. Sexual assault is often a criminal act that can be prosecuted under State law, as well as form the basis for discipline under applicable college policy or regulations. Sexual assault includes but is not limited to:

3.7.2.1. Involvement without consent in any sexual act in which there is force, expressed or implied, or use of duress, or deception upon the victim. Forced sexual intercourse is included in this definition, as are the acts commonly referred to as "date rape" or "acquaintance rape." This definition also includes the coercing, forcing, or attempting to coerce or force sexual intercourse or a sexual act on another.

3.7.2.2. Involvement in any sexual act when the victim is unable to give consent.

3.7.2.3. Intentional and unwelcome touching, or coercing, forcing, or attempting to coerce or force another to touch a person's intimate parts (defined as primary genital area, groin, inner thigh, buttocks, or breast).

3.7.2.4. Sexual Exploitation - Offensive, illegal sexual behavior that is directed at another. Sexual Exploitation is another form of Sexual Harassment in which no violence is involved, but conduct takes advantage of another person sexually.

This includes exposing one's own or another person's intimate parts without consent; recording video or audio, photographing, or transmitting intimate or sexual utterances, sounds or images without consent of all parties involved; allowing others to view sexual acts (whether in person or via a video camera or other recording device) without the consent of all parties involved; or engaging in any form of voyeurism.

3.7.2.5. Non-forcible sex acts, including unlawful sexual acts where consent is not relevant, such as sexual contact with an individual under the statutory age of consent, as defined by State law, or between persons who are related to each other within degrees wherein marriage is prohibited by law.

3.7.3. Sexual Harassment - Sexual harassment does not require physical contact but involves conduct that merely creates an unwelcome environment, as follows:

3.7.3.1 Sexual harassment involving an employee or student includes unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when submission to the conduct is made a term or condition of the employee's employment (either explicitly or implicitly); when submission to or rejection of the conduct is used as a basis for employment decisions affecting the employee; or when the conduct is sufficiently severe, persistent, or pervasive to interfere with the employee's work performance or to create an intimidating, hostile, or offensive working environment.

3.7.3.2 Occasional compliments of a socially acceptable nature do not constitute sexual harassment. Similarly, circumstances such as the nature of course materials, educational programs, or other educational activity will be considered before a determination is made that behavior in such a context is prohibited conduct.

3.7.3.3. Verbal or physical conduct of a sexually provocative, uncivil, or disrespectful nature at the College, whether or not it would be judged illegal as a matter of law, is unwelcome by the College and will not be tolerated. Nothing in these policies creates rights inconsistent with a zero tolerance for prohibited behavior. Furthermore, the College has the final word in interpreting these policies.

3.7.4. Unwelcome signifies conduct that is not requested or invited and is regarded as offensive or undesirable.

3.7.5. Conduct of a sexual nature refers to sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature, including, but not limited to:

- i. Sexual advances
- ii. Sexual touching
- iii. Sexual graffiti
- iv. Displaying or distributing sexually explicit objects, drawings, pictures, and written materials

- v. Sexual gestures
- vi. Sexual or “dirty” jokes
- vii. Requests for sexual favors
- viii. Touching oneself sexually or talking about one's sexual activity in front of others
- ix. Spreading rumors about or rating other employees or students as to sexual activity or performance

3.7.6. “Quid Pro Quo” - Making verbal remarks or committing physical actions that propose to people of either sex that they engage in or tolerate activities of a sexual nature in order to avoid some punishment or to receive some reward.

3.7.7. Hostile Environment - Conduct that is directed toward a particular person or persons based upon the person’s race/ethnicity, color, creed, national origin, religion, sex, sexual orientation, age, veteran status, political affiliation, genetic information, gender-identity, or disability. The conduct is unwelcome; severe or pervasive; objectively offensive; and unreasonably interferes with the target person’s employment, academic pursuits, or participation in college-sponsored activities as to effectively deny equal access to the College’s resources and opportunities. Hostile environment is determined by looking at the totality of the circumstances, including the frequency of the allegedly harassing conduct, its severity, whether it is physically threatening or humiliating, and whether the conduct unreasonably interferes with an individual’s work performance, academic advancement, and participation in extracurricular activities or access to college services. Continuing verbal, nonverbal or physical conduct of a sexual nature when the person or persons the conduct is directed toward has indicated clearly, by word, writing, or action, that this conduct is unwanted also constitutes sexual harassment. This includes unwelcome sexual advances and requests for sexual favors. In some cases, a single incident may be severe enough to constitute harassment. Examples of conduct that could create or contribute to hostile environment harassment may include but are not limited to:

- i. Unwelcome jokes about sex or sexual orientation;
- ii. Offensive or degrading physical contact or coercive behavior, including stroking, patting or similar physical contact; or
- iii. Pictures, posters, graffiti or written materials displayed in a workplace or classroom which are objectively, sexually offensive or obscene and that exceed the bounds of free speech protected by the Constitution.

3.7.8. Sexual Violence - Sexual violence is a severe form of sexual harassment that includes sexual assault and any sexual act that is completed or attempted against a victim’s will or when a victim is unable to consent. The act may involve actual or threatened physical force, use of weapons, coercion, intimidation or pressure.

3.7.9. Stalking - Stalking is defined as:

3.7.9.1. A Course of Conduct - Two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means is in the presence of, or follows, monitors, observes,

threatens, or communicates to or about a person, or interferes with a person's property.

3.7.9.2. Harasses or Harassment – Willfully engaging in conduct, including written or printed communication or transmission, telephone, cellular, or other wireless telephonic communication, facsimile transmission, pager messages or transmissions, answering machine or voice mail messages or transmissions, and electronic mail messages or other computerized or electronic transmission directed at a specific person that torments, terrorizes, or terrifies that person and that serves no legitimate purpose.

3.7.9.3. Reasonable Person - A reasonable person in the victim's circumstances.

3.7.9.4. Substantial Emotional Distress - Significant mental suffering or distress that may, but does not necessarily require medical or other professional treatment or counseling.

3.7.9.5. Offense - A defendant is guilty of stalking if the defendant willfully on more than one occasion harasses another person without legal purpose or willfully engages in a course of conduct directed at a specific person without legal purpose and the defendant knows or should know that the harassment or the course of conduct would cause a reasonable person to do any of the following:

- i. Fear for the person's safety or the safety of the person's immediate family or close personal associates.
- ii. Suffer substantial emotional distress by placing that person in fear of death, bodily injury, or continued harassment.

3.7.10. Dating Violence is controlling, abusive, and aggressive behavior in a romantic relationship. It can happen in heterosexual or same sex relationships. It can include verbal, emotional physical or sexual abuse or a combination.

3.7.11. Domestic Violence is violent or aggressive behavior within the home, typically involving the violent abuse of a spouse or partner.

3.7.12. Hate Crime is defined as a violent crime, motivated by prejudice or intolerance towards an individual's national origin, ethnicity, color, religion, gender, gender identity, sexual orientation or disability.

3.7.13. Bullying is any pattern or gestures, written, electronic, or verbal communications, physical act or any threatening communication, that takes place on college property or at college-related events.

3.8. Title IX - Title IX of the Education Amendments of 1972 (20U.S.C. § 1681) is an all-encompassing federal law that prohibits discrimination based on the sex in any federally funded education program or activity. "No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under

any education program or activity receiving Federal financial assistance." Sexual misconduct may be so severe, persistent/pervasive, and objectively offensive as to limit, deprive, or deny educational access, benefits or opportunities.

3.9. Bystander - A bystander or witness is anyone who sees a dangerous or potentially dangerous situation. Go to <http://cravencc.edu/about/campus-security/> for Title-IX –Bystander Intervention.

4.0. Investigation Principles

4.1. The College will investigate and act upon information that is provided about allegations of Sexual Misconduct and Title IX regulations

4.2. The College is committed to the following when investigating complaints:

- i. Basing findings on the preponderance of the evidence standard;
- ii. Treating all parties fairly and equally;
- iii. Notifying all parties that the investigation will be impartial, prompt and thorough; and
- iv. Providing all parties an opportunity to be heard.

4.3. Conflict of Interest.

4.3.1. If a conflict of interest is identified before an investigation has begun, then the Investigator will provide the Complainant with a secondary individual to assist with or take over the investigation;

4.3.2. If a conflict of interest is identified after an investigation has begun, the Investigator can continue to investigate if, after full disclosure of a potential conflict of interest, the Complainant and the Respondent are given the opportunity to request a secondary individual to complete the investigation and decline to so request.

4.3.3. If the parties feel that the Investigator can remain unbiased they will be asked to sign a continuation agreement, to that effect before Investigator will continue.

5.0. Reporting and Investigation Process

5.1. For Allegations Against A Student: Any individual who believes that, due to the conduct of another student, he/she has been the victim of sexual misconduct or who feels that he/she has been retaliated against for his/her good faith reporting of allegations or his/her participation in an investigation of alleged prohibited harassment or discrimination should file a Title IX complaint with the Title IX Coordinator within the Human Resources Office.

5.2. The Suspected Abuse Response Team (**S.A.R.T.**) will assist the Title IX Coordinator in the investigation.

5.3. Once the investigation is concluded the Behavioral Intervention Team (**B.I.T.**) will determine the course of disciplinary action to be taken, if any.

5.4. For Allegations Against A College Employee: Anyone who believes that, due to the conduct of a college employee, he/she has been the victim of sexual misconduct, or who feels that he/she has been retaliated against for his/her good faith reporting of allegations or his/her participation in an investigation of alleged prohibited harassment or discrimination should file a Title IX complaint with the Title IX Coordinator in the Office of Human Resources to initiate an investigation.

5.5. Any college faculty or staff member, other than a licensed counselor or other employee who is protected by statute (such as religious leaders or doctors) who becomes aware of allegations of sexual misconduct, should immediately report the behavior to allow the College to conduct an investigation. Nothing in this paragraph is intended to change the obligations of the CSA as explained 2.1 and in other applicable college policies.

6.0. Complaints can be submitted in several ways.

6.1. Speaking with the Title IX Coordinator on the phone (252) 638-7225 or in person at the Office of Human Resources, 237 Brock Administration Building, Monday-Friday from 8:00 a.m.-5:00 p.m. (Summer Semester hours Monday-Thursday, 8:00 a.m.-5:00 p.m.).

6.2. Crimes can be reported to Craven CC Campus Security at (252) 670-2367 (emergency) or (252) 638-7261 (non-emergency). For emergencies or crimes in progress, dial 911.

7.0. Confidentiality and Privacy

7.1. The College will protect Complainants' privacy to the extent possible under the law. In some situations, including those in which disciplinary action is a possible outcome, due process may require disclosure to persons accused.

7.2. The College is required by law to investigate complaints under this regulation, but that investigation may be limited by the information provided by the Complainant and the Complainant's willingness to pursue a formal complaint.

7.3. The College will make every reasonable effort to abide by Complainants' wishes to remain anonymous; however, the College has to balance confidentiality with the safety of other members of the community.

7.3.1. Factors that will be considered in determining whether to disclose a complaint or report of misconduct to a Respondent include: the seriousness of the alleged conduct; the Complainant's age; whether there have been other complaints about the same individual; and the alleged harasser's rights to receive information about the allegations if the information is maintained by the school as an "education record" under the Family Educational Rights and Privacy Act (FERPA), 20U.S.C. § 1232g; 34 C.F.R. Part 99.15

7.3.2. If the College proceeds with an investigation or other response to the Report, then the Title-IX Investigator will notify the Complainant before the Respondent is contacted. The Complainant will also be notified of the College's retaliation policy.

8.0. Handling of Confidential Reports

8.1. If the Complainant would like to remain anonymous, the Title-IX Investigator will:

8.1.1. Explain that the College endeavors to investigate the allegations as presented without revealing the Complainant's identity, but that the College cannot ensure complete confidentiality and it may be limited in its ability to take disciplinary action if the Complainant desires to remain anonymous;

8.1.2. Explain that the College has an obligation to investigate and document the allegations, and advise the Complainant about the right to make a confidential report for statistical inclusion in the annual security report;

8.1.3. To the extent practicable, provide resources and internally manage the Complainant's situation, as the College would if the Complainant did not request anonymity; and

8.1.4. Ask the Complainant to acknowledge and sign a document confirming that he/she has requested anonymity and that may mean that it is unable to take disciplinary action against the Respondent.

9.0. Coordination with Law Enforcement Investigation or Other Processes

9.1. A college investigation with respect to Title IX is separate from a criminal investigation (pertaining to complaints alleging harassment or sexual misconduct that constitutes a criminal offense, such as assault, battery, rape or another form of violence or sexual violence). A Complainant can file a police report at any time, including during the duration of a Title IX investigation under this regulation.

9.2. A college investigation with respect to Title IX is separate from the College's review of a Student Code of Conduct violation. A Complainant can file a report and/or a complaint to Office of Human Resources at anytime, including during the duration of a Title IX investigation under this regulation.

9.3. The Title IX Coordinator and Deputy Title IX Coordinator will coordinate with a criminal investigating agent as permitted by law.

9.4. The Title IX investigation will continue to go forward during a criminal investigation. Reporting to Campus Security does not end the Title IX investigatory responsibility for the College.

9.4.1. Information about on-campus and off-campus resources will be provided to both parties with respect to filing criminal charges, including numbers and contact information for the police department with jurisdiction over a matter.

9.4.2. If the reporting party needs assistance with filing a formal police report, college personnel will assist with this process as needed.

9.5. The standard of evidence for conviction in criminal cases is a higher standard than the College will use in a Title IX investigation.

9.6. The Title IX Coordinator, Deputy Coordinator, and Campus Security will communicate regularly regarding Title IX investigations and requirements.

10.0. Educational Programs

10.1. Craven Community College provides education for staff, faculty, and students on the following issues in a variety of forms and trainings.

10.2. All new employees must complete the Get Inclusive training and provide your Certificate of Completion within the first 30 days of employment.

10.3. Campus SaVE Act requires colleges to provide “primary prevention and awareness programs” for new students and employees, as well as ongoing prevention and awareness campaigns. These educational programs must include but are not limited to the following subjects:

- i. Sexual Assault Awareness
- ii. Dating Violence
- iii. Healthy Dating & Relationships
- iv. Domestic Violence Awareness
- v. Stalking & Cyber Stalking
- vi. Abduction Awareness & Prevention
- vii. Bullying
- viii. Diversity & Discrimination
- ix. Protection Orders
- x. Know Your Rights (Title IX)
- xi. Dealing with Peer Pressure
- xii. Drinking & Driving
- xiii. Texting & Driving
- xiv. Drugs & Alcohol
- xv. Sexual Harassment

10.4. Employees designated as Campus Security Authorities, shall complete enhanced discrimination, harassment and safety training every year, which, at a minimum, includes the requirements of Title IX and Clery Act, the proper method for reporting sexual harassment and sexual misconduct, and the College’s responsibilities for responding to allegations of sexual

harassment and sexual misconduct.

11.0. Resources & Partnerships - Craven Community College works in conjunction with the following agencies:

- i. Craven County Sheriff's Department**
1100 Clarks Road
New Bern NC 28562
[\(252\) 636-6620](tel:(252)636-6620) Hours: 24 Hours / 7 Days a week
- ii. New Bern Police Department**
601 George Street
New Bern NC 28560
[\(252\) 672-4100](tel:(252)672-4100) 24 Hours / 7 Days a week
- iii. Carolina East Medical Center (Crossroads Mental Health)**
2000 Neuse Blvd. New Bern NC 28562
[\(252\) 633-8204](tel:(252)633-8204) (Mental Health) 24 Hours / 7 Days a week
- iv. Coastal Women's Shelter**
1333 S. Glenbernie Rd.
New Bern NC 28562
(252) 638-4509
Hours: 8 a.m.-5 p.m. M-F
Crisis Line: [\(252\) 638-5995](tel:(252)638-5995) 24 Hours / 7 Days a week
- v. Promise Place**
1401 Park Ave.
New Bern NC 28560
(252) 636-3381
Hours: 8 a.m.-5 p.m. M-F
Crisis Line: [\(252\) 635-7096](tel:(252)635-7096) 24 Hours / 7 Days a week
- vi. RHA Behavioral Health Services**
1917 Trent Blvd. New Bern NC 28560
(252) 638-7875
Hours: 9 a.m.-5p.m. M-F
- vii. Employee Assistance Program**
McLaughlin Young Group
5925 Carnegie Blvd Suite 350
Charlotte NC, 28209
[\(800\) 633-3353](tel:(800)633-3353) 24 Hours / 7 Days a week

*Campus Resource Centers are located outside of the Security Office and in the First Stop waiting area, Student Center Room100.

12.0. References:

<http://www.cleryact.info/campus-save-act.html>

<http://clerycenter.org/campus-sexual-violence-elimination-save-act>

http://www.ncga.state.nc.us/EnactedLegislation/Statutes/HTML/BySection/Chapter_50B/GS_50B-1.html

<http://cravencc.edu/wp-content/uploads/2014/03/AS-Sexual-and-Other-Prohibited-Harassment-Procedure-12-05.pdf>

<http://cravencc.edu/about/campus-security/>