

SEXUAL HARASSMENT AND MISCONDUCT POLICY

It shall be the policy of Seward County Community College (SCCC) that no person 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 of SCCC as required by P.L. 92-318. This title covers three major areas: admission, treatment of students, and employment.

It is the policy of Seward County Community College that no member of the campus community shall be permitted to sexually, racially, or religiously harass or assault another person. SCCC will not tolerate sexual assault in any form. Where there is probable cause to believe that the safety and/or security of the individual, persons in the residence halls, or the campus community has been breached, the administration will pursue strong disciplinary action which may include suspension or dismissal from the residence hall and/or SCCC. Discipline may also include restricting the accused from College property and functions. This policy includes Cyber Bullying and/or harassment.

In dealing with members of the campus community, individual integrity and respect are the primary focus of the College's concern. It is important that options regarding medical treatment, counseling, the procedure for reporting and/or filing charges against an alleged assailant or third party, and receiving support and assistance through this process are clearly articulated.

As a part of its policy not to discriminate on the basis of sex, Seward County Community College hereby specifically prohibits any act of sexual harassment and has adopted for its students and employees the Equal Employment Opportunity Commission's definition of sexual harassment. That definition is:

Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when:

- submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment;
- submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or
- such conduct has a purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment.

The College will abide by the sexual harassment laws as provided in Title VII of the Civil Rights Act of 1964 and associated amendments. This policy prohibits retaliation against a person who reports sexual harassment, who assists someone with a report of sexual harassment, or who participates in any manner in an investigation or resolution of a sexual harassment report. Retaliation includes threats, intimidation, reprisals and/or adverse actions related to employment or education. Allegations of retaliation will be investigated, and if substantiated, will result in disciplinary action.

No person will be penalized by SCCC or by any person associated with SCCC for participating in the procedures related to the investigation of a sexual harassment complaint. Any act of retaliation by any party directed against a complainant, a respondent, witness, or participant in the process will be treated as a separate and distinct charge and will be subject to the grievance procedure. Complaints of retaliation will be investigated by the Compliance Officer or the President if the Compliance Officer is named in the complaint.

In compliance with Section 86.8 of 92-318, the VP of Finance and Operations, Title IX Officer, has been designated as the employee responsible to coordinate the efforts of the college to comply with and carry out its responsibilities under this Act, including any investigation of any complaint communicated to Seward County Community College alleging any action which should be prohibited by this Act. The VP of Finance and Operations, designated as the

Compliance Officer, may be contacted by mail at Seward County Community College, P.O. Box 1137, Liberal, Kansas, 67905-1137, or by telephone at 620.624.1951.

II. REPORTING PROCEDURES FOR SEXUAL HARASSMENT

In determining whether alleged behavior constitutes sexual harassment, SCCC will examine the record as a whole and all aspects of the circumstances, such as the nature of the sexual advances and the context in which the alleged incidents occurred.

Any student or employee who feels he/she has been the victim of sexual harassment should contact the campus security at 620-417-1181 or the VP of Finance and Operations at 620-417-1018 within fourteen (14) calendar days of the occurrence of the incident which gave rise to the complaint. This contact can be in an oral or written form. In addition, a written, signed, and confidential complaint should be submitted to the VP of Finance and Operations. Upon receipt of a written formal complaint, the VP of Finance and Operations will commence an investigation in accordance with SCCC Board Policy.

The campus security office is located on the first floor of the Hobble Academic Building in room AA #159. If the complaint is against the security officer, the student or employee should contact one of the campus VPs directly. The VP of Finance and Operations will proceed with the investigation. If the complaint is against the Dean of Finance and Operations, the student or employee should contact the President directly.

III. EMERGENCY REPORTING PROCEDURES FOR SEXUAL ASSAULT

No form of sexual assault will be tolerated or condoned at Seward County Community College. Sexual assault includes not only those acts commonly understood to constitute "sexual assault" but all sex offenses under the Kansas criminal codes. The Campus Security annually reports all forcible and non-forcible sex offenses. SCCC will provide assistance in reporting, counseling for victims and support to the campus community.

Sexual Violence or Sexual Assault is a felony crime.

It should always be reported immediately to the Campus Security, City Police, a college official, whether the act of violence be by a stranger, an acquaintance, or a "date rape." The procedures outlined below are designed to protect the student who has been hurt by these behaviors and to stop the offensive behavior. The due process rights of alleged offenders are protected, as well as the rights of the victim. **Time is essential.**

- A. Go to a safe location as soon as possible. If possible, a friend should accompany the individual for increased safety.
- B. From the safe location campus security should be called at 620-417-1180 or the police at 911.
- C. Women should **NOT** change clothes, shower, bathe, or douche. If possible, do not go to the toilet. All clothing should be saved including linens, or other items that may have been touched by the assailant for the police officers who will be responsible for evidence. Do not wash clothing, linens or other items that may have been touched by the assailant. All physical evidence, including seminal fluids, hair, blood types and scrapings of flesh from the victim's fingernails may be needed for use in court.

The individual should get to the hospital as soon as it is safe and possible. The Campus Security or Police Officer will be able to arrange transportation to the hospital as soon as an assault is reported.

If the individual knowingly and willingly refuses to allow medical and/or law enforcement to respond, the Security officer is to obtain a written statement. Included in this statement is a recollection of the entire event in chronological order in as much detail as possible. Included in the statement are dates and times, names, locations, and how the event happened in as much detail as possible.

- D. The written statement is to also contain an affirmation from the victim indicating medical and/or law enforcement services are NOT wanted. The statement is to be signed and witnessed.
- E. Security will put every effort into locating the suspect as soon as possible and advise the suspect that a criminal offense has been reported. If cooperation is granted, all evidence, including a written statement, written statements from witnesses, photos of any injuries, photos of crime scene(s), weapons photographed and collected, alcohol photographed and collected and anything else of evidentiary matter is to be collected for later reference if needed.
- F. A formal complaint for legal action against the assailant should be made to the Police Department. For criminal prosecution a victim has two years to file a report from the day of the crime but it should be done as quickly as possible.

IV. EMERGENCY PROCEDURES FOR STALKING

Criminal activity consisting of the repeated following and harassing of another person. Stalking is a distinctive form of criminal activity composed of a series of actions that taken individually might constitute legal behavior. For example, sending flowers, writing love notes, and waiting for someone outside her place of work are actions that, on their own, are not criminal. When these actions are coupled with intent to instill fear or injury, however, they may constitute a pattern of behavior that is illegal.

- A. If an individual is believed to be stalked, he or she should contact Security at 620-417-1180.
- B. The individual should not communicate in any form, written, verbal, text or other to this person.
- C. The individual should report all incidents of stalking (including telephone calls, emails, etc.) to Security. An Incident report is to be made by Security and forwarded to Administration.
- D. **If the individual believes he or she is in immediate danger, call 911** and immediately go to a well-lit area and/or an area where there are other people to serve as witnesses if necessary. If in a vehicle and being followed, drive directly to a law enforcement agency's parking lot or a well-populated area such as Walmart, Dillon's or the hospital and repeatedly honk your vehicle's horn.
- E. The individual should keep all emails, letters, packages, etc. sent to them related to the incident or actions.
- F. Individuals may be asked to file a protection order and submit to a search of email, cell phone or other so evidence can be gained.
- G. An escort between classes or to vehicle may be requested by contacting campus security.
- H. Security is to make every reasonable attempt to identify and advise the suspected stalker to stop, stay away and to not communicate in any way, shape or form with the alleged victim.
- I. If the suspected stalker is a student or other person having employment or service connection with SCCC, such person is obligated to cooperate in this administrative investigation. If cooperation is not provided, then administrative action may be taken as well as a referral of such incident to law enforcement.

- J. If the suspected stalker is not a student or employee and cooperates in providing identifying information, include such identifying information in the submitted report. If such person does not cooperate, notify law enforcement.
- K. The Security Officer will take the report and inform the VP of Finance and Operations, the Title IX Coordinator for SCCC, within five (5) calendar days of the initial contact so that the VPs can proceed with an investigation into this matter.

V. SEXUAL MISCONDUCT RESOURCES:

On Campus Resources:

Campus Counselor	620-417-1106
VP of Student Services...	620-417-1016
Campus Security	620-417-1180
Human Resources.....	620-417-1121

Off Campus Resources:

Police Department	911
Liberal Area Rape Crisis & Domestic Violence Center	620-624-8818
Southwest Guidance Center	620-624-8171
Southwest Medical Center	620-624-1651

VI. GRIEVANCE PROCEDURES:

The following grievance procedure shall be in effect to provide prompt and equitable resolution of student and employee complaints alleging any action that would be prohibited under Public Law 92-318 or for any alleged college-related grievance.

- A. Any complaints may be made to any department head or other member of administration. Said complaint shall then be forwarded to the compliance officer, who will reduce the complaint to writing. If at all possible, the grievant shall submit a written statement to the compliance officer stating the basis for the grievance. *(NOTE: Should the grievance involve a complaint against the compliance officer, any report shall be made to the President.)*
- B. Within five (5) working days of the receipt of the complaint, the compliance officer shall appoint an ad hoc committee of three, which shall have ten (10) working days to investigate and write a summary report regarding the grievance. Membership of the committee will include at least one male and at least one female.
- C. The compliance officer shall convey the recommendation of the ad hoc committee to the President within five (5) working days after the committee has completed its investigation and made its official decision.
- D. The President will determine any disciplinary actions to be imposed upon the individuals named in the complaint.
- E. The President will notify the person filing the complaint of the results of the Ad Hoc committee hearings and indicate any disciplinary actions that are being imposed upon the offending person(s) named in the complaint.

- F. The person filing the complaint may appeal the decision of the President by addressing an official request to the compliance officer asking that the complaint be reviewed by the Board of Trustees at the next regular meeting.

- G. The decision of the Board of Trustees shall be rendered within thirty (30) working days after the official hearing and shall be transmitted to the person filing the complaint by certified mail. The Kansas Sexual Offender Registration Act of 1996 allows public access to a list of convicted registered Kansas sexual offenders. This information may be viewed on the Internet at www.ink.org/public/kbi