

## SEXUAL AND OTHER UNLAWFUL HARASSMENT

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*Related Board of Trustees Policy: BP 2.27*

*OPR: Vice President for Administration*

*Approval: May 2012*

*Revision: December 5, 2017*

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### **SEXUAL AND OTHER UNLAWFUL HARASSMENT**

The College maintains an educational and working environment that is to be free from sexual and other unlawful harassment of any employee or student as set forth in Board Policy 2.27.

#### **Employee Reporting**

College Employees, without any fear of reprisal, have the responsibility to report any form of sexual or other unlawful harassment experienced, witnessed, or reasonably suspected (involving an employee, student, or any individual encountered during the course of performing their job duties), as defined by Board Policy 2.27, to the Executive Director of Human Resources. As appropriate, the immediate supervisor should be notified as well. Employees should make reports as soon as practical, as any delay may significantly limit the ability to conduct a thorough investigation.

#### **Student Reporting**

Students, without any fear of reprisal, have the responsibility to report any form of sexual or other unlawful harassment experienced, witnessed, or reasonably suspected (involving an employee, student, or any individual encountered during the course of their education at the College), as defined by Board Policy 2.27, to the College's Title IX Coordinator. Alternatively, the student may make the report to the Confidential Advocate, or Clery Compliance Officer. Students should make reports as soon as practical, as any delay may significantly limit the ability to conduct a thorough investigation.

#### **Investigation**

The Executive Director of Human Resources or the College's Title IX Coordinator, coordinating as needed, shall fully investigate all sexual or other unlawful harassment complaints and provide a response to the involved parties within sixty days following the date of the complaint. An interim report should be made when the investigation is expected to exceed sixty days.

During an investigation, the Executive Director of Human Resources may recommend interim personnel measures to facilitate the investigation or to protect the involved parties.

- The Vice President for Students, or designee, shall approve any interim changes in a student's academic status.

- The applicable Vice President(s), or designees, shall approve any interim changes to an employee's working conditions or duties.
- The President shall approve the placement of any employee on administrative leave with pay.
- In an instance where a decision maker or investigator is a party to the investigation, or is deemed to have a conflict of interest, the President, or designee, shall assume decision responsibility or appoint an alternate investigator.

Any employee or student involved in the investigation of a sexual or other prohibited harassment complaint must treat all information gained from the complainant(s), respondent(s), or witness(es) during the investigation with confidentiality and on a need-to-know basis.

### **Completion of Investigation**

A confidential file regarding the complaint shall be maintained by the Executive Director of Human Resources (for employees) or the Title IX Coordinator (for students). To the extent possible, the College will keep all information relating to complaints and investigations confidential. However, the Clery Act requires all complainant(s) and respondent(s) be notified of the outcome of any institutional proceeding alleging a sex offense.

Upon completion of the investigation, a written report shall be prepared, outlining the allegation(s), the investigation conducted, the witnesses interviewed, and the investigation conclusions reached.

- For Student Respondent(s): The Vice President for Students will be given the report, who will initiate actions, as warranted, under Board Policy 3.3, "Student Code of Conduct" and the associated College Procedures.
- For Employee Respondent(s): The applicable Vice President will be given the report, who will initiate actions, as warranted, under Board Policy 2.9, "Disciplinary Action Addressing Suspension and Dismissal" and the associated College Procedures.

### **Retaliation Prohibition**

Retaliation by any employee or student of the College against a complainant, respondent, witness, or investigator, is expressly prohibited. Retaliation is defined as including, but not limited to, any form of intimidation, harassment, or reprisal. Reports of retaliation will be investigated by the Executive Director of Human Resources, and when substantiated, referred for disciplinary action under Board Policy 2.9.

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