Sexual harassment of a student by another student, employee, or others acting in an official role of the college is not permitted. Violations of this policy will result in disciplinary action against any student or employee involved, including possible expulsion of the student and termination of the employee. Others who violate this policy may be reported to local law enforcement authorities for appropriate action and may be prohibited from being on College property and/or attending College activities.

Administrative Implemental Procedures:

1. The Board adopts the following definition of sexual harassment for the purpose of this policy:

Unwelcome sexual advances, requests for sexual favors, verbal abuse, sexual violence, and other verbal or physical conduct of a sexual nature constitutes sexual harassment when (1) submission to such conduct is made either explicitly or implicitly a term of the student's academic opportunities, (2) submission to or rejection of such conduct by a student is used as a basis for academic decisions affecting such student, or (3) such conduct has the purpose or effect of unreasonably interfering with the student's College performance or it creates an intimidating, hostile or offensive educational environment.

Conduct which has the effect of unreasonably interfering with a student's College performance or creates an intimidating, hostile or offensive educational environment may be "sexual harassment" whether or not the person engaging in the conduct intends to create that effect.

2. Students who believe they have been subjected to sexual harassment may report the problem to any teacher, staff member, or administrator. Reports of sexual harassment can be written or verbal.

3. All employees have a duty to report sexual harassment regardless of whether they are apprised of it by a student, another employee or are a witness. Reports should be submitted to the Vice President of Student Services (Title IX Coordinator) or the Executive Director of Human Resources.
4. Upon receiving an allegation of student to student sexual harassment, the Executive Director of Human Resources will begin an inquiry into the allegations under college policy 3-02. Allegations of harassment between students and employees will be addressed by the Executive Director of Human Resources under college policy 2-01 (Non-Discrimination & Non-Harassment) or college policy 2-43 (Staff Conduct and Discipline) for acts of sexual violence.

Complainants will be provided appropriate support and consultation throughout the inquiry by the Vice President of Student Services (Title IX Coordinator). Complainants will be informed about campus and community resources and will be notified of their right to file a report with local law enforcement agencies.

5. A complaint shall not adversely affect the status of a student complained against, except as reasonably necessary to prevent similar complaints, until an inquiry has been conducted and a determination made that is more probable than not that conduct in violation of this policy occurred.

6. Upon conclusion of the inquiry, a report is completed and forwarded to the Vice President of Student Services. The Vice President of Student Services shall, based on the inquiry report, evidence, and all known circumstances, make a determination as to whether the accused student committed sexual harassment based on the preponderance of evidence standard (i.e. it is more likely than not that sexual harassment or violence occurred).

7. If a determination is made that the accused student acted improperly, the matter will be referred to the Behavioral Intervention Team to determine sanctions that are reasonably calculated to end the harassment, up to and including expulsion of the offending student. The Vice President of Student Services will recuse himself/herself from the sanction process in order to maintain separation between the investigation, adjudication and sanctioning of the case.

8. If either party (complainant or the person alleged to have engaged in sexual harassment) is dissatisfied with the outcome of the inquiry and/or the sanctions imposed, that party may appeal to the President within (7) days of being informed of the results of the inquiry and the sanctions, if any was imposed.

The President determines his/her own hearing procedures, keeping in mind the following guidelines:

(1). The Student has the right to be heard by the President; in the event that the student is under the age of eighteen or incapacitated, he/she may have an advisor present to assist him/her in presenting his/her case.

(2). Students do not have the right to be represented by an attorney during appeal proceedings except in the case where civil or criminal actions concerning the student are pending and in that case, the attorney’s role shall be advisory only. The student is responsible for presenting his/her own case; therefore, advisors are not permitted to speak or to participate directly in any portion of the appeal, including but not limited to during the hearing.

(3). The Student has the right to identify documents, witnesses and other material he/she would like the President to review before making a final decision. The President determines which documents, witnesses, and other materials are pertinent to the appeal.
(4). Hearings are conducted in private unless all parties agree otherwise.

(5). A record of the hearing should be maintained by the President

Decision by the President.

The President may affirm, modify, or reverse the Decision of the Vice President of Student Services and/or the sanctions imposed by the Behavioral Intervention Team. The President notifies in writing the student of the decision. The notification of the decision of the President will be issued within fourteen (14) days of service of the appeal. The decision of the President is final and cannot be appealed.

9. Every reasonable effort will be made to keep the specifics of the complaint confidential consistent with a thorough fact finding activity and appropriate remedial action.

10. False complaints will result in discipline, up to and including expulsion, or other discipline of the person making the false accusation.

11. Non-retaliation. This policy also expressly prohibits retaliation of any kind against any student, employee, or other person bringing a good faith complaint, participating in a fact finding activity, or providing information about harassment. However, if a fact finding activity of a complaint shows that the complainant or information was willfully and knowingly false, and individual who willfully and knowingly provided the false information will be subject to discipline, up to and including possible expulsion of the student. Any suspected retaliation should be reported to the Vice President of Student Services and/or the Director of Human Resources.

This policy shall apply to protect the student while the student is engaged in any College activity under the control or operation of the College.

**Policy Owner – Position Title**

Vice President of Student Services