

SEXUAL & OTHER UNLAWFUL HARASSMENT (TITLE IX)

Related Board of Trustees Policy: 3.12

OPR: Vice President for Administration

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Previous Editions:

SEXUAL & OTHER UNLAWFUL HARASSMENT (TITLE IX)

The College will not tolerate the sexual harassment of students including harassment of an individual because of their sex, sexual orientation, and/or gender identity. Any student who engages in any form of sexual harassment towards another person on campus will be disciplined. Student discipline may include, but is not limited to, suspension or up to and including expulsion. The College also forbids retaliation of any type against a student for reporting any type of sexual harassment.

Sexual harassment is also prohibited by Title IX of the Education Amendments Act of 1972 (and the Civil Rights Restoration Act of 1987 as applicable), which states in part: "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." No member of the campus community, guest, or visitor may act to deny, deprive, or limit the educational, employment, residential, or social access, opportunities and/or benefits of any member of the College community on the basis of sex.

The Executive Director of Human Resources (EDHR) will provide students with information and the means of obtaining assistance and remedy in the event of a report of sexual and/or other unlawful harassment prohibited by this Procedure.

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 to the EDHR as defined by Board Policy 3.12, *Sexual & Other Unlawful Harassment (Title IX)* and the *College Title IX Policy Manual*. The sexual or other unlawful harassment may involve a College employee, student, or any individual encountered during the course of their education at the College. The student may alternatively 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 EDHR/College's Title IX Coordinator, shall fully investigate all sexual or other unlawful harassments in accordance with the College's *Title IX Policy Manual* and other pertinent College policies and procedures. The EDHR/College's Title IX Coordinator will make every attempt to 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 EDHR may recommend interim personnel measures to the College President and Executive Leadership Team (ELT) to facilitate the investigation or to protect the involved parties. Other actions may include the following:

- The Associate 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.
- 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.

Completion of Investigation

A confidential file regarding the complaint shall be maintained by the EDHR/College's Title IX Coordinator. To the extent possible, the College will keep all information relating to complaints and investigations confidential. However, the Clery Act requires all complainants and respondents 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. The official report will be secured and maintained by the EDHR.

The Associate Vice President for Students will be given the report and will initiate actions as warranted, in accordance with College Procedure 3.3.2, *Student Discipline*.

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 EDHR, and when substantiated, referred for action as necessary under College Procedure 3.3.2, *Student Discipline*. When the respondent is a College employee, College Procedure, 2.9.1, *Progressive Discipline*, is used.