

# Procedure Manual



<b>Title: Student Sexual Misconduct</b>	<b>Number:</b> A6Hx2-5.39
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## REPORTING AN ALLEGATION OF SEXUAL MISCONDUCT

Students who believe they have been subject to sexual misconduct on College property, at a College sponsored event, or by any member of the College community regardless of location are encouraged to report the incident to the Dean of Students or designee on the campus, and if applicable, law enforcement entities.

The Dean of Students will, in collaboration with the College’s Title IX Coordinator, provide prompt and ongoing support to the student including, but not limited to, assisting the student with notifying law enforcement, recommending appropriate community support, recommending options for counseling, assisting with modifications to class schedules, locations, and other academic support as may be needed, and assisting with initiating a College complaint and investigation against the referred student in accordance with appropriate College policy and procedure.

The Dean of Students may additionally levy sanctions against the referred student in accordance with College Policy and Procedure 6Hx2-5.02 - Student Code of Conduct and may take other actions as needed to safeguard the complainant and the College community.

In addition to the Dean of Students, a student may report an allegation of sexual misconduct to any College “Responsible Employee” as defined in College Policy 6Hx2-5.39 - Sexual Misconduct. Within 24 hours of the report, a Responsible Employee is obligated to make reasonable attempts to notify the College’s Title IX Coordinator of the specifics of the allegation. A responsible employee must report all relevant details about the alleged incident shared by the reporting party – including the names of the reporting party, the alleged perpetrator(s), any witnesses, and any other relevant information, including the date, time, and specific location of the alleged incident. If the reporting party wants to tell the Responsible Employee what happened but also wants the College to maintain confidentiality, the Responsible Employee should tell the reporting party that the College will consider the request but that s/he cannot guarantee the College will be able to honor it.

Students are encouraged to report incidents of sexual misconduct to appropriate law enforcement entities and the College will assist the complainant in making such notifications and will, to the extent allowed by law, respect a complainant’s right to not notify law enforcement authorities. While the College is not responsible for the response or outcome of law enforcement actions, the College maintains an obligation to timely investigate and respond to sexual misconduct allegations regardless of the timing, scope, and outcome of law enforcement actions. The College may honor law enforcement requests relating to the interviewing of complainants, referred students, and witnesses based on possible impact to a criminal investigation.

## SAFETY AND SUPPORT FOR STUDENT COMPLAINANTS

The College will take immediate interim steps to protect the complainant and other impacted members of the College community pending the final outcome of the investigation. Interim measures are available to address safety as well as any hostile education environment resulting from the alleged misconduct. These measures include, but are not limited to, changing an employee’s or student’s work schedule, altering the complainant’s or referred student’s course schedule or campus, allowing the withdrawal or retake of classes without penalty, academic support such as tutoring, student affairs support such as assistance with financial aid issues, visa and

<b>Recommending Officer’s Signature</b> <i>Marielena P. DeSanctis, Ph. D.</i>	<b>Date:</b> 01/23/18	<b>President’s Signature</b> <i>J. David Anthony Jr.</i>	<b>Date:</b> 01/23/18
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immigration assistance, and the issuance of no-contact orders, assisting the student in notifying law-enforcement, recommending appropriate community support, recommending options for counseling, and assisting the student with initiating a College complaint and investigation regarding the allegation in accordance with applicable College policies. Interim measures are temporary and may be removed, enhanced, or otherwise altered upon final determination of the issue. Support given to the complainant prior to the conclusion of due process afforded by this procedure, does not presume the guilt of the accused student and the College will take great care to not impose an undue burden on an accused student who has not yet been in violation of the Code of Conduct.

In instances where the referred person is not affiliated with the College, the College will take reasonable and appropriate steps to cooperate with other entities, including, but not limited to other colleges, community entities, and law enforcement, to ensure that the complainant is afforded the right to an education at the College free from sexual misconduct.

## INVESTIGATIONS OF ALLEGATIONS OF SEXUAL MISCONDUCT

If the allegation involves misconduct on the part of a faculty or staff member, the incident will be investigated in accordance with College Policy 6Hx2-3.31 - Sexual Harassment, and Sexual Misconduct.

If the allegation involves misconduct on the part of a student, the incident will be investigated in accordance with College Policy 6Hx2-5.02 - Student Code of Conduct.

In all instances, regardless of the status of the referred person (student, faculty, staff, or a person not affiliated with the College), the Dean of Students or designee will provide prompt and ongoing support to the student complainant in accordance with this procedure, as well as College Procedure A6Hx2-5.02 - Student Code of Conduct, and College Policy 6Hx2-5.32 - Student Assistance Program.

## CONFIDENTIALITY OF STUDENT COMPLAINTS

The Title IX Coordinator will consider requests for confidentiality. If the complainant wants to reveal an allegation of sexual misconduct to the Dean of Students or any Responsible Employee, but also wants the College to maintain confidentiality, the student should be aware that the College will consider the request, but cannot guarantee that the College will be able to honor it, and the complaint will be reported to the Title IX Coordinator and Dean of Students and an investigation will be initiated. If the College does honor a student's request for confidentiality, the student must understand the College's ability to investigate and issue sanctions will be severely limited. Additionally, if the College believes that the reported incident poses a continuing threat to other persons, or if mandatory reporting is required, the College may not be able to honor the request for confidentiality.

The College does not directly employ staff who can provide students complete confidentiality in regard to complaints of sexual misconduct (sometimes known as "privileged communications," provided by pastoral counselors and mental health professionals). However, the College may have a relationship with an off-campus organization to provide mental health counseling, in accordance with College Policy 6Hx2-5.32 – Student Assistance Program, and the student would be eligible to engage in privileged communication in that venue.

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Complainants should note that even privileged communication is limited by laws governing mandatory reporting of certain crimes.

## TITLE IX ADVISORY COMMITTEE

The Title IX Coordinator shall chair a Title IX Advisory Committee to review and recommend changes to the College's efforts regarding Title IX compliance. The Committee shall meet at least once during each term, with members appointed by the Title IX coordinator representing the various areas included in Title IX, which may include, but is not limited to: Student Conduct, Recruitment/Admissions/Counseling, Financial Aid, Athletics, Human Resources, General Counsel, a member of the Faculty as designated by the President of the Faculty Senate, and other support personnel as needed.

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