

## **105-01 SEXUAL HARASSMENT & MISCONDUCT—PROCEDURE**

### **1. PURPOSE**

The college is committed to providing an environment for its students, faculty, staff, and visitors, regardless of sexual orientation or gender identity that discourages and prevents sexual misconduct. It is CCC's intent to prohibit sexual misconduct in any form, to include sexual harassment, sexual discrimination, and sexual violence. This policy applies to students and employees, as well as third parties.

### **2. PROCEDURE**

The purpose of this policy is to establish clearly and unequivocally that the College prohibits every form of sexual misconduct and harassment. Any person found to be in violation of the Sexual Harassment & Misconduct Policy will be subject to action up to and including dismissal.

#### **1. Definitions and Prohibited Behaviors**

Sexual harassment is a violation of state and federal law. It includes unwelcome sexual advances, requests for sexual favors, sexually motivated physical conduct, and other verbal or physical conduct, or visual forms of harassment of a sexual nature when submission to that conduct is either explicitly or implicitly made a term or condition of employment or is used as a basis for employment decisions. Further, other forms of unlawful harassment include actions that have the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive work environment. Sexual harassment includes Dating Violence, Domestic Violence, Sexual Assault/Violence, Sexual Exploitation and Stalking as defined below:

- a. **Dating Violence:** Dating violence is violence (violence includes, but is not limited to sexual or physical abuse or the threat of such abuse) committed by a person (a) who is or has been in a social relationship of a romantic or intimate nature with the victim; and (b) where the existence of such a relationship shall be determined based on a consideration of the following factors: (i) the length of the relationship, (ii) the type of relationship, (iii) the frequency of interaction between the persons involved in the relationship. Dating violence can occur when one person purposely hurts or scares someone they are dating. Dating violence can be physical, emotional, and/or sexual abuse.
- b. **Domestic Violence:** Domestic violence shall mean felony or misdemeanor crimes of violence committed by a current or former spouse 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, by a person similarly situated to a spouse of the victim under the domestic or family violence laws, 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. Domestic violence includes patterns of abusive behavior in relationships used by one partner to gain or maintain power and control over another intimate partner. Domestic violence can be physical, sexual, emotional, economic, or psychological actions or threats of actions that influence another person. This includes any behavior that intimidates, manipulates, humiliates, isolates, frightens, terrorizes, coerces, threatens, blames, hurts, injures, or wounds someone.

- c. **Sexual Assault:** Sexual assault shall mean an offense classified as a forcible or non-forcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation. Sexual assault is contact or sexual penetration that occurs without the consent of the recipient. Sexual contact means the intentional touching of a person's intimate parts or the intentional touching of a person's clothing covering the immediate area of the person's intimate parts. Sexual contact also includes when a person is forced to touch another person's intimate parts or the clothing covering the immediate area of the person's intimate parts. Sexual contact shall include only such contact which can be reasonably construed as being for the purpose of sexual arousal or gratification of either party. Sexual penetration means sexual intercourse in its ordinary meaning, cunnilingus, fellatio, anal intercourse or any intrusion of any part of the person's body or of a manipulated object into the genital or anal openings of another person.
- d. **Sexual Violence:** Any intentional act of sexual contact (touching or penetration) that is accomplished toward another without his/her consent. Such acts may include, but are not limited to, forced oral sex, forced anal penetration, insertion of foreign objects into the body, and any act of sexual intercourse "against someone's will." This includes, but is not limited to, the use of a weapon, physical violence or restraint, verbal threats, intimidation, and threats of retaliation or harm.
- e. **Sexual Exploitation:** Sexual exploitation occurs when an individual takes non-consensual or abusive sexual advantage of another for his/her 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 misconduct offenses. Examples of sexual exploitation include, but are not limited to, invasion of sexual privacy, prostituting another individual, non-consensual video or audio-taping of sexual activity, going beyond the boundaries of consent, engaging in voyeurism, knowingly transmitting an STD or HIV to another individual, exposing one's genitals in non-consensual circumstances, and inducing another to expose their

genitals. Sexually-based stalking and/or bullying may also be forms of sexual exploitation.

- f. Stalking: Stalking shall mean engaging in a course of conduct directed at a specific person that would cause a reasonable person to; (a) fear for his or her safety or the safety of others; or, (b) suffer substantial emotional distress. Stalking may include: threatening, repeatedly communicating with, or following a person who does not want the attention.

## 2. **Reporting and Confidentiality**

The College strongly encourages all individuals to report misconduct to the Title IX Officer and/or any College employee. All College employees are considered responsible employees (i.e., mandated reporters) and, as such, are expected to promptly contact their supervisor, Director of Human Resources who is also the College's designated Title IX Officer, College security, or member of faculty or staff leadership when they become aware of an incident of sexual harassment or misconduct, regardless of whether the recipient is an employee, a student, a volunteer, or a visitor of the College.

When an individual tells a responsible employee about an incident of sexual misconduct, the individual has the right to expect the College to take immediate and appropriate steps to investigate what happened and to resolve the matter promptly and equitably. To the extent possible, information reported to a responsible employee will be shared only with people responsible for handling the College's response to the report. Before an individual reveals any information about sexual misconduct to a responsible employee, the employee should ensure that the individual understands the employee's reporting obligations. If a member of the community wishes to discuss a matter involving sexual misconduct and does not want the College's Title IX Officer to be informed of the matter, confidential resources are available and are noted on the College's Title IX webpage and/or through contacting Human Resources or Campus Security. If the individual wants to tell the responsible employee what happened but requests confidentiality, asks that the report not be pursued, or declines to participate in an investigation or disciplinary proceeding, the College will document the request. The College will take reasonable steps to investigate and respond to reports consistent with such a request, if possible. Requests will be evaluated and weighed against the College's responsibility to provide a safe and nondiscriminatory environment. Victims will be informed that the College has a legal duty to include information about reports of criminal sexual misconduct in annual security report statistics which do not identify either the person claiming to have been subject to criminal sexual misconduct or the alleged perpetrator.

In addition to promptly investigating and addressing all reports of sexual harassment and misconduct, ongoing educational efforts and training on these issues shall continue for employees and students.

3. **Prohibition Against Retaliation**

Accused individuals shall not intimidate, harass, coerce, or otherwise retaliate against individuals who report sexual discrimination, harassment or assault; file a sexual misconduct complaint; assist someone in reporting sexual misconduct or filing a complaint; participate in any manner in an investigation of sexual misconduct; or protest any form of sexual misconduct.

4. **Fabricated Allegations**

Any allegations suspected to be fabricated for the purpose of harassing the accused party or disrupting the College's operations are subject to investigation and could result in disciplinary action, up to and including dismissal.

**3. BACKGROUND**

1. References: Civil Rights Act of 1964 (as amended); related Executive Orders 11246 and 11375, Title IX of the Education Amendments Act of 1972, Section 504 of the Rehabilitation Act of 1973, Americans with Disabilities Act of 1990 (as amended), Uniformed Services Employment and Reemployment Rights Act ("USERRA"), Title II of the Genetic Information Nondiscrimination Act of 2008, and all local and state civil rights laws.
2. Revision history: 07/1994, 03/11/2009, 11/02/2016
3. Legal review: 8/25/2016, 9/22/2016
4. Sponsor: Human Resources

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