

Sexual Discrimination & Sex-Based Harassment Policy



F O R T • P E C K
COMMUNITY COLLEGE

UPDATED 2015

Sexual Discrimination and Sex-Based Harassment Policy

**Adopted by the FPCC Board of Directors
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Contact Information

Sexual Discrimination and Sex-Based Harassment
Designated Title IX Compliance Officer

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Sexual Discrimination and Sex-based Harassment Prevention and Review Committee (SDHP Review Committee) – 2008/2009

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Administrative Statement

Fort Peck Community College (FPCC) is committed to maintaining a campus environment free from all forms of coercion that impede the academic process and adversely affect the lives of those who work, study, and live here. This commitment includes the prevention – and, where occurs, the punishment – of harassment or discrimination on the basis of sex or sexual orientation.

Our policy on sexual harassment or discrimination is clear and explicit; sexual harassment or discrimination in any form is unacceptable, and it will not be tolerated at Fort Peck Community College. Further, the College will not tolerate retaliation against any individual who make a good-faith complaint of sexual harassment or discrimination or who participates in a sexual harassment or discrimination investigation.

FPCC is committed legally and philosophically not only to dealing firmly with all instances of sexual harassment or discrimination brought to its attention, but also to developing awareness and an environment that discourages such behavior. FPCC is committed to educational efforts to address the issue of sexual harassment or discrimination on campus, as well as to pursuing disciplinary action against those who choose to violate the rights of others.

Eradicating sexual harassment or discrimination and fostering a respectful environment requires a continuing commitment from all members of the College community. Additionally, supervisors, managers, academic administrators, and all members of the faculty share a special responsibility for taking prompt actions, including notifying the appropriate resource people, if they become aware of conduct that they reasonably believe may violate the College's sexual harassment or discrimination policy.

Section I – Policy Statement

It is the policy of Fort Peck Community College that no male or female member of the FPCC community – students, faculty, administrators, or staff – may sexually harass or discriminate against any other member of the community. Sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute harassment when any of the following occurs.

- Submission to such conduct is made or threatened to be may either explicitly or implicitly, a term or condition of an individual's employment or education; or
- Submission to or rejection of such conduct by an individual used or threatened to be used as the basis for academic or employment decisions affecting that individual; or
- Such conduct has the purpose or effect of substantially interfering with an individual's academic or professional performance or creating what a reasonable person would see is an intimidating, hostile, or offensive employment, educational or living environment.

Some Examples of Sexual Discrimination and Sex-Based Harassment May Include

- Pressure for a dating, romantic, or intimate relationship
- Unwelcome touching, patting, or hugging
- Pressure for or forced sexual activity
- Unnecessary and unwelcomed references to various parts of the body
- Belittling remarks about a person's gender or sexual orientation
- Inappropriate sexual innuendoes or humor

- Obscene gestures
- Offensive sexual graffiti, pictures, or posters
- E-mail and Internet use that violates this policy

Section II - Additional Guidance

Investigation and Confidentiality

All reports describing conduct that is inconsistent with FPCC's Sexual Discrimination and Sex-Based Harassment Policy will be promptly and thoroughly investigated. All parties involved in the investigation are expected to cooperate in a truthful manner with the investigation process. Please refer to the Complaint Resolution Guidelines for additional information regarding the investigation process.

The College cannot promise complete confidentiality in its handling of harassment complaints. FPCC makes every reasonable effort to handle inquiries, complaints, and related proceedings in a manner that protects the confidentiality of all parties. Each situation will be resolved as discreetly as possible, with information shared only with those who need to know in order to investigate and resolve the matter. In certain circumstances, the College may be able to address harassment concerns and stop problematic behavior without revealing to the accused harasser the identity of the person who complained. However, this may not be possible in every matter, as some situations require the disclosure of the complainant's identity in order to fully investigate the matter and/or to enable the accused harasser to fully respond to the allegations against him or her.

In its investigation, the College will be sensitive to the feelings and situation of the alleged victim and/or reporter of sexually harassment. Nonetheless, the College has a compelling interest to address all allegations of sexual harassment brought to its attention. FPCC reserves the right to take appropriate action in such circumstances, even in cases when the complainant is reluctant to proceed.

Retaliation

FPCC prohibits retaliation against anyone for inquiring about suspected breaches of FPCC policy, registering a complaint pursuant to its policies, assisting another person in making a complaint or participating in an investigation under its policies. Retaliation is a serious violation that can subject the offender to sanctions independent of the merits of the sexual harassment allegation. Anyone experiencing any conduct he or she believes to be retaliatory should immediately report it to one of the individuals listed under "[Where to Get Advice and Help](#)."

Resolution

If a complaint of sexual harassment is found to be substantiated, appropriate corrective action will follow, up to and including separation of the offending party from the College, consistent with FPCC procedure. Please refer to the [Complaint Resolution Guidelines](#) for additional information.

Your Responsibilities

All members of the College community are responsible for creating a working, learning and living environment that is free of discrimination and harassment, including sexual harassment. It is important to contact one of the individuals listed under "[Where to Get Advice and Help](#)," if any of the following occurs:

- You believe you have been subjected to conduct that may violate this policy;
- You believe you have been retaliated against in violation of this policy; or
- You hold a supervisory, management or teaching position, and have been told about or witnessed conduct that you think may violate this policy.

Vendors, Contractors and Third Parties

The College's policies on discrimination and harassment, including sexual harassment, apply to the conduct of vendors, contractors and third parties. If a member of the College's community believes that he or she has been subjected to conduct by a vendor, contractor or third party that violates this policy, the community member should contact one of the individuals listed under "Where to Get Advice and Help." The College will respond as appropriate.

Academic Freedom

FPCC is committed to the principles of free inquiry and free expression – to providing an environment that encourages the exploration and exchange of ideas. The College's discrimination and harassment policies are not intended to stifle this freedom, nor will it be permitted to do so. Prohibited discrimination and harassment, however, are neither legally protected expression nor the proper exercise of academic freedom; and such conduct is incompatible with the values of FPCC.

If you are discriminated against or harassed....

- Know that discrimination, harassment, and sexual harassment are against FPCC's policy and may be against the law.
- Get help by contacting one of the SDHP Review Committee members listed in "Where to Get Advice and Help."
- Review the Sexual Discrimination and Sex-based Harassment Policy to learn more about sexual harassment.
- Don't blame yourself.
- Keep a written, dated record of events.
- **File a written complaint using the FPCC SDHP Complaint Form (the complaint must be on file with the SDHP Review Committee within 80 calendar days from the day the incident occurred). Complaint forms are available from the SDHP Review Committee members who are listed in "Where to Get Advice and Help".**
- Don't delay.

If you think you may have offended or harassed someone....

- Change your behavior.
- Apologize as soon as possible.
- Get advice from one of the SDHP Review Committee members listed in "Where to Get Advice and Help".
- Educate yourself about the College's policies and about sexual harassment.
- Don't assume others will tell you when they feel offended or harassed by what you do or say.
- Examine how others respond to what you say or do.
- Consider how your behavior affects others' self-esteem or attitudes toward their work or education.

If you are an FPCC Employee or FPCC Student

- Contact the SDHP Review Committee as soon as possible if a member of the College's community comes to you with a harassment-related concern.
- Familiarize yourself with the College's Sexual Discrimination and Sex-based Harassment Policy.
- Consider enrolling in a sexual harassment seminar or training program.
- Model appropriate behavior at all times.

Where to Get Advice and Help

The individuals listed below are current members of the FPCC Sexual Discrimination and Sex-based Harassment Prevention and Review Committee:

Elijah Hopkins, Vice President for Student Services
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Alternate – if the case being investigated concerns a member of the SDHP Review Committee, the remaining committee will select an alternate to replace the concerned member. The alternate will serve in this capacity only during the case involved.

Investigator

The SDHP Review Committee will appoint an impartial investigator from the FPCC staff, faculty or administration for individual cases. Three FPCC employees will be selected to serve in this capacity and will be appropriately trained in investigative procedure. Prior to selection, the SDHP Review

Committee will assess the independence and impartiality of the selected individual for the case in question.

Section III – Complaint Resolution Guidelines

Investigation

All reports describing conduct that is inconsistent with FPCC's Sexual Discrimination and Sex-based Harassment Policy will be promptly and thoroughly investigated. Depending upon the circumstances, the investigator generally will be one selected by the SDHP Review Committee. The investigator will ask the respondent about each allegation, and will give the respondent an opportunity to explain the situation from his or her perspective. If additional information is provided by the respondent, or additional witnesses are identified by the complainant, respondent or a knowledgeable third party, the investigator will follow up on such information, as determined appropriate by the investigator. In some instances, this will require the investigator to interview the complainant and respondent on several occasions. All parties involved in the investigation are expected to cooperate in a truthful manner with the investigation process.

Notification of Respondent

When a complaint has been received by the SDHP Review Committee, the person conducting the investigation will advise the respondent of the allegations against him or her. Complaints will be resolved with sensitivity to the possibility that the complainant and the respondent may have to work or otherwise interact in the future. This may mean that the respondent will not be advised of the identity of the individual who made the complaint or of the individuals who are involved in the investigation.

Support Person

During the investigation process, both the complainant (the individual who complains of harassment) and the respondent (the accused harasser) may ask a non-attorney support person to accompany him or her. The support person cannot be a potential witness in the matter. Since these are internal FPCC proceedings, the persons involved may not have legal counsel present at any interview during the investigation. In cases involving multiple complainants or respondents, the support person cannot be another respondent or complainant. The support person does not serve as an advocate on behalf of the complainant or respondent, and he or she must agree to maintain confidentiality of the process. Witnesses to harassing conduct and others involved in an investigation are not entitled to a support person. A signed confidentiality form will be required prior to any meeting/interview in which a support person is in attendance.

Confidentiality

The goal of the FPCC sexual harassment policy is to provide members of the College community with a positive working and learning environment that is free from sexual harassment and discrimination. Complaints of sexual harassment and discrimination will be investigated in a manner that is consistent with this goal. All participants in the investigation will be advised that they should keep the complaint and the investigation confidential.

FPCC cannot promise complete confidentiality in its handling of harassment and discrimination complaints. FPCC will make every reasonable effort to handle inquiries, complaints, and related proceedings in a manner that protects the confidentiality of all parties. Each situation is resolved as

discreetly as possible, with information shared only with those who need to know in order to investigate and resolve the matter. In certain circumstances, the College may be able to address harassment concerns and stop problematic behavior without revealing to the alleged harasser the identity of the person who complained. However, this is not possible in every matter, as some situations require the disclosure of the complainant's identity in order to fully investigate the matter and/or to enable the accused harasser the ability to fully respond to the allegations against him or her.

In its investigation, the College will be sensitive to the feelings and situation of the alleged victim and/or reporter of sexual harassment or discrimination. Nonetheless, the College has a compelling interest to address all allegations of sexual harassment and discrimination brought to its attention. FPCC reserves the right to take appropriate action in such circumstances, even in cases when the complainant is reluctant to proceed.

Resolution

At the conclusion of the investigation, the investigator will provide his or her conclusions and recommendation to the SDHP Review Committee. The SDHP Review Committee will review the recommendation and then, in consultation with the appropriate supervisor and, where appropriate, the FPCC President, will make a decision concerning the resolution of the complaint and any sanctions that will be imposed. The SDHP Committee will inform both the complainant and the respondent of the outcome. The College's response is tailored to the severity of the allegation and in some circumstances, an investigation may result in a written or verbal apology from the harasser, harassment education for the affected department, and other measures designed to prevent problems from reoccurring. Serious actions of sexual harassment or discrimination may lead to suspension, termination or exclusion pursuant to established College policies for dealing with misconduct by faculty, staff or students. In such instances, the complainant and respondent will be advised of the outcome of the investigation in writing.

Appeal Process

Appeals of any disciplinary action may be made in writing and submitted to the SDHP Review Committee. The written appeal must be received by the SDHP Review Committee within 5 working days of receiving the final investigative report from the SDHP Review Committee.

At the end of the appeal process, the complainant and the respondent will be notified within 3 working days of the outcome in writing.

Investigative, Findings and Resolution Timeline

1. **Written or verbal complaint** received by the Sexual Discrimination and Sex-based Harassment Prevention and Review Committee – investigation begins immediately.
2. **Notification of Respondent** – the SDHP Committee will contact the respondent within 2 work days of receiving the complaint.
3. **Investigation** – the investigation process will be finalized within 10 work days of receiving the initial complaint.
4. **Resolution** – at the conclusion of the investigation, the investigator will provide his or her written conclusions or recommendations to the SDHP Review Committee within 3 work days. Within 2 work days of receiving Investigators written conclusions or recommendations the SDHP Committee will contact both the respondent and complainant with the outcome of the investigation and any sanctions that may be imposed.

Appeals

Written appeals must be submitted to the SDHP Committee within 5 work days of receiving the final investigative report from the SDHP Committee. The SDHP Committee will have 5 working days to come to a decision concerning the appeal. At the end of the appeal process, the complainant and the respondent will be notified in writing within 3 work days of the outcome of the appeal.

Section IV – Seminars and Training Programs

Education is the best tool for the prevention and elimination of sexual harassment and discrimination. A vital part of FPCC's anti-harassment and discrimination initiative is ensuring that members of the FPCC community understand the College's policies and procedures are aware of the various types of conduct that may constitute a violation of these policies, and know where to turn should an issue arise.

The FPCC Sexual Discrimination and Sex-based Harassment Prevention and Review Committee will offer on-line and on-site programs and seminars on an ongoing basis to all members of the College community. In addition, training programs, orientation sessions, and departmental briefings will be developed and tailored to specific needs and concerns. Some of these trainings and programs may include the following:

1. Recognizing and Preventing Discrimination and Harassment
2. Managing to Prevent and Address Harassment: A Guide for Supervisors and Academic Administrators
3. An Anatomy of an Investigation
4. Faculty Seminar on Sexual Harassment

All members of the FPCC Community will be notified of training being offered through the FPCC Newsletter, email announcements, posters, mail flyers, and through the FPCC Website. Requests for specific training can be made through the SDHP Review Committee.

Section V – Additional Resources

FPCC disseminates a multitude of resource aids for the College community. These resources are published in the form of brochures, handouts, posters and the FPCC website. Information is distributed annually to all faculty, staff and students, as well as distributed in multiple locations throughout the campus.

- Sexual Discrimination and Sex-based Harassment Office Brochure
- College Posters
- FPCC Website Information
- Special Guidance for Managers, Administrators, and Individuals in Teaching Positions

Copies of brochures, handouts and posters can be obtained from the SDHP Review Committee or through the Student Services Department.

Sexual Discrimination and Sex-based Harassment Contact/Timeline Form

Name of Complainant: _____ Date Submitted: _____

Timeline:

- _____ Date Received Complaint – Investigation Begins Immediately
- _____ Date SDHP Notified Respondent (within 2 work days)
- _____ Date Investigation Ended (within 10 work days of complaint received)
- _____ Investigator Sends Conclusions/Recommendations to SDHP Committee (within 3 work days)
- _____ Date SDHP Committee contacted Respondents and Complainants (within 2 work days)
- _____ Appeal Submitted (within 5 work days) Review Complete (5 working days)
- _____ Appeal Response from SDHP (3 work days)

List Documents Attached:

1. _____
2. _____
3. _____
4. _____
5. _____
6. _____

Contacts:

Complainant

1. _____
2. _____
3. _____
4. _____

Date: _____

Date: _____

Date: _____

Date: _____

Respondent:

1. _____
2. _____
3. _____
4. _____

Date: _____

Date: _____

Date: _____

Date: _____

Comments:

A copy of the Investigators conclusions or recommended sanctions must be attached.

Sexual Discrimination and Sex-based Harassment Complaint Form

Name of Complainant: _____ Date Submitted: _____

In the space below, please provide a detailed report of the incident you wish to report. Please be as accurate as possible. Provide dates and times, names of witnesses and any other information that may assist in an investigation of this report. Use opposite side if more space is needed. Securely attach any documents you wish to be included, i.e., witness statements, etc.