

CHAPTER:	Harassment and Violence	DATE ADOPTED: November 11, 2014	NUMBER
ADMINISTRATION		Revised November 13, 2018	223
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1	<p>Introduction: As an educational institution, Iowa Central Community College strives to provide a respectful, safe, and non-threatening environment for students and employees. The mission of the College is to promote intellectual discovery, physical development, social and ethical awareness, and economic opportunities for all through an education that transforms lives, strengthens community, and inspires progress. Harassment and violence against students, faculty, and staff subverts this mission and will not be tolerated. This policy describes prohibited conduct, establishes procedures for reporting and addressing complaints of prohibited conduct, and describes educational programs to be conducted by the College to heighten awareness of prohibited conduct described below.</p> <p>The College has separate procedures for reports or complaints of sexual harassment governed by Title IX of the Education Amendments Act of 1972. These procedures are available at https://www.iowacentral.edu/about/titleIX.asp or a paper copy may be requested from the Assistant Vice President of Student Services or the Vice President of Human Resources. For reports or complaints of sexual harassment outside of the College’s Title IX jurisdiction, the College will follow this policy and/or any other applicable College policy, procedure, or handbook provision.</p> <p>Individuals may login to Triton Pass and click on “Concern Form” to report any concern they have.</p>		
2	<p>Prohibitions: It is the policy of the College to maintain a learning and working environment that is free from harassment or violence based on race, color, religion, creed, sex (including pregnancy), sexual orientation, gender identity, sex stereotyping, marital status, socioeconomic status, military service, national origin, age, disability, and/or any other status protected by federal, state, or local law.</p> <p>The College prohibits any form of harassment or violence against an employee or student based on race, color, religion, creed, sex (including pregnancy), sexual orientation, gender identity, sex stereotyping, marital status, socioeconomic status, military service, national origin, age, disability, and/or any other status protected by federal, state, or local law.</p> <p>The College prohibits retaliation against any person who opposes unlawful discrimination and/or makes a report of complaint or discrimination or harassment, or participates in any way in an</p>		

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investigation or complaint under this policy. For purposes of this policy, these prohibitions also apply to College directors, agents, volunteers, contractors, or persons subject to the supervision and control of the College.

It is a violation of College policy for any student, faculty member, staff member, administrator or other employee to harass any student, faculty member, administrator, or other College employee based on sex stereotyping and/or because of that person’s race, color, religion, creed, sex (including pregnancy), sexual orientation, gender identity, marital status, socioeconomic status, military service, national origin, age, disability, and/or any other status protected by federal, state, or local law.

It is a violation of College policy for any student, faculty member, staff member, or administrator or other College employee to inflict, threaten to inflict, attempt to inflict, and/or to aid in inflicting violence upon any student, faculty member, staff member, administrator or other College employee based on sex stereotyping and/or because of that person’s race, color, religion, creed, sex (including pregnancy), sexual orientation, gender identity, marital status, socioeconomic status, military service, national origin, age, disability, and/or any other status protected by federal, state, or local law. Further prohibited conduct applicable to students is described in Board Policy 417, Violence Prevention and Threat Assessment. Also, other prohibited conduct applicable to students, faculty, staff members, administrators, or other College employees is described in Board Policy Number 313, Technology and Board Policy Number 315, Social Media.

This policy covers prohibited conduct occurring both on-campus/center and off-campus:

- a. On-campus/center violations: prohibited conduct that occurs on property owned or controlled by the College;
- b. Off-campus violations: prohibited conduct that occurs during College sponsored events or during a College affiliated organization's sponsored event (e.g. field trips, social and educational functions, College related travel, athletic related events and travel, and student recruitment activities and travel); and
- c. At any location, including through electronic media such as e-mail or social networking websites, and involving any College faculty, staff, or student, provided that:
 - (1) The incident occurs at a College-sponsored activity or during an event sponsored by an organization affiliated with the College, including a student organization;
 - (2) The Complainant or Respondent was acting in an official capacity for the College during the incident,
 - (3) The Complainant or Respondent was conducting College business during the incident;
 - (4) The conduct has the purpose or reasonably foreseeable effect of substantially interfering with the work or educational performance of College students, faculty, or staff;

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	<p>(5) The conduct creates an intimidating or hostile environment for anyone who is involved in or seeks to participate in College employment, education, on-campus living, or other College-sponsored activities; or</p> <p>(6) The conduct demonstrates that the individual poses a reasonable threat to College campus/center safety and security.</p>		
3	<p><u>Definitions as to Harassment</u></p> <p>Harassment is conduct or speech which is offensive or shows malice toward an individual based on sex stereotyping and/or because of a person's race, color, religion, creed, sex (including pregnancy), sexual orientation, gender identity, marital status, socioeconomic status, military service, national origin, age, disability, and/or any other status protected by federal, state, or local law.</p> <p>Harassment means any unwelcome conduct that is related to an individual's membership in a protected class and that is sufficiently severe, pervasive, or persistent that it unreasonably interferes with any aspect of an individual's educational or employment performance or opportunities.</p> <p>a. The content consists of those personally abusive epithets which are inherently likely to provoke a violent reaction,</p> <p>b. The content is a serious expression of an intent to commit an act of unlawful violence to a particular individual or group of individuals, or</p> <p>c. The content is a threat to a person or group of persons with the intent of placing the victim in fear of bodily harm or death.</p> <p>Conduct that constitutes a protected exercise of an individual's rights under the First Amendment to the United States Constitution (and related principles of academic freedom) shall not be deemed a violation of this policy.</p> <p>Harassment as it relates to conduct is intentional conduct directed toward an identifiable person or persons based on sex stereotyping and/or because of the person's race, color, religion, creed, sex (including pregnancy), sexual orientation, gender identity, marital status, socioeconomic status, military service, national origin, age, disability, and/or any other status protected by federal, state, or local law that is sufficiently severe, pervasive, or persistent that it interferes with work, educational performance, on-campus living, or participation in a College activity on or off campus.</p>		
	<p>Sexual harassment is a form of sexual discrimination that violates Title VII of the Civil Rights Act of 1964 and/or Title IX of the Education Amendments of 1972. Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when:</p> <p>a. Submission to that conduct or communication is made a term or condition, either explicitly or implicitly, of obtaining or retaining employment or of obtaining the College's program (academic course) and/or other College sponsored activities;</p> <p>b. Submission to or rejection of that conduct or communication by an individual is a factor in decisions affecting that individual's employment or education; or</p> <p>c. That conduct or communication has the purpose or effect of substantially or unreasonably interfering with an individual's employment or a student's ability to participate in or benefit from a College program</p>		

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(academic course) or activity sponsored by the College or creating an intimidating, hostile, or offensive employment environment or educational or on-campus living environment.

Sexual harassment subverts the mission of the College and threatens the careers, educational experience, and well-being of students, faculty, and staff. The College will not tolerate sexual harassment, nor will it tolerate unwelcomed behavior of a sexual nature toward members of the College community when that behavior creates an intimidating or hostile environment for employment, education, on-campus living, or participation in a College sponsored activity.

Sexual harassment is especially serious when an instructor harasses a student or a supervisor harasses a subordinate. In such situations, sexual harassment unfairly exploits the power inherent in an instructor's or supervisor's position. However, while sexual harassment often takes place in situations where there is an abuse of a power differential between the persons involved, the College recognizes that sexual harassment is not limited to such situations. Sexual harassment can occur when a student harasses an instructor, when a subordinate harasses a supervisor, or between persons of the same status as students or employees.

Sexual harassment may also include, but is not limited to, conduct described below:

- **Gender Harassment** is generalized sexist statements and behavior that convey insulting or degrading attitudes including acts of verbal, nonverbal, or physical aggression, intimidation, or hostility based on sex or sex-stereotyping or a person's failure to conform to stereotypical notions of masculinity or femininity even if those acts do not involve conduct of a sexual nature. Examples include suggestive or sexually explicit posters, calendars, photographs, graffiti, cartoons, e-mail, voicemail, and social media including but not limited to Facebook and twitter; and sexually explicit jokes or humor focused toward a particular gender.
- **Seductive Behavior** is unwanted, inappropriate and offensive sexual advances. Examples include repeated unwanted sexual invitations, insistent requests for dinner, drinks or dates, persistent letters, phone calls and other invitations.
- **Sexual Bribery** is solicitation of sexual activity or other sex-linked behavior by promising a reward (a better grade, promotion, etc.) for performing the activity or behavior. The proposition may be either overt or subtle.
- **Sexual Coercion** is sexual activity or other sex-linked behavior by threat of punishment. Examples include negative performance evaluations, withholding promotions, threats of termination, or threats of a failing or lower grade.
- **Sexual Exploitation:** Non-consensual or abusive sexual advantage of another for their own advantage or benefit, or to benefit or advantage anyone other than the one being exploited, and that behavior does not otherwise constitute one of other sexual harassment offenses. Examples include, but are not limited to, invasion of sexual privacy, prostituting another student, non-consensual video or audio-taping of sexual activity, going beyond the boundaries of consent (such as letting your friends hide in the closet to watch you having consensual sex), engaging in voyeurism, knowingly transmitting an STI or HIV to another individual, exposing one's genitals in non-consensual circumstances, inducing another to expose their genitals. Sexually-based stalking and/or bullying may also be forms of sexual exploitation.
- **Sexual Imposition** includes deliberate assaults or molestation, or unwanted physical contact such as patting, pinching, "friendly" arms around the shoulder or intentionally brushing against another person's body. This includes any intentional sexual touching, however slight, with any object, by a man or a woman upon a man or a woman, that is without consent and/or by force such as intentional contact with

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the breasts, buttock, groin, or genitals, or touching another person with any of these body parts, or making another touch you or themselves with or on any of these body parts; and any intentional bodily contact in a sexual manner, though not involving contact with/of/by breasts, buttocks, groin, genitals, mouth or other orifice.

- **Other** conduct or behavior of a sexual nature deemed inappropriate by a College employee and/or student.

Additional definitions of sexual harassment exist under Title IX. Please see the College’s Title IX policy and procedures for information about your rights and responsibilities under Title IX, including the College’s formal grievance process. For cases that fall under the College’s Title IX jurisdiction, those procedures will apply. The procedures in this policy will be applied in cases where the College does not have jurisdiction to investigate and remedy the alleged conduct under Title IX.

4 **Evidence of Sexual Harassment:** Behavior that may constitute, or be evidence of, prohibited sexual harassment includes, but is not limited to, the following:

- a. Physical assault
- b. Direct or implied threats that submission to sexual advances will be a condition of, or that failure to submit to such advances will adversely affect, employment, work status, promotion, grades, letters of recommendation, or participation in a College sponsored activity;
- c. Direct propositions of a sexual nature or persistent unwelcomed efforts to pursue a romantic or sexual relationship, including subtle pressure for sexual activity, an element of which may be repeated staring;
- d. A pattern of unwelcomed sexually explicit gestures, statements, questions, jokes, or anecdotes, whether made physically, orally, in writing, or through electronic media (see Board Policy Number 313 Technology and Board Policy Number 315 Social Media Policy);
- e. A pattern of unwelcomed conduct involving:
 - (1) Unnecessary touching;
 - (2) Remarks of a sexual nature about a person's clothing or body;
 - (3) Remarks relating to sexual activity or speculations concerning previous sexual experience; or
 - (4) Stalking another person who reasonably perceives the stalker is pursuing a romantic and/or sexual relationship, and stalking of a sexual nature that is directed at a specific person that would cause a reasonable person to feel fear; or
- f. A display of graphic sexual material (not legitimately related to the subject matter of an academic course, if one is involved, or to job requirements) in a context where others are not free to avoid the display because of an employment or educational requirement or without surrendering a privilege or opportunity that others may reasonably expect to enjoy in that location.

In determining whether alleged conduct constitutes sexual harassment, the College will consider all available information and will review the totality of the evidence, including the context in which the alleged incident(s) occurred, to determine whether it is more probably likely than not that the harassment in violation of this

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policy occurred. Although repeated incidents generally create a stronger claim of sexual harassment, a single serious incident can be sufficient. Determinations will be made on a case-by-case basis.

Expression that constitutes a protected exercise of an individual's free speech rights under the First and Fourteenth Amendments to the United States Constitution shall not be deemed a violation of this policy. Isolated behavior of the kind described above that does not rise to the level of sexual harassment but that, if repeated, could rise to that level, demonstrates insensitivity that may warrant remedial measures. Academic or administrative personnel who become aware of such behavior in the College environment should counsel those who have engaged in the behavior. Such counsel should include a clear statement that the behavior is not acceptable and should cease, information about the potential consequences if such behavior persists, and a recommendation, as appropriate, to undertake an educational program designed to help the person(s) understand the harm caused by the behavior.

5

Reporting Sexual Harassment:

a. Students who feel that they have been the subjects of sexual harassment should advise the College's Vice President of Human Resources/Equal Employment Opportunity (EEO) Coordinator.

b. Staff members should advise the College's Vice President of Human Resources/EEO Coordinator.

c. When the College is informed or made aware of a possible harassment situation, an investigation will be conducted as described in the procedure for a Formal Complaint in this policy.

6

Sexual violence is prohibited and as specifically addressed in the Violence Against Women Reauthorization Act of 2013, Section 304, Campus Sexual Violence Act provisions amending Section 485(f) of the Higher Education Act of 1965 (the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act). Sexual violence refers to physical sexual acts perpetrated against a person's consent or where a person is incapable of giving consent due to the victim's use of drugs or alcohol or due to an intellectual or other disability. A number of different acts fall into the category of sexual violence, including rape, acquaintance rape, domestic violence, dating violence, sexual assault, stalking, and acts as defined below, as well as aiding acts of sexual violence.

7

Definitions as to Sexual Violence

- **Consent:** means knowing and voluntary agreement to engage in conduct or an activity with another individual. Silence or an absence of resistance does not imply consent. Past consent to engage in conduct or an activity does not imply future consent; consent can be revoked at any time. An individual who is incapacitated (e.g., when a person is asleep, unconsciousness, under the influence of drugs or alcohol, or disability) cannot give consent. Coercion, force, or the threat of either invalidates consent. Under no circumstances can a student give consent to engage in any sexual conduct or activity with an employee of the College.

Iowa Code provides that the following persons are unable to give consent:

- Persons who are asleep or unconscious (Iowa Code Section 709.1A);
- Persons who are incapacitated due to the influence of drugs, alcohol, or medication (Iowa Code Section 709.1A);
- Persons who are unable to communicate consent due to a mental or physical condition (Iowa Code Section 709.1A); or
- Generally, minors under the age of 16 (Iowa Code Section 709.4).

- **Domestic Violence:** Includes felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a

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person similarly situated to a spouse of the victim, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of Iowa.

- **Dating Violence:** Violence committed by a person:
 - Who is or has been in a social relationship of a romantic or intimate nature with the victim; and
 - Where the existence of such a relationship is determined based on a consideration of the following factors:
 - The length of the relationship,
 - The type of relationship.
 - The frequency of interaction between the persons involved in the relationship; and
 - May occur any time even it first and only date.

- **Non-Consensual Sexual Intercourse:** Any sexual intercourse however slight, with any object, by a man or woman upon a man or a woman, which is without consent and/or by force. Intercourse includes vaginal penetration by a penis, object, tongue or finger, anal penetration by a penis, object, tongue, or finger, and oral copulation (mouth to genital contact or genital to mouth contact), no matter how slight the penetration or contact.

- **Sexual Assault:** Subjecting another person to sexual touching that is unwanted.

- **Stalking:** Engaging in a course of conduct directed at a specific person that would cause a reasonable person to:
 - Fear for their safety or the safety of others; or
 - Suffer substantial emotional distress.

- **Substantial Threat:** reported conduct that by its nature causes a person to reasonably believe that a high risk exist that violent acts and physical harm against another person or persons may occur.

8 **Reporting Sexual Violence:** The College strongly encourages all members of the College community to report incidents of sexual violence to any of the following resources:

- a. In the event of an immediate threat, danger, or injury, the reporting person should contact the local authorities by dialing 911 and then contact Campus Security by dialing 515-574-1000. For non-emergencies, the reporting person is encouraged to contact College Campus Security by telephone at 515-574-1000 or by e-mail at security@iowacentral.edu or to contact the College's Student Title IX Coordinator, Samantha Reeves, Assistant Vice President of Student Services, One Triton Circle, Fort Dodge, IA, 50501, 515-574-1058, reeves@iowacentral.edu or the Employee Title IX Coordinator, Stacy Ihrig, Vice President of Human Resources ihrig@iowacentral.edu, 515-574-1138. This notification does not require that the reporting person file a formal complaint.

- b. Students may also speak to any member of the College's full-time faculty, the Campus nurse whose telephone number is 515-574-1047, or to the College mental health counselor whose telephone number is 515-574-1051. The faculty member or other professional staff member (excluding the College's mental health counselor) receiving the report must Immediately notify the Title IX Coordinator, Stacy Ihrig, Vice President of Human Resources, One Triton Circle, Fort Dodge, IA, 50501, 515-574-1138, ihrig@iowacentral.edu.

- c. Confidentiality:

Certain College officials have a duty to report sexual assault, domestic violence, dating violence and stalking for federal statistical reporting purposes (such as pursuant to the Clery Act, 20 U.S.C. § 1092). All personally identifiable information is kept confidential, but statistical information must be reported to College Campus

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9	<p>Security regarding the type of incident, date, and the location of the incident (using Clery Act location categories and crime category as described in the College's Annual Campus Security Report).</p> <p>As is a function of any educational institution the College must balance the needs of the individual student or the individual employee with the obligation to strive to protect the safety and well-being of the college community at large. Therefore, depending on the seriousness of the reported incident, further action may be necessary, including a campus security alert concerning a reported incident confirmed to pose a substantial threat to members at large of the campus community. The College will make every effort to ensure that a victim or the reporting person's name and other identifying information is not disclosed, while still providing enough information for community members to make safety decisions in light of the danger.</p> <p>To Report Confidentially: If an individual desires that details of an incident of sexual harassment or sexual violence be kept confidential, they should speak with the on-campus mental health counselor, campus health service provider or off-campus rape crisis resources who can maintain confidentiality. The College mental health counselor is available to help you free of charge and can be seen on an emergency basis. In addition, you may speak off-campus with members of the clergy, who will also keep reports made to them confidential.</p> <p>Non-confidential reporting options: You are encouraged to speak to the College's Title IX Coordinator to make formal reports of sexual harassment and/or sexual violence. You have the right and can expect to have incidents of sexual harassment and/or sexual violence to be taken seriously by the College when formally reported, and to have those incidents investigated and properly resolved through administrative procedures.</p>
10	<p><u>Racial, religious, national origin, socioeconomic status, military service, age, and disability harassment:</u></p> <p>Physical or verbal conduct relating to an individual's race, color, creed, religion, national origin, socioeconomic status, military service, age, and/or disability when the conduct:</p> <ol style="list-style-type: none"> a. Has the purpose or effect of creating an intimidating, hostile, or offensive working or academic environment; or b. Has the purpose or effect of substantially or unreasonably interfering with an individual's work or academic performance; or c. Otherwise unlawfully and adversely effects an individual's employment or ability to participate in or benefits from the College's programs (academic courses) and/or College sponsored activities.
11	<p><u>The use of alcohol and/or drugs will not excuse any behavior that violates this policy</u></p> <p><u>Procedure for Reporting and Investigation Complaint of Harassment</u></p> <ol style="list-style-type: none"> a. Any person who believes they have been the victim of, or has witnessed or otherwise learned of, harassment by a student, faculty member, administrator, or other College personnel because of race, color, creed, religion, national origin, sex (including pregnancy), sexual orientation, gender identity, and/or sex stereotyping, marital status, socioeconomic status, military service, age, and/or disability or any other status protected by federal, state, or local law (except as to complaints of sexual harassment under Title IX, which shall be handled in accordance with the College's Title IX policy and procedures) should report the conduct to the Vice President of Student Services, Assistant Vice President of Student Services or to the Vice President of Human Resources. Complaints or reports involving sexual harassment should be reported to the College's Title IX Coordinator.

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b. Persons wishing to file a complaint under this policy may decide to resolve the matter through the informal complaint procedure, the formal complaint procedure, or both, following the steps outlined below. The Complainant may contact the Vice President of Student Services, Assistant Vice President of Student Services or to the Vice President of Human Resources at any time for advice.

c. Informal Complaint Procedure
 Any student who wishes to utilize the informal complaint procedure to resolve a complaint of discrimination or harassment made by that employee may do so by contacting the Assistant Vice President of Student Services or the Vice President of Student Services. Any employee may do so by contacting their immediate supervisor. If the immediate supervisor is the Respondent the employee should contact the Vice President of Human Resource. Students and employees are encouraged to seek informal resolution as soon as possible after an incident of alleged discrimination or harassment. This informal discussion will be held within ten (10) calendar days (excluding weekend and College approved holidays and closings) of the student or employee's initial request for informal resolution provided the discovery is within six (6) months of the occurrence of the matter. At this informal discussion the individual and the supervisor or the Assistant Vice President of Student Services may each request the presence of a third party and/or the College's EEO/AA Officer. An effort will be made at the time by both parties to resolve the issue. If the complaint is not resolved, the Complainant may then proceed, within the following 30 calendar days (excluding weekends and College approved holidays and closings), through the Formal Complaint Procedure described below.

An informal resolution can be achieved at any time in this process if all parties are satisfied with the adjustment of the complaint.

d. Formal Complaint Procedure
 Individuals who are subjected to discrimination or harassment are encouraged to report the incident(s) to the Assistant Vice President of Student Services or Vice President of Student Services(for students) or to the Vice President of Human Resources (for employees) as soon as possible. If the student or employee wishes, they may initiate the formal complaint procedure by filing a written complaint.

After the receipt of the written complaint, the Assistant Vice President of Student Services, Vice President of Student Services or to the Vice President of Human Resources shall designate an officer of the College, or other appropriate internal or external investigator, who shall be responsible for investigating the complaint (such officer shall not be the party reported to have committed the alleged harassment).

A written statement from the Complainant shall be obtained by the designated investigator of their designee. The investigator will then immediately contact the Respondent inform the Respondent of the basis of the complaint,and provide the Respondent an opportunity to respond. The investigator may issue a mutual no-contact directive to the parties pending the completion of the investigation. The Respondent will then provide a written response to the investigator. Both parties will have equivalent opportunities to provide witnesses and evidence to the investigator for consideration.

Any party may be accompanied by support person or an advisor of their choice and at their expense. In no event may the support person or advisor interfere with the interview or disrupt the complaint procedure process provided herein.

Complainants also have the right to file complaints of discriminatory harassment with the following agencies:

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Office for Civil Rights (OCR) – Chicago Office

U.S. Department of Education
Citigroup Center
500 W. Madison Street, Suite 1475
Chicago, IL 60661
Phone: (312) 730-1560
www.ed.gov/ocr

Equal Employment Opportunity Commission (EEOC)

Reuss Federal Plaza
310 W. Wisconsin Avenue, Suite 800
Milwaukee, WI 53203-2292
Phone: (800) 669-4000
www.eeoc.gov/

Iowa Civil Rights Commission (ICRC)

Grimes State Office Building
400 E. 14th Street
Des Moines, IA 50319
Toll free: (800) 457-4416
Phone: (515) 281-4121
<https://icrc.iowa.gov/>

Upon receipt of the response, the investigator shall report in writing to the Human Resources Director the findings of the investigation, and shall notify the Complainant and Respondent of said findings in writing within fourteen (14) calendar days (excluding weekends and College approved holidays and closings) of the appointment. The Assistant Vice President of Student Services or the Vice President of Human Resources shall review the written findings to determine if harassment in violation of this Policy has occurred. The College shall make an appropriate determination, in light of the circumstances presented, of whether a respondent should be removed from campus or placed on administrative leave pending the outcome of these grievance procedures.

Upon completion of the review and determination by the Assistant Vice President of Student Services or the Vice President of Human Resources, both the Complainant and Respondent shall be notified separately in person and in writing by the Assistant Vice President of Student Services or the Vice President of Human Resources of their decision within seven (7) calendar days (excluding weekends and College approved holidays and closings) of receiving the report. The Complainant and Respondent shall be notified if the Assistant Vice President of Student Services or the Vice President of Human Resources is unable to meet with them in person within seven (7) calendar days (excluding weekends and College approved holidays and closings) and a meeting will be scheduled as soon as possible. The Assistant Vice President of Student Services or the Vice President of Human Resources will meet separately with the individuals and will address any questions concerning the determination or resolution with the individuals during this meeting.

- e. The College reserves the right to take whatever measures it deems appropriate in response to a complaint of harassment under this policy. Such measures include but are not limited to discipline up to and including recommending termination of employment for employees or modification of academic, on-campus housing or work arrangements, probation and suspension or expulsion for students. Not all forms of harassment will be deemed to be equally serious offenses and the College reserves the right to impose different sanctions, ranging from verbal warning to expulsion of enrollment or to termination of

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	<p>employment, depending on the severity of the offense. The College will consider the concerns and rights of both the Complainant and Respondent.</p> <p>f. The Respondent in accordance with College policy, the Master Agreement, the Collective Bargaining Agreement, the Student Handbook, or the Employee Handbook, whichever applies, may appeal any disciplinary action resulting from this procedure.</p> <p>g. In the event the Complainant is dissatisfied with the Assistant Vice President of Students of the Vice President of Human Resource’s decision, the Complainant may appeal in writing to the President of the College within five (5) calendar days (excluding weekends and College approved holidays and closings) of the receipt of the Assistant Vice President of Student Services or the Vice President of Human Resources decision.</p> <p>h. As this procedure is initiated and completed, all involved parties will be expected to respect the sensitive nature of the matter and to protect the confidentiality of the Complainant, the Respondent, and all those involved in the investigation. The College will respect the privacy of the Complainant, the Respondent, and all those involved in the investigation as much as possible, consistent with the College’s legal obligations to investigate and to take appropriate action. Only people who need to know will be told, and information will be shared only as necessary with investigators, witnesses, and the accused individual.</p> <p>i. The College will make every reasonable effort to conclude its full investigation of a complaint, decision by the Assistant Vice President of Student Services of the Vice President of Human Resources, and processing of any appeal within sixty (60) calendar days (excluding weekends and College approved holidays and closings) from its receipt of a complaint. The time periods specified in this procedure are institutional expectations. The Assistant Vice President of Student Services or the Vice President of Human Resources will document the reason for extending any specified time period and will provide to the Complainant and Respondent periodic written notice of any extension of a specified time period and of the status of the investigation.</p>		
12	<p><u>Retaliation Prohibited</u></p> <p>Retaliation against a person who makes a report or complaint of harassment, or who assists, or participates in any manner in an investigation or resolution of a harassment report or complaint is strictly prohibited. Retaliation includes threats, coercion, discrimination, intimidation, reprisals, and/or adverse actions related to employment or education. Any individual who believed they have been retaliated against in violation of this Policy should immediately contact the College’s Assistant Vice President of Student Services or the Vice President of Human Resources.</p> <p>This Policy’s anti-retaliation protections do not apply to any individual who makes a materially false statement in bad faith in the course of any complaint, investigation, or other proceeding under this Policy. However, a determination that an individual made a materially false statement in bad faith must be supported by some evidence other than the determination of whether the Respondent violated this Policy alone. An individual who makes a materially false statement in bad faith may be subject to discipline up to and including suspension or expulsion of a student or termination of an employee’s employment.</p>		
13	<p><u>Education Programs to promote the awareness of rape, acquaintance rape, domestic violence, dating violence, sexual assault, and stalking</u></p>		

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The College will conduct education programs to promote the awareness of rape, acquaintance rape, domestic violence, dating violence, sexual assault, and stalking, which shall include:

- a. Primary prevention and awareness programs for all incoming students and new employees, which will include:
 - (1) A discussion of this policy;
 - (2) Safe and positive options for bystander intervention that may be carried out by an individual to prevent harm or intervene when there is a risk of domestic violence, dating violence, sexual assault, or stalking against a person other than such individual;
 - (3) Information on risk reduction to recognize warning signs of abusive behavior and how to avoid potential attacks;
 - (4) The procedures set forth in this policy for handling a complaint;
 - (5) Possible sanctions or protective measures the College may impose following a final determination after a College investigation of reported incident of rape, acquaintance rape, domestic violence, dating violence, sexual assault, or stalking;
 - (6) Procedures victims should follow if a sex offense, domestic violence, dating violence, sexual assault, or stalking has occurred, including information about:
 - (a) The importance of preserving evidence as may be necessary to the proof of criminal domestic violence, dating violence, sexual assault, or stalking, or in obtaining a protection order;
 - (b) To whom the alleged offense should be reported;
 - (c) Options regarding law enforcement and campus authorities, including the victim's option to:
 - (i) Notify proper law enforcement authorities, including College Campus Security and local police;
 - (ii) Be assisted by campus authorities in notifying law enforcement authorities if the victim so chooses; and
 - (iii) Decline to notify such authorities; and
 - (d) The rights of victims and the College's responsibilities regarding orders of protection, no contact orders, restraining orders, or similar lawful orders issued by a criminal and/or civil court;
 - (7) Notification to students and employees about existing counseling, health, mental health, victim advocacy, legal assistance, and other services available for victims both on-campus and in the community; and
 - (8) Information concerning options victims have for available assistance. if applicable, in changing academic classes, on-campus living, and working situations, if so requested by the victim and if such accommodations are reasonably available, regardless of whether the victim chooses to report the incident to College Campus Security or to local law enforcement, and

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		b. Ongoing prevention and awareness campaigns for students and faculty that will include the above information.	