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## POLICIES AND PROCEDURES

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### EQUAL OPPORTUNITY, HARASSMENT, AND NONDISCRIMINATION POLICY AND PROCEDURES

Effective Date: August 11, 2016

POLICY NUMBER: 1089

**Hutchinson Community College****Equal Opportunity, Harassment, and Nondiscrimination Policy & Procedures[1]**

#### Overview:

HUTCHINSON COMMUNITY COLLEGE ("THE COLLEGE") AFFIRMS ITS COMMITMENT TO PROMOTE THE GOALS OF FAIRNESS AND EQUITY IN ALL ASPECTS OF THE EDUCATIONAL ENTERPRISE. ALL POLICIES ARE SUBJECT TO RESOLUTION USING THE COLLEGE'S EQUITY GRIEVANCE PROCESS, AS DETAILED BELOW. THE EQUITY GRIEVANCE PROCESS IS APPLICABLE REGARDLESS OF THE STATUS OF THE PARTIES INVOLVED, WHO MAY BE MEMBERS OR NON-MEMBERS OF THE CAMPUS COMMUNITY, STUDENTS, STUDENT ORGANIZATIONS, FACULTY, ADMINISTRATORS, AND/OR STAFF. THE COLLEGE RESERVES THE RIGHT TO ACT ON INCIDENTS OCCURRING ON-CAMPUS OR OFF-CAMPUS WHEN THE OFF-CAMPUS CONDUCT COULD HAVE AN ON-CAMPUS IMPACT OR IMPACT ON THE EDUCATIONAL MISSION OF THE COLLEGE.

THE COORDINATOR OF EQUITY & COMPLIANCE SERVES AS THE TITLE IX/EQUITY/AFFIRMATIVE ACTION COORDINATOR AND ADA/504 COORDINATOR AND OVERSEES IMPLEMENTATION OF THE COLLEGE'S AFFIRMATIVE ACTION AND EQUAL OPPORTUNITY PLAN, DISABILITY COMPLIANCE, AND THE COLLEGE'S POLICY ON EQUAL OPPORTUNITY, HARASSMENT, AND NONDISCRIMINATION. REPORTS OF DISCRIMINATION, HARASSMENT, AND/OR RETALIATION SHOULD BE MADE TO THE COORDINATOR OF EQUITY & COMPLIANCE (OR DEPUTY/DEPUTIES) PROMPTLY, BUT THERE IS NO TIME LIMITATION ON THE FILING OF GRIEVANCES AS LONG AS THE ACCUSED INDIVIDUAL REMAINS SUBJECT TO THE COLLEGE'S JURISDICTION. ALL REPORTS ARE ACTED UPON PROMPTLY WHILE EVERY EFFORT IS MADE BY THE COLLEGE TO PRESERVE THE PRIVACY OF REPORTS. ANONYMOUS REPORTS MAY ALSO BE FILED ONLINE, IF SUCH MECHANISMS ARE AVAILABLE, BY USING THE DESIGNATED REPORTING FORM. REPORTING IS ADDRESSED MORE SPECIFICALLY IN SECTION VIII BELOW. REPORTS OF DISCRIMINATION BY THE COORDINATOR OF EQUITY & COMPLIANCE SHOULD BE REPORTED TO THE COLLEGE PRESIDENT.

THIS POLICY APPLIES TO BEHAVIORS THAT TAKE PLACE ON THE CAMPUS, AT COLLEGE-SPONSORED EVENTS, AND MAY ALSO APPLY OFF-CAMPUS AND TO ACTIONS ONLINE WHEN THE COORDINATOR OF EQUITY & COMPLIANCE DETERMINES THAT THE OFF-CAMPUS CONDUCT AFFECTS A SUBSTANTIAL COLLEGE INTEREST. A SUBSTANTIAL COLLEGE INTEREST IS DEFINED TO INCLUDE THE FOLLOWING:

- ANY ACTION THAT CONSTITUTES CRIMINAL OFFENSE AS DEFINED BY FEDERAL OR KANSAS STATE LAW. THIS INCLUDES, BUT IS NOT LIMITED TO, SINGLE OR REPEAT VIOLATIONS OF ANY LOCAL, STATE, OR FEDERAL LAW COMMITTED IN THE MUNICIPALITY WHERE THE COLLEGE IS LOCATED;
- ANY SITUATION WHERE IT APPEARS THAT THE ACCUSED INDIVIDUAL MAY PRESENT A DANGER OR THREAT TO THE HEALTH OR SAFETY OF SELF OR OTHERS;
- ANY SITUATION THAT SIGNIFICANTLY IMPINGES UPON THE RIGHTS, PROPERTY, OR ACHIEVEMENTS OF SELF OR OTHERS OR SIGNIFICANTLY BREACHES THE PEACE AND/OR CAUSES SOCIAL DISORDER; AND/OR
- ANY SITUATION THAT IS DETRIMENTAL TO THE EDUCATIONAL INTERESTS OF THE COLLEGE.
- ANY ONLINE POSTINGS OR OTHER ELECTRONIC COMMUNICATION BY STUDENTS, INCLUDING CYBER-BULLYING, CYBER-STALKING, CYBER-HARASSMENT, ETC. OCCURRING COMPLETELY OUTSIDE OF THE COLLEGE'S CONTROL (E.G., NOT ON COLLEGE NETWORKS, WEBSITES, OR BETWEEN COLLEGE EMAIL ACCOUNTS) WILL ONLY BE SUBJECT TO THIS POLICY WHEN THOSE ONLINE BEHAVIORS CAN BE SHOWN TO CAUSE A SUBSTANTIAL ON-CAMPUS DISRUPTION. OTHERWISE, SUCH COMMUNICATIONS ARE CONSIDERED SPEECH PROTECTED BY THE 1ST AMENDMENT.

OFF-CAMPUS DISCRIMINATORY OR HARASSING SPEECH BY EMPLOYEES MAY BE REGULATED BY THE COLLEGE ONLY WHEN SUCH SPEECH IS MADE IN AN EMPLOYEE'S OFFICIAL OR WORK-RELATED CAPACITY.

INQUIRIES ABOUT THIS POLICY AND PROCEDURE MAY BE MADE INTERNALLY TO

JACOB GUNDEN  
 COORDINATOR OF EQUITY & COMPLIANCE  
 PARKER STUDENT UNION  
 HUTCHINSON, KS 67501  
 PHONE: (620) 665-3512  
 EMAIL: GUNDENJ@HUTCHCC.EDU

INQUIRIES MAY BE MADE EXTERNALLY TO[2]

OFFICE FOR CIVIL RIGHTS (OCR) U.S. DEPARTMENT OF EDUCATION  
 400 MARYLAND AVENUE, SW  
 WASHINGTON, DC 20202-1100  
 PHONE (CUSTOMER SERVICE HOTLINE): (800) 421-3481  
 FAX: (202) 453-6012  
 TDD#: (877) 521-2172  
 EMAIL: OCR@ED.GOV  
 WEB: HTTP://WWW.ED.GOV/OCR

OFFICE FOR CIVIL RIGHTS (OCR) FOR REGION VII  
 U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES  
 601 EAST 12TH STREET - ROOM 353  
 KANSAS CITY, MO 64106  
 PHONE: (800) 368-1019  
 FAX: (816) 426-3686  
 TDD: (800) 537-7697 EQUAL EMPLOYMENT OPPORTUNITY COMMISSION (EEOC)  
 CONTACT: HTTP://WWW.EEOC.GOV/CONTACT/

THE KANSAS HUMAN RIGHTS COMMISSION (KHRC)  
 CONTACT: WWW.KHRC.NET

## I. College Policy on Nondiscrimination

HUTCHINSON COMMUNITY COLLEGE ADHERES TO ALL FEDERAL AND STATE CIVIL RIGHTS LAWS BANNING DISCRIMINATION IN PUBLIC INSTITUTIONS OF HIGHER EDUCATION. THE COLLEGE WILL NOT DISCRIMINATE AGAINST ANY EMPLOYEE, APPLICANT FOR EMPLOYMENT, STUDENT, OR APPLICANT FOR ADMISSION ON THE BASIS OF RACE, COLOR, ETHNIC OR NATIONAL ORIGIN, SEX, SEXUAL ORIENTATION, GENDER IDENTITY, MARITAL STATUS, PREGNANCY, GENETIC INFORMATION, RELIGION, AGE, ANCESTRY, DISABILITY, MILITARY STATUS, OR VETERAN STATUS (INCLUDING SPECIAL DISABLED VETERAN, VIETNAM-ERA VETERAN, OR RECENTLY SEPARATED VETERAN), DOMESTIC VICTIM STATUS, OR ANY OTHER PROTECTED CATEGORY UNDER APPLICABLE LOCAL, STATE, OR FEDERAL LAW, INCLUDING PROTECTIONS FOR THOSE OPPOSING DISCRIMINATION OR PARTICIPATING IN ANY GRIEVANCE PROCESS ON CAMPUS OR WITHIN THE EQUAL EMPLOYMENT OPPORTUNITY COMMISSION OR OTHER HUMAN RIGHTS AGENCIES.

THIS POLICY COVERS NONDISCRIMINATION IN EMPLOYMENT AND IN ACCESS TO EDUCATIONAL OPPORTUNITIES. THEREFORE, ANY MEMBER OF THE CAMPUS COMMUNITY, GUEST, OR VISITOR WHO ACTS TO DENY, DEPRIVE, OR LIMIT THE EDUCATIONAL, EMPLOYMENT, RESIDENTIAL AND/OR SOCIAL ACCESS, BENEFITS, AND/OR OPPORTUNITIES OF ANY MEMBER OF THE CAMPUS COMMUNITY ON THE BASIS OF THEIR ACTUAL OR PERCEIVED MEMBERSHIP IN THE PROTECTED CLASSES LISTED ABOVE IS IN VIOLATION OF THE COLLEGE POLICY ON NONDISCRIMINATION. WHEN BROUGHT TO THE ATTENTION OF THE COLLEGE, ANY SUCH DISCRIMINATION WILL BE APPROPRIATELY REMEDIATED BY THE COLLEGE ACCORDING TO THE PROCEDURES BELOW.

## II. College Policy on Accommodation of Disabilities

HUTCHINSON COMMUNITY COLLEGE IS COMMITTED TO FULL COMPLIANCE WITH THE AMERICANS WITH DISABILITIES ACT OF 1990 (ADA) AND SECTION 504 OF THE REHABILITATION ACT OF 1973, WHICH PROHIBIT DISCRIMINATION AGAINST QUALIFIED PERSONS WITH DISABILITIES, AS WELL AS OTHER FEDERAL AND STATE LAWS PERTAINING TO INDIVIDUALS WITH DISABILITIES. UNDER THE ADA AND ITS AMENDMENTS, A PERSON HAS A DISABILITY IF HE OR SHE HAS A PHYSICAL OR MENTAL IMPAIRMENT THAT SUBSTANTIALLY LIMITS A MAJOR LIFE ACTIVITY. THE ADA ALSO PROTECTS INDIVIDUALS WHO HAVE A RECORD OF A SUBSTANTIALLY LIMITING IMPAIRMENT OR WHO ARE REGARDED AS DISABLED BY THE INSTITUTION WHETHER QUALIFIED OR NOT. A SUBSTANTIAL IMPAIRMENT IS ONE THAT SIGNIFICANTLY LIMITS OR RESTRICTS A MAJOR LIFE ACTIVITY SUCH AS HEARING, SEEING, SPEAKING, BREATHING, PERFORMING MANUAL TASKS, WALKING, CARING FOR ONESELF, LEARNING, READING, CONCENTRATING, OR THINKING.

THE COORDINATOR OF EQUITY & COMPLIANCE, IN COOPERATION WITH THE COORDINATOR OF ACCESSIBILITY SERVICES AND THE DIRECTOR OF HUMAN RESOURCES, HAS BEEN DESIGNATED AS THE ADA/504 COORDINATOR RESPONSIBLE FOR COORDINATING EFFORTS TO COMPLY WITH THESE DISABILITY LAWS, INCLUDING INVESTIGATION OF ANY GRIEVANCE ALLEGING NONCOMPLIANCE.

### A. Students with Disabilities

THE COLLEGE IS COMMITTED TO PROVIDING QUALIFIED STUDENTS WITH DISABILITIES WITH REASONABLE ACCOMMODATIONS AND SUPPORT NEEDED TO ENSURE EQUAL ACCESS TO THE ACADEMIC PROGRAMS AND ACTIVITIES OF THE COLLEGE.

ALL ACCOMMODATIONS ARE MADE ON A CASE-BY-CASE BASIS. A STUDENT REQUESTING ANY ACCOMMODATION SHOULD FIRST CONTACT THE COORDINATOR OF ACCESSIBILITY SERVICES WHO COORDINATES SERVICES FOR STUDENTS WITH DISABILITIES. THE COORDINATOR REVIEWS DOCUMENTATION PROVIDED BY THE STUDENT AND, IN CONSULTATION WITH THE STUDENT, DETERMINES WHICH ACCOMMODATIONS ARE APPROPRIATE TO THE STUDENT'S PARTICULAR NEEDS AND ACADEMIC PROGRAMS.

### B. Employees with Disabilities

PURSUANT TO THE ADA, THE COLLEGE WILL PROVIDE REASONABLE ACCOMMODATION(S) TO ALL QUALIFIED EMPLOYEES WITH KNOWN DISABILITIES, WHERE THEIR DISABILITY AFFECTS THE PERFORMANCE OF THEIR ESSENTIAL JOB FUNCTIONS, EXCEPT WHERE DOING SO WOULD BE UNDULY DISRUPTIVE OR WOULD RESULT IN UNDUE HARDSHIP.

AN EMPLOYEE WITH A DISABILITY IS RESPONSIBLE FOR REQUESTING AN ACCOMMODATION IN WRITING TO THE DIRECTOR OF HUMAN RESOURCES AND PROVIDE APPROPRIATE DOCUMENTATION. THE DIRECTOR OF HUMAN RESOURCES, IN COOPERATION WITH THE COORDINATOR OF EQUITY & COMPLIANCE, WILL WORK WITH THE EMPLOYEE'S SUPERVISOR TO IDENTIFY WHICH ESSENTIAL FUNCTIONS OF THE POSITION ARE AFFECTED BY THE EMPLOYEE'S DISABILITY AND WHAT REASONABLE ACCOMMODATIONS COULD ENABLE THE EMPLOYEE TO PERFORM THOSE DUTIES.

## III. College Policy on Discriminatory Harassment

STUDENTS, STAFF, ADMINISTRATORS, AND FACULTY ARE ENTITLED TO A WORKING ENVIRONMENT AND EDUCATIONAL ENVIRONMENT FREE OF DISCRIMINATORY HARASSMENT. THE COLLEGE'S HARASSMENT POLICY IS NOT MEANT TO INHIBIT OR PROHIBIT EDUCATIONAL CONTENT OR DISCUSSIONS INSIDE OR OUTSIDE OF THE CLASSROOM THAT INCLUDE GERMANE BUT CONTROVERSIAL OR SENSITIVE SUBJECT MATTERS PROTECTED BY ACADEMIC FREEDOM. THE SECTIONS BELOW DESCRIBE THE SPECIFIC FORMS OF LEGALLY PROHIBITED HARASSMENT THAT ARE ALSO PROHIBITED UNDER COLLEGE POLICY, TED BY ACADEMIC FREEDOM. THE SECTIONS BELOW DESCRIBE THE SPECIFIC FORMS OF LEGALLY PROHIBITED HARASSMENT THAT ARE ALSO PROHIBITED UNDER COLLEGE POLICY.

### A. Discriminatory and Bias-Related Harassment

HARASSMENT CONSTITUTES A FORM OF DISCRIMINATION THAT IS PROHIBITED BY LAW. THE COLLEGE WILL REMEDY ALL FORMS OF HARASSMENT WHEN REPORTED, WHETHER OR NOT THE HARASSMENT RISES TO THE LEVEL OF CREATING A HOSTILE ENVIRONMENT. WHEN HARASSMENT RISES TO THE LEVEL OF CREATING A HOSTILE ENVIRONMENT, THE COLLEGE MAY ALSO IMPOSE SANCTIONS ON THE HARASSER.[3] THE COLLEGE'S HARASSMENT POLICY EXPLICITLY PROHIBITS ANY FORM OF HARASSMENT, DEFINED AS UNWELCOME CONDUCT ON THE BASIS OF ACTUAL OR PERCEIVED MEMBERSHIP IN A PROTECTED CLASS, BY ANY MEMBER OR GROUP OF THE COMMUNITY.

A HOSTILE ENVIRONMENT MAY BE CREATED BY ORAL, WRITTEN, GRAPHIC, OR PHYSICAL CONDUCT THAT IS SUFFICIENTLY SEVERE, PERSISTENT/PERVASIVE, AND OBJECTIVELY OFFENSIVE THAT IT INTERFERES WITH, LIMITS, OR DENIES THE ABILITY OF AN INDIVIDUAL TO PARTICIPATE IN OR BENEFIT FROM EDUCATIONAL PROGRAMS OR ACTIVITIES OR EMPLOYMENT ACCESS, BENEFITS OR OPPORTUNITIES. [4]

OFFENSIVE CONDUCT AND/OR HARASSMENT THAT DOES NOT RISE TO THE LEVEL OF DISCRIMINATION OR THAT IS OF A GENERIC NATURE NOT ON THE BASIS OF A PROTECTED STATUS MAY NOT RESULT IN THE IMPOSITION OF DISCIPLINE UNDER THIS COLLEGE POLICY BUT WILL BE ADDRESSED THROUGH CIVIL CONFRONTATION, REMEDIAL ACTIONS, EDUCATION, EFFECTIVE CONFLICT RESOLUTION MECHANISMS, AND/OR INTERVENTIONS/SANCTIONS OUTLINED IN THE COLLEGE'S STANDARDS OF CONDUCT FOR STUDENTS. FOR ASSISTANCE WITH CONFLICT RESOLUTION TECHNIQUES, EMPLOYEES SHOULD CONTACT THE DIRECTOR OF HUMAN RESOURCES, AND STUDENTS SHOULD CONTACT THE VICE PRESIDENT OF STUDENT SERVICES.

THE COLLEGE CONDEMNS AND WILL NOT TOLERATE DISCRIMINATORY HARASSMENT AGAINST ANY EMPLOYEE, STUDENT, VISITOR, OR GUEST ON THE BASIS OF ANY STATUS PROTECTED BY COLLEGE POLICY OR LAW.

### B. Sexual Harassment

BOTH THE EQUAL EMPLOYMENT OPPORTUNITY COMMISSION AND THE STATE OF KANSAS REGARD SEXUAL HARASSMENT AS A FORM OF SEX/GENDER DISCRIMINATION AND, THEREFORE, AS AN UNLAWFUL DISCRIMINATORY PRACTICE. THE COLLEGE HAS ADOPTED THE FOLLOWING DEFINITION OF SEXUAL HARASSMENT, IN ORDER TO ADDRESS THE SPECIAL ENVIRONMENT OF AN ACADEMIC COMMUNITY, WHICH CONSISTS NOT ONLY OF EMPLOYER AND EMPLOYEE BUT ALSO OF STUDENTS AS WELL. [5] SEXUAL HARASSMENT IS UNWELCOME, SEXUAL OR GENDER-BASED VERBAL, WRITTEN, ONLINE, AND/OR PHYSICAL CONDUCT. [6]

ANYONE EXPERIENCING SEXUAL HARASSMENT IN ANY COLLEGE PROGRAM IS ENCOURAGED TO REPORT IT IMMEDIATELY TO THE COLLEGE'S COORDINATOR OF EQUITY & COMPLIANCE.

SEXUAL HARASSMENT CREATES A HOSTILE ENVIRONMENT, AND MAY BE DISCIPLINED WHEN IT IS SUFFICIENTLY SEVERE, PERSISTENT/PERVASIVE, AND OBJECTIVELY OFFENSIVE THAT IT

- HAS THE EFFECT OF UNREASONABLY INTERFERING WITH, DENYING OR LIMITING EMPLOYMENT OPPORTUNITIES OR THE ABILITY TO PARTICIPATE IN OR BENEFIT FROM THE UNIVERSITY'S EDUCATIONAL, SOCIAL AND/OR RESIDENTIAL PROGRAM, AND IS
- BASED ON POWER DIFFERENTIALS (QUID PRO QUO[7]), THE CREATION OF A HOSTILE ENVIRONMENT OR RETALIATION.[8]

### C. Sexual Misconduct

STATE LAW DEFINES VARIOUS VIOLENT AND/OR NON-CONSENSUAL SEXUAL ACTS AS CRIMES. ADDITIONALLY, THE COLLEGE HAS DEFINED CATEGORIES OF SEXUAL MISCONDUCT, AS STATED BELOW, FOR WHICH ACTION UNDER THIS POLICY MAY BE IMPOSED. THE COLLEGE USES THE TERM "SEXUAL MISCONDUCT" TO ADDRESS BEHAVIORS LIKE RAPE AND SEXUAL ASSAULT. THE USE OF THIS TERM IS NOT INTENDED TO DIMINISH OR MINIMIZE A VICTIM'S EXPERIENCE BUT IS INSTEAD A RECOGNITION THAT THE COLLEGE HAS NO AUTHORITY TO DETERMINE THAT A CRIME OCCURRED. THE COLLEGE DOES NOT VIEW SEXUAL MISCONDUCT AS A LESSER FORM OF MISCONDUCT THAN RAPE OR SEXUAL ASSAULT. GENERALLY SPEAKING, THE COLLEGE CONSIDERS NON-CONSENSUAL SEXUAL INTERCOURSE VIOLATIONS TO BE THE MOST SERIOUS AND THEREFORE TYPICALLY IMPOSES THE MOST SEVERE SANCTIONS, INCLUDING SUSPENSION OR EXPULSION FOR STUDENTS AND TERMINATION FOR EMPLOYEES. HOWEVER, THE COLLEGE RESERVES THE RIGHT TO IMPOSE ANY LEVEL OF SANCTION, RANGING FROM A REPRIMAND UP TO AND INCLUDING SUSPENSION OR EXPULSION/TERMINATION, FOR ANY ACT OF SEXUAL MISCONDUCT OR OTHER GENDER-BASED OFFENSES, INCLUDING INTIMATE PARTNER OR RELATIONSHIP (DATING AND/OR DOMESTIC) VIOLENCE, NON-CONSENSUAL SEXUAL CONTACT AND STALKING BASED ON THE FACTS AND CIRCUMSTANCES OF THE PARTICULAR GRIEVANCE. ACTS OF SEXUAL MISCONDUCT MAY BE COMMITTED BY ANY PERSON UPON ANY OTHER PERSON, REGARDLESS OF THE SEX, GENDER, SEXUAL ORIENTATION, AND/OR GENDER IDENTITY OF THOSE INVOLVED. VIOLATIONS INCLUDE:

1. Sexual Harassment (as defined in section B above)
2. Non-Consensual Sexual Intercourse[9]

DEFINED AS

- ANY SEXUAL PENETRATION OR INTERCOURSE (ANAL, ORAL, OR VAGINAL)
- HOWEVER SLIGHT
- WITH ANY OBJECT
- BY A PERSON UPON ANOTHER PERSON
- THAT IS WITHOUT CONSENT AND/OR BY FORCE.[10]

SEXUAL PENETRATION INCLUDES VAGINAL OR ANAL PENETRATION BY A PENIS, TONGUE, FINGER, OR OBJECT, OR ORAL COPULATION BY MOUTH TO GENITAL CONTACT OR GENITAL TO MOUTH CONTACT.

### 3. Non-Consensual Sexual Contact

DEFINED AS

- ANY INTENTIONAL SEXUAL TOUCHING
- HOWEVER SLIGHT
- WITH ANY OBJECT
- BY A PERSON UPON ANOTHER PERSON
- THAT IS WITHOUT CONSENT AND/OR BY FORCE.

SEXUAL TOUCHING INCLUDES ANY BODILY CONTACT WITH THE BREASTS, GROIN, GENITALS, MOUTH, OR OTHER BODILY ORIFICE OF ANOTHER INDIVIDUAL, OR ANY OTHER BODILY CONTACT IN A SEXUAL MANNER.

## 4. Sexual Exploitation

SEXUAL EXPLOITATION REFERS TO A SITUATION IN WHICH A PERSON TAKES NON-CONSENSUAL OR ABUSIVE SEXUAL ADVANTAGE OF ANOTHER, AND SITUATIONS IN WHICH THE CONDUCT DOES NOT FALL WITHIN THE DEFINITIONS OF SEXUAL HARASSMENT, NON-CONSENSUAL SEXUAL INTERCOURSE OR NON-CONSENSUAL SEXUAL CONTACT. EXAMPLES OF SEXUAL EXPLOITATION INCLUDE BUT ARE NOT LIMITED TO

- INVASION OF SEXUAL PRIVACY;
- SEXUAL VOYEURISM (SUCH AS WATCHING A PERSON UNDRRESSING, USING THE BATHROOM, OR ENGAGED IN SEXUAL ACTS WITHOUT THE CONSENT OF THE PERSON OBSERVED);
- TAKING PICTURES OR VIDEO OR AUDIO RECORDING ANOTHER IN A SEXUAL ACT, OR IN ANY OTHER PRIVATE ACTIVITY WITHOUT THE CONSENT OF ALL INVOLVED IN THE ACTIVITY, OR EXCEEDING THE BOUNDARIES OF CONSENT (SUCH AS ALLOWING ANOTHER PERSON TO HIDE IN A CLOSET AND OBSERVE SEXUAL ACTIVITY, OR DISSEMINATING SEXUAL PICTURES WITHOUT THE PHOTOGRAPHED PERSON'S CONSENT);
- PROSTITUTION;
- PROSTITUTING ANOTHER STUDENT OR EMPLOYEE;
- ENGAGING IN SEXUAL ACTIVITY WITH ANOTHER PERSON WHILE KNOWINGLY INFECTED WITH HUMAN IMMUNODEFICIENCY VIRUS (HIV) OR OTHER SEXUALLY TRANSMITTED DISEASE (STD) AND WITHOUT INFORMING THE OTHER PERSON OF THE INFECTION;
- ADMINISTERING ALCOHOL OR DRUGS (SUCH AS "DATE RAPE" DRUGS[11]) TO ANOTHER PERSON WITHOUT HIS OR HER KNOWLEDGE OR CONSENT;
- EXPOSING ONE'S GENITALS IN NON-CONSENSUAL CIRCUMSTANCES; INDUCING ANOTHER TO EXPOSE THEIR GENITALS;
- SEXUALLY-BASED STALKING AND/OR BULLYING MAY ALSO BE FORMS OF SEXUAL EXPLOITATION.

## 5. Consent[12]

CONSENT IS KNOWING, VOLUNTARY, AND CLEAR PERMISSION BY WORD OR ACTION TO ENGAGE IN MUTUALLY AGREED UPON SEXUAL ACTIVITY. CONSENT IS ACTIVE, NOT PASSIVE. SINCE INDIVIDUALS MAY EXPERIENCE THE SAME INTERACTION IN DIFFERENT WAYS, IT IS THE RESPONSIBILITY OF EACH PARTY TO MAKE CERTAIN THAT THE OTHER HAS CONSENTED BEFORE ENGAGING IN THE ACTIVITY. FOR CONSENT TO BE VALID, THERE MUST BE A CLEAR EXPRESSION IN WORDS OR ACTIONS THAT THE OTHER INDIVIDUAL CONSENTED TO THAT SPECIFIC SEXUAL CONDUCT. SILENCE—WITHOUT ACTIONS DEMONSTRATING PERMISSION—CANNOT BE ASSUMED TO SHOW CONSENT.

ADDITIONALLY, THERE IS A DIFFERENCE BETWEEN SEDUCTION AND COERCION. COERCING SOMEONE INTO SEXUAL ACTIVITY VIOLATES THIS POLICY IN THE SAME WAY AS PHYSICALLY FORCING SOMEONE INTO SEX. COERCION HAPPENS WHEN SOMEONE IS PRESSURED UNREASONABLY FOR SEX.

A PERSON CANNOT CONSENT IF HE OR SHE IS UNABLE TO UNDERSTAND WHAT IS HAPPENING OR IS DISORIENTED, HELPLESS, ASLEEP, OR UNCONSCIOUS FOR ANY REASON, INCLUDING DUE TO ALCOHOL OR OTHER DRUGS. AN INDIVIDUAL WHO ENGAGES IN SEXUAL ACTIVITY WHEN THE INDIVIDUAL KNOWS, OR SHOULD KNOW, THAT THE OTHER PERSON IS PHYSICALLY OR MENTALLY INCAPACITATED HAS VIOLATED THIS POLICY.

BECAUSE ALCOHOL OR OTHER DRUG USE CAN PLACE THE CAPACITY TO CONSENT IN QUESTION, SOBER SEX IS LESS LIKELY TO RAISE SUCH QUESTIONS. IT IS NOT AN EXCUSE THAT THE INDIVIDUAL RESPONDING PARTY OF SEXUAL MISCONDUCT WAS INTOXICATED AND, THEREFORE, DID NOT REALIZE THE INCAPACITY OF THE OTHER. INCAPACITATION IS DEFINED AS A STATE WHERE SOMEONE CANNOT MAKE RATIONAL, REASONABLE DECISIONS BECAUSE S/HE LACKS THE CAPACITY TO GIVE KNOWING CONSENT (E.G., TO UNDERSTAND THE "WHO, WHAT, WHEN, WHERE, WHY OR HOW" OF HER/HIS SEXUAL INTERACTION). THIS POLICY ALSO COVERS A PERSON WHOSE INCAPACITY RESULTS FROM MENTAL DISABILITY, INVOLUNTARY PHYSICAL RESTRAINT AND/OR FROM THE TAKING OF INCAPACITATING DRUGS.

CONSENT TO SOME SEXUAL CONTACT (SUCH AS KISSING OR FONDLING) CANNOT BE PRESUMED TO BE CONSENT FOR OTHER SEXUAL ACTIVITY (SUCH AS INTERCOURSE). A CURRENT OR PREVIOUS DATING RELATIONSHIP IS NOT SUFFICIENT TO CONSTITUTE CONSENT. LIKEWISE, CONSENT TO ENGAGE IN SEXUAL ACTIVITY WITH ONE PERSON DOES NOT IMPLY CONSENT TO ENGAGE IN SEXUAL ACTIVITY WITH ANOTHER. THE EXISTENCE OF CONSENT IS BASED ON THE TOTALITY OF THE CIRCUMSTANCES, INCLUDING THE CONTEXT IN WHICH THE ALLEGED INCIDENT OCCURRED AND ANY SIMILAR PREVIOUS PATTERNS THAT MAY BE EVIDENCED. SILENCE OR THE ABSENCE OF RESISTANCE ALONE IS NOT CONSENT. A PERSON CAN WITHDRAW CONSENT AT ANY TIME DURING SEXUAL ACTIVITY BY EXPRESSING IN WORDS OR ACTIONS THAT HE OR SHE NO LONGER WANTS THE ACT TO CONTINUE, AND, IF THAT HAPPENS, THE OTHER PERSON MUST STOP IMMEDIATELY. UNDER THIS POLICY, "NO" ALWAYS MEANS "NO," AND "YES" MAY NOT ALWAYS MEAN "YES." ANYTHING BUT A CLEAR, KNOWING, AND VOLUNTARY CONSENT TO ANY SEXUAL ACTIVITY IS EQUIVALENT TO A "NO."

IN THE STATE OF KANSAS, A MINOR (MEANING A PERSON UNDER THE AGE OF 17 YEARS) CANNOT CONSENT TO SEXUAL ACTIVITY. THIS MEANS THAT SEXUAL CONTACT BY AN ADULT WITH A PERSON YOUNGER THAN 17 YEARS OLD IS A CRIME, AS WELL AS A VIOLATION OF THIS POLICY, EVEN IF THE MINOR WANTED TO ENGAGE IN THE ACT.

## D. Sexual Misconduct Scenarios:

### 1. Situation:

AMANDA AND BILL MEET AT A PARTY. THEY SPEND THE EVENING DANCING AND GETTING TO KNOW EACH OTHER. BILL CONVINCES AMANDA TO COME UP TO HIS ROOM. FROM 11:00PM UNTIL 3:00AM, BILL USES EVERY LINE HE CAN THINK OF TO CONVINCING AMANDA TO HAVE SEX WITH HIM, BUT SHE ADAMANTLY REFUSES. HE KEEPS AFTER HER AND BEGINS TO QUESTION HER RELIGIOUS CONVICTIONS, AND ACCUSES HER OF BEING "A PRUDE." FINALLY, IT SEEMS TO BILL THAT HER RESOLVE IS WEAKENING, AND HE CONVINCES HER TO GIVE HIM A "HAND JOB" (HAND TO GENITAL CONTACT). AMANDA WOULD NEVER HAVE DONE IT BUT FOR BILL'S INCESSANT ADVANCES. HE FEELS HE SUCCESSFULLY SEDUCED HER AND THAT SHE WANTED TO DO IT ALL ALONG BUT WAS PLAYING SHY AND HARD TO GET. WHY ELSE WOULD SHE HAVE COME UP TO HIS ROOM ALONE AFTER THE PARTY? IF SHE REALLY DIDN'T WANT IT, SHE COULD HAVE LEFT.

·BILL IS RESPONSIBLE FOR VIOLATING THE COLLEGE'S NON-CONSENSUAL OR FORCED SEXUAL CONTACT POLICY. IT IS LIKELY THAT A COLLEGE HEARING BOARD WOULD FIND THAT THE DEGREE AND DURATION OF THE PRESSURE BILL APPLIED TO AMANDA ARE UNREASONABLE. BILL COERCED AMANDA INTO PERFORMING UNWANTED SEXUAL TOUCHING UPON HIM. WHERE SEXUAL ACTIVITY IS COERCED, IT IS FORCED. CONSENT IS NOT EFFECTIVE WHEN FORCED. SEX WITHOUT EFFECTIVE CONSENT IS SEXUAL MISCONDUCT.

### 2. Situation:

MARK IS A SOPHOMORE AT THE COLLEGE. BETH IS A FRESHMAN. MARK COMES TO BETH'S DORM ROOM WITH SOME MUTUAL FRIENDS TO WATCH A MOVIE. MARK AND BETH, WHO HAVE NEVER MET BEFORE, ARE ATTRACTED TO EACH OTHER. AFTER THE MOVIE, EVERYONE LEAVES, AND MARK AND BETH ARE ALONE. THEY "HIT IT OFF" AND ARE SOON BECOMING MORE INTIMATE. THEY START TO MAKE OUT. MARK VERBALLY EXPRESSES HIS DESIRE TO HAVE SEX WITH BETH. BETH, WHO WAS ABUSED BY A BABY-SITTER WHEN SHE WAS FIVE AND HAS NOT HAD ANY SEXUAL RELATIONS SINCE, IS SHOCKED AT HOW QUICKLY THINGS ARE PROGRESSING. AS MARK TAKES HER BY THE WRIST OVER TO THE BED, LAYS HER DOWN, UNDRESSES HER, AND BEGINS TO HAVE INTERCOURSE WITH HER, BETH HAS A SEVERE FLASHBACK TO HER CHILDHOOD TRAUMA. SHE WANTS TO TELL MARK TO STOP BUT CANNOT. BETH IS STIFF AND UNRESPONSIVE DURING THE INTERCOURSE.

·MARK WOULD BE HELD RESPONSIBLE IN THIS SCENARIO FOR NON-CONSENSUAL SEXUAL INTERCOURSE. IT IS THE DUTY OF THE SEXUAL INITIATOR, MARK, TO MAKE SURE THAT HE HAS MUTUALLY UNDERSTANDABLE CONSENT TO ENGAGE IN SEX. THOUGH CONSENT NEED NOT BE VERBAL, IT IS THE CLEAREST FORM OF CONSENT. HERE, MARK HAD NO VERBAL OR NON-VERBAL MUTUALLY UNDERSTANDABLE INDICATION FROM BETH THAT SHE CONSENTED TO SEXUAL INTERCOURSE. OF COURSE, WHEREVER POSSIBLE, STUDENTS SHOULD ATTEMPT TO BE AS CLEAR AS POSSIBLE AS TO WHETHER OR NOT SEXUAL CONTACT IS DESIRED, BUT STUDENTS MUST BE AWARE THAT FOR PSYCHOLOGICAL REASONS, OR BECAUSE OF ALCOHOL OR DRUG USE, ONE'S PARTNER MAY NOT BE IN A POSITIVE POSITION TO PROVIDE AS CLEAR AN INDICATION AS THE POLICY REQUIRES. AS THE POLICY MAKES CLEAR, CONSENT MUST BE ACTIVELY, NOT PASSIVELY, GIVEN.

### 3. Situation:

KEVIN AND AMY ARE AT A PARTY. KEVIN IS NOT SURE HOW MUCH AMY HAS BEEN DRINKING, BUT HE IS PRETTY SURE IT'S A LOT. AFTER THE PARTY, HE WALKS AMY TO HER ROOM, AND AMY "COMES ON" TO KEVIN, INITIATING SEXUAL ACTIVITY. KEVIN ASKS HER IF SHE IS REALLY UP TO THIS, AND AMY SAYS, "YES." CLOTHES GO FLYING, AND THEY END UP IN AMY'S BED. SUDDENLY, AMY RUNS FOR THE BATHROOM. WHEN SHE RETURNS, HER FACE IS PALE, AND KEVIN THINKS SHE MAY HAVE THROWN UP. AMY GETS BACK INTO BED, AND THEY BEGIN TO HAVE SEXUAL INTERCOURSE. KEVIN IS HAVING A GOOD TIME, THOUGH HE CAN'T HELP BUT NOTICE THAT AMY SEEMS PRETTY GROGGY AND PASSIVE, AND HE THINKS AMY MAY HAVE EVEN PASSED OUT BRIEFLY DURING THE SEX, BUT HE DOES NOT LET THAT STOP HIM. WHEN KEVIN RUNS INTO AMY THE NEXT DAY, HE THANKS HER FOR THE WILD NIGHT. AMY REMEMBERS NOTHING AND DECIDES TO MAKE A COMPLAINT.

·THIS IS A VIOLATION OF THE NON-CONSENSUAL SEXUAL INTERCOURSE POLICY. KEVIN SHOULD HAVE KNOWN THAT AMY WAS INCAPABLE OF MAKING A RATIONAL, REASONABLE DECISION ABOUT SEX. EVEN IF AMY SEEMED TO CONSENT, KEVIN WAS WELL AWARE THAT AMY HAD CONSUMED A LARGE AMOUNT OF ALCOHOL, AND KEVIN THOUGHT AMY WAS PHYSICALLY ILL AND KNEW THAT SHE PASSED OUT DURING SEX. KEVIN SHOULD BE HELD ACCOUNTABLE FOR TAKING ADVANTAGE OF AMY IN HER CONDITION. THIS IS NOT THE LEVEL OF RESPECTFUL CONDUCT EXPECTED OF STUDENTS.

## E. Sexual Misconduct—Risk Reduction Tips

RISK REDUCTION TIPS CAN OFTEN TAKE A VICTIM-BLAMING TONE, EVEN UNINTENTIONALLY. WITH NO INTENTION TO VICTIM-BLAME AND WITH RECOGNITION THAT ONLY THOSE WHO COMMIT SEXUAL MISCONDUCT ARE RESPONSIBLE FOR THOSE ACTIONS, THESE SUGGESTIONS MAY NEVERTHELESS HELP ONE REDUCE THEIR RISK EXPERIENCING A NON-CONSENSUAL SEXUAL ACT. BELOW, SUGGESTIONS TO AVOID COMMITTING A NON-CONSENSUAL SEXUAL ACT ARE ALSO OFFERED:

- IF YOU HAVE LIMITS, MAKE THEM KNOWN AS EARLY AS POSSIBLE.
- TELL A SEXUAL AGGRESSOR "NO" CLEARLY AND FIRMLY.
- TRY TO REMOVE YOURSELF FROM THE PHYSICAL PRESENCE OF A SEXUAL AGGRESSOR.
- FIND SOMEONE NEARBY AND ASK FOR HELP.
- TAKE AFFIRMATIVE RESPONSIBILITY FOR YOUR ALCOHOL INTAKE/DRUG USE AND ACKNOWLEDGE THAT ALCOHOL/DRUGS LOWER YOUR SEXUAL INHIBITIONS AND MAY MAKE YOU VULNERABLE TO SOMEONE WHO

VEWS A DRUNK OR HIGH PERSON AS A SEXUAL OPPORTUNITY.

- TAKE CARE OF YOUR FRIENDS AND ASK THAT THEY TAKE CARE OF YOU. REAL FRIENDS WILL CHALLENGE YOU IF YOU ARE ABOUT TO MAKE A MISTAKE. RESPECT THEM WHEN THEY DO.

IF YOU FIND YOURSELF IN THE POSITION OF BEING THE INITIATOR OF SEXUAL BEHAVIOR, YOU OWE SEXUAL RESPECT TO YOUR POTENTIAL PARTNER. THESE SUGGESTIONS MAY HELP YOU TO REDUCE YOUR RISK FOR BEING ACCUSED OF SEXUAL MISCONDUCT:

- CLEARLY COMMUNICATE YOUR INTENTIONS TO YOUR SEXUAL PARTNER AND GIVE THEM A CHANCE TO CLEARLY RELATE THEIR INTENTIONS TO YOU.
- UNDERSTAND AND RESPECT PERSONAL BOUNDARIES.
- DO NOT MAKE ASSUMPTIONS ABOUT CONSENT, ABOUT SOMEONE'S SEXUAL AVAILABILITY, ABOUT WHETHER THEY ARE ATTRACTED TO YOU, ABOUT HOW FAR YOU CAN "GO" OR ABOUT WHETHER THEY ARE PHYSICALLY AND/OR MENTALLY ABLE TO CONSENT. IF THERE ARE ANY QUESTIONS OR AMBIGUITY, THEN YOU DO NOT HAVE CONSENT.
- MIXED MESSAGES FROM YOUR PARTNER ARE A CLEAR INDICATION THAT YOU SHOULD STOP, DEFUSE ANY SEXUAL TENSION, AND COMMUNICATE BETTER. YOU MAY BE MISREADING THEM. S/HE MAY NOT HAVE FIGURED OUT HOW FAR S/HE WANTS TO GO WITH YOU YET. YOU MUST RESPECT THE TIMELINE FOR SEXUAL BEHAVIORS WITH WHICH S/HE IS COMFORTABLE.
- DO NOT TAKE ADVANTAGE OF SOMEONE'S DRUNKENNESS OR DRUGGED STATE, EVEN IF S/HE DID IT TO HER/HIMSELF.
- REALIZE THAT YOUR POTENTIAL PARTNER COULD BE INTIMIDATED BY OR FEARFUL OF YOU. YOU MAY HAVE A POWER ADVANTAGE SIMPLY BECAUSE OF YOUR GENDER OR SIZE. DO NOT ABUSE THAT POWER.
- UNDERSTAND THAT CONSENT TO SOME FORM OF SEXUAL BEHAVIOR DOES NOT AUTOMATICALLY IMPLY CONSENT TO ANY OTHER FORMS OF SEXUAL BEHAVIOR.
- SILENCE AND PASSIVITY CANNOT BE INTERPRETED AS AN INDICATION OF CONSENT. READ YOUR POTENTIAL PARTNER CAREFULLY, PAYING ATTENTION TO VERBAL AND NON-VERBAL COMMUNICATION AND BODY LANGUAGE.

## IV. College Policy Expectations with Respect to Consensual Relationships

THERE ARE INHERENT RISKS IN ANY ROMANTIC OR SEXUAL RELATIONSHIP BETWEEN INDIVIDUALS IN UNEQUAL POSITIONS (SUCH AS FACULTY AND STUDENT, SUPERVISOR AND EMPLOYEE, COACH AND PLAYER). THESE RELATIONSHIPS MAY BE LESS CONSENSUAL THAN PERCEIVED BY THE INDIVIDUAL WHOSE POSITION CONFERS POWER. THE RELATIONSHIP ALSO MAY BE VIEWED IN DIFFERENT WAYS BY EACH OF THE PARTIES, PARTICULARLY IN RETROSPECT. FURTHERMORE, CIRCUMSTANCES MAY CHANGE, AND CONDUCT THAT WAS PREVIOUSLY WELCOME MAY BECOME UNWELCOME. EVEN WHEN BOTH PARTIES HAVE CONSENTED AT THE OUTSET TO A ROMANTIC OR SEXUAL INVOLVEMENT, THIS PAST CONSENT MAY NOT REMOVE GROUNDS FOR A LATER CHARGE OF A VIOLATION OF APPLICABLE SECTIONS OF THIS POLICY. THE COLLEGE DOES NOT WISH TO INTERFERE WITH PRIVATE CHOICES REGARDING PERSONAL RELATIONSHIPS WHEN THESE RELATIONSHIPS DO NOT INTERFERE WITH THE GOALS AND POLICIES OF THE COLLEGE. FOR THE PERSONAL PROTECTION OF MEMBERS OF THIS COMMUNITY, RELATIONSHIPS IN WHICH POWER DIFFERENTIALS ARE INHERENT (FACULTY-STUDENT, STAFF-STUDENT, ADMINISTRATOR-STUDENT, SUPERVISOR-SUBORDINATE) ARE GENERALLY DISCOURAGED.

CONSENSUAL ROMANTIC OR SEXUAL RELATIONSHIPS IN WHICH ONE PARTY MAINTAINS A DIRECT SUPERVISORY OR EVALUATIVE ROLE OVER THE OTHER PARTY ARE UNETHICAL. THEREFORE, PERSONS WITH DIRECT SUPERVISORY OR EVALUATIVE RESPONSIBILITIES WHO ARE INVOLVED IN SUCH RELATIONSHIPS, INCLUDING SUPERVISION IN AN ATHLETIC, ACADEMIC, OR CLASSROOM SETTING, MUST BRING THOSE RELATIONSHIPS TO THE TIMELY ATTENTION OF THEIR SUPERVISOR OR DEPARTMENT CHAIRPERSON, AND WILL LIKELY RESULT IN THE NECESSITY TO REMOVE THE EMPLOYEE FROM THE SUPERVISORY OR EVALUATIVE RESPONSIBILITIES, OR SHIFT A PARTY OUT OF BEING SUPERVISED OR EVALUATED BY SOMEONE WITH WHOM THEY HAVE ESTABLISHED A CONSENSUAL RELATIONSHIP. THIS INCLUDES RAs AND STUDENTS OVER WHOM THEY HAVE DIRECT RESPONSIBILITY. WHILE NO RELATIONSHIPS ARE PROHIBITED BY THIS POLICY, FAILURE TO SELF-REPORT SUCH RELATIONSHIPS TO A SUPERVISOR AS REQUIRED CAN RESULT IN DISCIPLINARY ACTION FOR AN EMPLOYEE.

## V. Other Civil Rights Offenses, When the Act Is Based Upon the Status of a Protected Class

- THREATENING OR CAUSING PHYSICAL HARM, EXTREME VERBAL ABUSE, OR OTHER CONDUCT WHICH THREATENS OR ENDANGERS THE HEALTH OR SAFETY OF ANY PERSON ON THE BASIS OF HER/HIS ACTUAL OR PERCEIVED MEMBERSHIP IN A PROTECTED CLASS
- DISCRIMINATION, DEFINED AS ACTIONS THAT DEPRIVE OTHER MEMBERS OF THE COMMUNITY OF EDUCATIONAL OR EMPLOYMENT ACCESS, BENEFITS, OR OPPORTUNITIES ON THE BASIS OF THEIR ACTUAL OR PERCEIVED MEMBERSHIP IN A PROTECTED CLASS
- INTIMIDATION, DEFINED AS IMPLIED THREATS OR ACTS THAT CAUSE AN UNREASONABLE FEAR OF HARM IN ANOTHER ON THE BASIS OF ACTUAL OR PERCEIVED MEMBERSHIP IN A PROTECTED CLASS
- HAZING, DEFINED AS ACTS LIKELY TO CAUSE PHYSICAL OR PSYCHOLOGICAL HARM OR SOCIAL OSTRACISM TO ANY PERSON WITHIN THE COLLEGE COMMUNITY, WHEN RELATED TO THE ADMISSION, INITIATION, PLEDGING, JOINING, OR ANY OTHER GROUP-AFFILIATION ACTIVITY ON THE BASIS OF ACTUAL OR PERCEIVED MEMBERSHIP IN A PROTECTED CLASS; HAZING IS ALSO ILLEGAL UNDER KANSAS STATE LAW[13] AND PROHIBITED BY COLLEGE POLICY
- BULLYING, DEFINED AS REPEATED AND/OR SEVERE AGGRESSIVE BEHAVIOR LIKELY TO INTIMIDATE OR INTENTIONALLY HURT, CONTROL OR DIMINISH ANOTHER PERSON, PHYSICALLY OR MENTALLY ON THE BASIS OF ACTUAL OR PERCEIVED MEMBERSHIP IN A PROTECTED CLASS
- VIOLENCE BETWEEN THOSE IN AN INTIMATE RELATIONSHIP TO EACH OTHER ON THE BASIS OF ACTUAL OR PERCEIVED MEMBERSHIP IN A PROTECTED CLASS (WHICH INCLUDES ROMANTIC RELATIONSHIPS, DATING[14], DOMESTIC[15], AND/OR RELATIONSHIP VIOLENCE)[16]
- STALKING[17], DEFINED AS A COURSE OF CONDUCT DIRECTED AT A SPECIFIC PERSON ON THE BASIS OF ACTUAL OR PERCEIVED MEMBERSHIP IN A PROTECTED CLASS THAT IS UNWELCOME AND WOULD CAUSE A REASONABLE PERSON TO FEEL FEAR[18]
- ANY OTHER COLLEGE RULES, WHEN A VIOLATION IS MOTIVATED BY THE ACTUAL OR PERCEIVED MEMBERSHIP OF THE VICTIM ON THE BASIS OF SEX OR GENDER OR IN A PROTECTED CLASS, MAY BE PURSUED USING THIS POLICY AND PROCESS.

SANCTIONS FOR THE ABOVE-LISTED "OTHER CIVIL RIGHTS BEHAVIORS" BEHAVIORS RANGE FROM REPRIMAND UP THROUGH AND INCLUDING EXPULSION (STUDENTS) OR TERMINATION OF EMPLOYMENT.

## VI. Retaliation

RETALIATION IS DEFINED AS ANY ADVERSE ACTION TAKEN AGAINST A PERSON PARTICIPATING IN A PROTECTED ACTIVITY BECAUSE OF THEIR PARTICIPATION IN THAT PROTECTED ACTIVITY. RETALIATION AGAINST AN INDIVIDUAL FOR ALLEGING HARASSMENT, FOR SUPPORTING A PARTY BRINGING A GRIEVANCE, OR FOR ASSISTING IN PROVIDING INFORMATION RELEVANT TO A CLAIM OF HARASSMENT IS A SERIOUS VIOLATION OF COLLEGE POLICY AND WILL BE TREATED AS ANOTHER POSSIBLE INSTANCE OF HARASSMENT OR DISCRIMINATION. ACTS OF ALLEGED RETALIATION SHOULD BE REPORTED IMMEDIATELY TO THE COORDINATOR OF EQUITY & COMPLIANCE AND WILL BE PROMPTLY INVESTIGATED. THE COLLEGE IS PREPARED TO TAKE APPROPRIATE STEPS TO PROTECT INDIVIDUALS WHO FEAR THAT THEY MAY BE SUBJECTED TO RETALIATION.

## VII. Remedial Action

THE COLLEGE WILL IMPLEMENT INITIAL REMEDIAL AND RESPONSIVE AND/OR PROTECTIVE ACTIONS UPON NOTICE OF ALLEGED HARASSMENT, RETALIATION, AND/OR DISCRIMINATION. SUCH ACTIONS COULD INCLUDE BUT ARE NOT LIMITED TO: NO CONTACT ORDERS, PROVIDING COUNSELING AND/OR MEDIAL SERVICES, ACADEMIC SUPPORT, LIVING ARRANGEMENT ADJUSTMENTS, PROVIDING A CAMPUS ESCORT, ACADEMIC OR WORK SCHEDULE AND ASSIGNMENT ACCOMMODATIONS, SAFETY PLANNING, REFERRAL TO CAMPUS AND COMMUNITY SUPPORT RESOURCES.

THE COLLEGE WILL TAKE ADDITIONAL PROMPT REMEDIAL AND/OR DISCIPLINARY ACTION WITH RESPECT TO ANY MEMBER OF THE COMMUNITY, GUEST, OR VISITOR WHO HAS BEEN FOUND TO ENGAGE IN HARASSING OR DISCRIMINATORY BEHAVIOR OR RETALIATION. PROCEDURES FOR HANDLING REPORTED INCIDENTS ARE FULLY DESCRIBED BELOW. DELIBERATELY FALSE AND/OR MALICIOUS ACCUSATIONS OF HARASSMENT, AS OPPOSED TO GRIEVANCES WHICH, EVEN IF ERRONEOUS, ARE MADE IN GOOD FAITH, ARE JUST AS SERIOUS AN OFFENSE AS HARASSMENT AND WILL BE SUBJECT TO APPROPRIATE DISCIPLINARY ACTION.

## VIII. Confidentiality and Reporting of Offenses Under This Policy

COLLEGE OFFICIALS, DEPENDING ON THEIR ROLES AT THE COLLEGE, HAVE VARYING REPORTING RESPONSIBILITIES AND ABILITIES TO MAINTAIN CONFIDENTIALITY. IN ORDER TO MAKE INFORMED CHOICES, ONE SHOULD BE AWARE OF CONFIDENTIALITY AND MANDATORY REPORTING REQUIREMENTS WHEN CONSULTING CAMPUS RESOURCES. ON CAMPUS, SOME RESOURCES MAY MAINTAIN CONFIDENTIALITY, OFFERING OPTIONS AND ADVICE WITHOUT ANY OBLIGATION TO INFORM AN OUTSIDE AGENCY OR INDIVIDUAL UNLESS YOU HAVE REQUESTED INFORMATION TO BE SHARED. OTHER RESOURCES EXIST FOR YOU TO REPORT CRIMES AND POLICY VIOLATIONS AND THESE RESOURCES ARE REQUIRED TO TAKE ACTION WHEN YOU REPORT VICTIMIZATION TO THEM. SOME RESOURCES ON CAMPUS FALL IN THE MIDDLE OF THESE TWO EXTREMES; NEITHER THE COLLEGE, NOR THE LAW, REQUIRES THEM TO DIVULGE PRIVATE INFORMATION THAT IS SHARED WITH THEM, EXCEPT IN RARE CIRCUMSTANCES BUT YET MUST SHARE GENERAL, NON-IDENTIFIABLE INFORMATION WITH DESIGNATED OFFICIALS. THE FOLLOWING DESCRIBES THE THREE REPORTING OPTIONS AT THE COLLEGE:

### A. Privileged & Confidential Reporting

IF A REPORTING PARTY WOULD LIKE THE DETAILS OF AN INCIDENT TO BE KEPT CONFIDENTIAL, THE REPORTING PARTY MAY SPEAK WITH ONE OF THE COLLEGE'S PROFESSIONAL, LICENSED COUNSELORS WHO PROVIDE MENTAL-HEALTH COUNSELING TO MEMBERS OF THE SCHOOL COMMUNITY (AND INCLUDING THOSE WHO ACT IN THAT ROLE UNDER THE SUPERVISION OF A LICENSED COUNSELOR), OFF-CAMPUS LOCAL RAPE AND/OR DOMESTIC VIOLENCE COUNSELORS ( <http://www.sadvchutch.org/>) and/or LOCAL OR STATE ASSISTANCE AGENCIES. [19] SUCH INDIVIDUALS WILL MAINTAIN CONFIDENTIALITY AND ARE NOT REQUIRED TO REPORT ANY INFORMATION ABOUT AN INCIDENT TO THE COLLEGE'S COORDINATOR OF EQUITY & COMPLIANCE, OR OTHER COLLEGE OFFICIALS, WITHOUT THE REPORTING PARTY'S PERMISSION EXCEPT IN EXTREME CASES OF IMMEDIACY OF THREAT OR DANGER OR ABUSE OF A MINOR. CAMPUS COUNSELORS ARE AVAILABLE TO HELP FREE OF CHARGE AND CAN BE SEEN ON AN EMERGENCY BASIS DURING NORMAL BUSINESS HOURS. THESE COLLEGE EMPLOYEES WILL SUBMIT ANONYMOUS STATISTICAL INFORMATION FOR CLERY ACT PURPOSES UNLESS THEY BELIEVE IT WOULD BE HARMFUL TO THEIR CLIENT. A PERSON BRINGING A GRIEVANCE WHO INITIALLY REQUESTS CONFIDENTIALITY MAY LATER DECIDE TO WAIVE SUCH A REQUEST IN ORDER TO FILE A FORMAL COMPLAINT WITH THE COLLEGE OR MAY CHOOSE TO REPORT THE INCIDENT TO LOCAL LAW ENFORCEMENT AND THIS HAVE THE INCIDENT FULLY INVESTIGATED.

PERSONS WISHING TO SPEAK WITH ONE OF THE COLLEGE'S LICENSED COUNSELORS, SHOULD CONTACT THE STUDENT SUCCESS CENTER (<http://www.hutchcc.edu/student-success-center/personal-counseling>) OR CALL 620-665-3377 DURING REGULAR BUSINESS HOURS.

### B. Private & Limited Reporting

THOSE DESIRING TO REPORT MISCONDUCT MAY SEEK ADVICE FROM CERTAIN RESOURCES WHO ARE NOT REQUIRED TO INITIALLY TELL ANYONE ELSE YOUR PRIVATE, PERSONALLY IDENTIFIABLE INFORMATION UNLESS THERE IS A PATTERN OF ABUSE, CAUSE FOR FEAR FOR YOUR SAFETY OR THE SAFETY OF OTHERS. THESE ARE RESOURCES WHO THE COLLEGE HAS NOT SPECIFICALLY DESIGNATED AS "RESPONSIBLE

EMPLOYEES” [20] FOR PURPOSES OF PUTTING THE INSTITUTION ON NOTICE AND FOR WHOM MANDATORY REPORTING IS REQUIRED, OTHER THAN IN THE STATED LIMITED CIRCUMSTANCES. FOR INSTANCE, INDIVIDUALS WHO WORK OR VOLUNTEER IN THE COLLEGE’S STUDENT HEALTH SERVICES (HASHS), INCLUDING THE FRONT DESK STAFF AND STUDENTS, CAN GENERALLY TALK TO A VICTIM WITHOUT REVEALING ANY PERSONALLY IDENTIFIABLE INFORMATION ABOUT AN INCIDENT TO THE COLLEGE. WHILE MAINTAINING A VICTIM’S CONFIDENTIALITY, THESE INDIVIDUALS OR THEIR OFFICE SHOULD REPORT THE NATURE, DATE, TIME, AND GENERAL LOCATION OF AN INCIDENT TO THE COORDINATOR OF EQUITY & COMPLIANCE. THIS LIMITED REPORTING HELPS KEEP THE COLLEGE INFORMED OF THE GENERAL EXTENT AND NATURE OF SEXUAL MISCONDUCT ON AND OFF CAMPUS AND ALLOWS THE INSTITUTION TO TRACK PATTERNS, EVALUATE THE SCOPE OF THE PROBLEM, AND FORMULATE APPROPRIATE CAMPUS-WIDE RESPONSES. BEFORE REPORTING ANY INFORMATION TO THE COORDINATOR OF EQUITY & COMPLIANCE, THESE INDIVIDUALS WILL CONSULT WITH THE VICTIM TO ENSURE THAT NO PERSONALLY IDENTIFYING DETAILS ARE SHARED.

THE EMPLOYEES (OR CATEGORIES OF EMPLOYEES) LISTED BELOW ARE DESIGNATED AS “RESPONSIBLE EMPLOYEES” UNDER COLLEGE POLICY AND ARE REQUIRED TO REPORT ALLEGED INCIDENTS BROUGHT TO THEIR ATTENTION TO THE COLLEGE’S COORDINATOR OF EQUITY & COMPLIANCE. 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) (responding party), 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 MAINTAIN CONFIDENTIALITY, THE 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. RESPONSIBLE EMPLOYEES WILL NOT PRESSURE A REPORTING PARTY TO REQUEST CONFIDENTIALITY BUT WILL HONOR AND SUPPORT THE REPORTING PARTY’S WISHES, INCLUDING FOR THE COLLEGE TO FULLY INVESTIGATE AN INCIDENT. BY THE SAME TOKEN, RESPONSIBLE EMPLOYEES WILL NOT PRESSURE A REPORTING PARTY TO MAKE A FULL REPORT IF THE REPORTING PARTY IS NOT READY TO DO SO.

THE COLLEGE RECOGNIZES THE FOLLOWING FACULTY, STAFF, AND EMPLOYEE POSITIONS AS RESPONSIBLE EMPLOYEES FOR WHICH MANDATORY REPORTING, AS OUTLINED IN THE ABOVE POLICY, IS MANDATORY:

- MEMBERS OF THE COLLEGE BOARD OF TRUSTEES
- PRESIDENT OF THE COLLEGE
- VICE PRESIDENTS
- DIRECTORS (INCLUDING EXECUTIVE, ASSOCIATE, AND ASSISTANT)
- COORDINATORS
- ACADEMIC ADVISORS
- COACHES (INCLUDING HEAD, ASSOCIATE, ASSISTANT, AND VOLUNTEER)
- ATHLETIC TRAINERS
- DEPARTMENT CHAIRPERSONS
- FACULTY/INSTRUCTORS (INCLUDING BOTH FULL-TIME, ADJUNCT, AND PART-TIME)
- STAFF MEMBERS WITH A FORMAL SUPERVISORY ROLE OF EITHER STUDENTS OR STAFF
- RESIDENCE ADMINISTRATORS

IF A REPORTING PARTY IS UNSURE OF A COLLEGE OFFICIAL’S DUTIES AND ABILITY TO MAINTAIN PRIVACY AND/OR CONFIDENTIALITY, ASK HER/HIM BEFORE DISCUSSING THE INCIDENT OF CONCERN WITH HER/HIM. S/HE WILL BE ABLE TO EXPLAIN AND HELP A REPORTING PARTY TO MAKE DECISIONS ABOUT WHO IS IN THE BEST POSITION TO HELP. ALL RESOURCES, EXCEPT THOSE SPECIFICALLY EXEMPTED FROM DOING SO, ARE INSTRUCTED TO SHARE LIMITED INCIDENT REPORTS WITH THEIR SUPERVISORS AND/OR THE COLLEGE’S COORDINATOR OF EQUITY & COMPLIANCE. IF PERSONALLY IDENTIFIABLE INFORMATION IS SHARED, IT WILL BE SHARED WITH AS FEW PEOPLE AS POSSIBLE AND ALL EFFORTS WILL BE MADE TO PROTECT PRIVACY TO THE GREATEST POSSIBLE EXTENT.

## C. Formal Reporting Options

A PARTY BRINGING A GRIEVANCE(S) IS ENCOURAGED TO SPEAK TO THE COLLEGE’S COORDINATOR OF EQUITY & COMPLIANCE OR A MEMBER OF THE COLLEGE’S EQUITY GRIEVANCE PANEL (SEE MEMBERSHIP LIST BELOW) TO MAKE FORMAL REPORTS OF INCIDENTS OF SEXUAL MISCONDUCT. A PARTY BRINGING A GRIEVANCE(S) HAS THE RIGHT, AND CAN EXPECT, TO HAVE GRIEVANCES TAKEN SERIOUSLY BY THE COLLEGE WHEN FORMALLY REPORTED AND TO HAVE THOSE INCIDENTS AFFORDS PRIVACY TO THE REPORTER, AND ONLY A SMALL GROUP OF OFFICIALS WHO NEED TO KNOW WILL BE TOLD. INFORMATION WILL BE SHARED AS NECESSARY WITH INVESTIGATORS, WITNESSES AND THE RESPONDING PARTY. THE CIRCLE OF PEOPLE WITH THIS KNOWLEDGE WILL BE KEPT AS TIGHT AS POSSIBLE TO PRESERVE A PARTY BRINGING A GRIEVANCE’S RIGHTS AND PRIVACY. ADDITIONALLY SAFE AND ANONYMOUS REPORTS, WHICH DO NOT TRIGGER INVESTIGATIONS, CAN BE MADE BY VICTIMS AND/OR THIRD PARTIES USING AN ONLINE REPORTING FORM, IF SUCH MECHANISM IS AVAILABLE, BY USING THE DESIGNATED REPORTING FORM.

## D. Weighing Requests for Confidentiality in Reports Disclosed to Responsible Employees

IF A REPORTING PARTY DISCLOSES AN INCIDENT TO A RESPONSIBLE EMPLOYEE BUT WISHES TO MAINTAIN CONFIDENTIALITY OR REQUESTS THAT NO INVESTIGATION INTO A PARTICULAR INCIDENT BE CONDUCTED OR DISCIPLINARY ACTION BE TAKEN, THE COLLEGE MUST WEIGH THAT REQUEST AGAINST THE COLLEGE’S OBLIGATION TO PROVIDE A SAFE, NON-DISCRIMINATORY ENVIRONMENT FOR ALL INDIVIDUALS, INCLUDING THE REPORTING PARTY.

IF THE COLLEGE HONORS THE REQUEST FOR CONFIDENTIALITY, A REPORTING PARTY MUST UNDERSTAND THAT THE COLLEGE’S ABILITY TO MEANINGFULLY INVESTIGATE THE INCIDENT AND PURSUE DISCIPLINARY ACTION AGAINST THE ALLEGED PERPETRATOR(S) MAY BE LIMITED. ALTHOUGH RARE, THERE ARE TIMES WHEN THE COLLEGE MAY NOT BE ABLE TO HONOR A REPORTING PARTY’S REQUEST IN ORDER TO PROVIDE A SAFE, NON-DISCRIMINATORY ENVIRONMENT FOR ALL INDIVIDUALS.

THE COLLEGE HAS DESIGNATED THE COORDINATOR OF EQUITY & COMPLIANCE TO EVALUATE REQUESTS FOR CONFIDENTIALITY ONCE A RESPONSIBLE EMPLOYEE IS ON NOTICE OF ALLEGED MISCONDUCT. WHEN WEIGHING A REPORTING PARTY’S REQUEST FOR CONFIDENTIALITY OR THAT NO INVESTIGATION OR DISCIPLINARY ACTION BE PURSUED, THE COORDINATOR OF EQUITY & COMPLIANCE WILL CONSIDER A RANGE OF FACTORS, INCLUDING THE FOLLOWING:

- THE INCREASED RISK THAT THE ALLEGED PERPETRATOR WILL COMMIT ADDITIONAL ACTS OF MISCONDUCT OR OTHER VIOLENCE, SUCH AS
  - WHETHER THERE HAVE BEEN OTHER MISCONDUCT COMPLAINTS ABOUT THE SAME ALLEGED PERPETRATOR;
  - WHETHER THE ALLEGED PERPETRATOR HAS A HISTORY OF ARRESTS OR RECORDS FROM A PRIOR SCHOOL INDICATING A HISTORY OF VIOLENCE;
  - WHETHER THE ALLEGED PERPETRATOR THREATENED SEXUAL VIOLENCE OR OTHER VIOLENCE AGAINST THE REPORTING PARTY OR OTHERS;
- WHETHER THE SEXUAL VIOLENCE WAS PERPETRATED WITH A WEAPON;
- WHETHER THE REPORTING PARTY IS A MINOR;
- WHETHER THE COLLEGE POSSESSES OTHER MEANS TO OBTAIN RELEVANT EVIDENCE OF THE SEXUAL MISCONDUCT (E.G., SECURITY CAMERAS OR PERSONNEL, PHYSICAL EVIDENCE);
- WHETHER THE REPORTING PARTY’S REPORT REVEALS A PATTERN OF PERPETRATION (E.G., VIA ILLEGAL USE OF DRUGS OR ALCOHOL) AT A GIVEN LOCATION OR BY A PARTICULAR GROUP.

THE PRESENCE OF ONE OR MORE OF THESE FACTORS COULD LEAD THE COLLEGE TO INVESTIGATE AND, IF APPROPRIATE, PURSUE DISCIPLINARY ACTION. IF NONE OF THESE FACTORS IS PRESENT, THE COLLEGE WILL LIKELY RESPECT THE REPORTING PARTY’S REQUEST FOR CONFIDENTIALITY.

IF THE COLLEGE DETERMINES THAT IT CANNOT MAINTAIN A REPORTING PARTY’S CONFIDENTIALITY, THE COLLEGE WILL INFORM THE VICTIM PRIOR TO STARTING AN INVESTIGATION AND WILL, TO THE EXTENT POSSIBLE, ONLY SHARE INFORMATION WITH PEOPLE RESPONSIBLE FOR HANDLING THE COLLEGE’S RESPONSE.

THE COLLEGE WILL REMAIN EVER MINDFUL OF THE REPORTING PARTY’S WELL-BEING AND WILL TAKE ONGOING MEASURES TO PROTECT THE REPORTING PARTY FROM RETALIATION OR HARM AND WORK WITH THE REPORTING PARTY TO CREATE A SAFETY PLAN. RETALIATION AGAINST THE REPORTING PARTY, WHETHER BY STUDENTS OR COLLEGE EMPLOYEES, WILL NOT BE TOLERATED. THE COLLEGE WILL ALSO

- ASSIST THE REPORTING PARTY IN ACCESSING OTHER AVAILABLE VICTIM ADVOCACY, ACADEMIC SUPPORT, COUNSELING, DISABILITY, HEALTH OR MENTAL HEALTH SERVICES, AND LEGAL ASSISTANCE BOTH ON AND OFF CAMPUS;
- PROVIDE OTHER SECURITY AND SUPPORT, WHICH COULD INCLUDE ISSUING A NO-CONTACT ORDER, HELPING ARRANGE A CHANGE OF LIVING OR WORKING ARRANGEMENTS OR COURSE SCHEDULES (INCLUDING FOR THE ALLEGED PERPETRATOR PENDING THE OUTCOME OF AN INVESTIGATION) OR ADJUSTMENTS FOR ASSIGNMENTS OR TESTS; AND
- INFORM THE REPORTING PARTY OF THE RIGHT TO REPORT A CRIME LOCAL LAW ENFORCEMENT—AND PROVIDE THE REPORTING PARTY WITH ASSISTANCE IF THE VICTIM WISHES TO DO SO.

THE COLLEGE MAY NOT REQUIRE A REPORTING PARTY TO PARTICIPATE IN ANY INVESTIGATION OR DISCIPLINARY PROCEEDING.

BECAUSE THE COLLEGE IS UNDER A CONTINUING OBLIGATION TO ADDRESS THE ISSUE OF SEXUAL MISCONDUCT CAMPUS-WIDE, REPORTS OF SEXUAL MISCONDUCT (INCLUDING NON-IDENTIFYING REPORTS) WILL ALSO PROMPT THE COLLEGE TO CONSIDER BROADER REMEDIAL ACTION—SUCH AS INCREASED MONITORING, SUPERVISION OR SECURITY AT LOCATION WHERE THE REPORTED SEXUAL MISCONDUCT OCCURRED; INCREASING EDUCATION AND PREVENTION EFFORTS, INCLUDING TO TARGETED POPULATION GROUPS; CONDUCTING CLIMATE ASSESSMENTS; AND/OR REVISITING ITS POLICIES AND PRACTICES.

IF THE COLLEGE DETERMINES THAT IT CAN RESPECT A REPORTING PARTY’S REQUEST FOR CONFIDENTIALITY, THE COLLEGE WILL ALSO TAKE IMMEDIATE ACTION AS NECESSARY TO PROTECT AND ASSIST THE REPORTING PARTY.

## IX. Federal Statistical Reporting and Timely Warning Obligations

CERTAIN CAMPUS OFFICIALS HAVE A DUTY TO REPORT SEXUAL ASSAULT, DOMESTIC VIOLENCE, DATING VIOLENCE AND STALKING FOR FEDERAL STATISTICAL PURPOSES (CLERY ACT). ALL PERSONALLY IDENTIFIABLE INFORMATION IS KEPT CONFIDENTIAL, BUT STATISTICAL INFORMATION MUST BE SHARED WITH CAMPUS LAW ENFORCEMENT REGARDING THE TYPE OF INCIDENT AND ITS GENERAL LOCATION (ON OR OFF-CAMPUS, IN THE SURROUNDING AREA, BUT NO ADDRESSES ARE GIVEN) FOR PUBLICATION IN THE COLLEGE’S ANNUAL SECURITY REPORT. THIS REPORT HELPS TO PROVIDE THE COMMUNITY WITH A CLEAR PICTURE OF THE EXTENT AND NATURE OF CAMPUS CRIME, TO ENSURE GREATER COMMUNITY SAFETY. MANDATED FEDERAL REPORTERS INCLUDE STUDENT/CONDUCT AFFAIRS, CAMPUS SECURITY, LOCAL POLICE, COACHES, ATHLETIC DIRECTORS, RESIDENCE LIFE STAFF, STUDENT ACTIVITIES STAFF, HUMAN RESOURCE STAFF, ADVISORS TO STUDENT ORGANIZATIONS, AND ANY OTHER OFFICIAL WITH SIGNIFICANT RESPONSIBILITY FOR STUDENT AND CAMPUS ACTIVITIES. THE INFORMATION TO BE SHARED INCLUDES THE DATE, THE LOCATION OF THE INCIDENT (USING CLERY LOCATION CATEGORIES) AND THE CLERY CRIME CATEGORY. THIS REPORTING PROTECTS THE IDENTITY OF THE VICTIM AND MAY BE DONE ANONYMOUSLY.

VICTIMS OF SEXUAL MISCONDUCT SHOULD BE AWARE THAT COLLEGE ADMINISTRATORS MUST ISSUE TIMELY WARNINGS FOR INCIDENTS REPORTED TO THEM THAT POSE A SUBSTANTIAL THREAT OF BODILY HARM OR DANGER TO MEMBERS OF THE CAMPUS COMMUNITY. THE COLLEGE WILL MAKE EVERY EFFORT TO ENSURE THAT A VICTIM'S NAME AND OTHER IDENTIFYING INFORMATION IS NOT DISCLOSED WHILE STILL PROVIDING ENOUGH INFORMATION FOR COMMUNITY MEMBERS TO MAKE SAFETY DECISIONS IN LIGHT OF THE POTENTIAL DANGER.

## X. Frequently Asked Questions Regarding Reporting

THE FOLLOWING ARE SOME OF THE MOST COMMONLY ASKED QUESTIONS REGARDING THE COLLEGE'S SEXUAL MISCONDUCT POLICY AND PROCEDURES.

### ■ DOES INFORMATION ABOUT A COMPLAINT REMAIN PRIVATE?

THE PRIVACY OF ALL PARTIES TO A COMPLAINT OF SEXUAL MISCONDUCT MUST BE RESPECTED, EXCEPT INsofar AS IT INTERFERES WITH THE COLLEGE'S OBLIGATION TO FULLY INVESTIGATE ALLEGATIONS OF SEXUAL MISCONDUCT. WHERE PRIVACY IS NOT STRICTLY KEPT, IT WILL STILL BE TIGHTLY CONTROLLED ON A NEED-TO-KNOW BASIS. DISSEMINATION OF INFORMATION AND/OR WRITTEN MATERIALS TO PERSONS NOT INVOLVED IN THE COMPLAINT PROCEDURE IS NOT PERMITTED. VIOLATIONS OF THE PRIVACY OF THE COMPLAINANT OR THE ACCUSED INDIVIDUAL MAY LEAD TO CONDUCT ACTION BY THE COLLEGE.

IN ALL COMPLAINTS OF SEXUAL MISCONDUCT, ALL PARTIES WILL BE INFORMED OF THE OUTCOME. IN SOME INSTANCES, THE ADMINISTRATION ALSO MAY CHOOSE TO MAKE A BRIEF PUBLIC ANNOUNCEMENT OF THE NATURE OF THE VIOLATION AND THE ACTION TAKEN, WITHOUT USING THE NAME OR IDENTIFIABLE INFORMATION OF THE ALLEGED VICTIM. CERTAIN COLLEGE ADMINISTRATORS ARE INFORMED OF THE OUTCOME WITHIN THE BOUNDS OF STUDENT PRIVACY (E.G., THE PRESIDENT OF THE COLLEGE, VICE PRESIDENT OF STUDENT SERVICES, CAMPUS SECURITY OFFICER). IF THERE IS A REPORT OF AN ACT OF ALLEGED SEXUAL MISCONDUCT TO A CONDUCT OFFICER OF THE COLLEGE AND THERE IS EVIDENCE THAT A FELONY HAS OCCURRED, LOCAL POLICE WILL BE NOTIFIED. THIS DOES NOT MEAN CHARGES WILL BE AUTOMATICALLY FILED OR THAT A VICTIM MUST SPEAK WITH THE POLICE, BUT THE INSTITUTION IS LEGALLY REQUIRED TO NOTIFY LAW ENFORCEMENT AUTHORITIES. THE INSTITUTION ALSO MUST STATISTICALLY REPORT THE OCCURRENCE ON CAMPUS OF MAJOR VIOLENT CRIMES, INCLUDING CERTAIN SEX OFFENSES, IN AN ANNUAL REPORT OF CAMPUS CRIME STATISTICS. THIS STATISTICAL REPORT DOES NOT INCLUDE PERSONALLY IDENTIFIABLE INFORMATION.

### ■ WILL MY PARENTS BE TOLD?

NO, NOT UNLESS YOU TELL THEM OR UNLESS YOU ARE A MINOR. WHETHER YOU ARE THE COMPLAINANT OR THE ACCUSED INDIVIDUAL, THE COLLEGE'S PRIMARY RELATIONSHIP IS TO THE STUDENT AND NOT THE PARENT. HOWEVER, IN THE EVENT OF MAJOR MEDICAL, DISCIPLINARY, OR ACADEMIC JEOPARDY, STUDENTS ARE ENCOURAGED TO INFORM THEIR PARENTS. COLLEGE OFFICIALS WILL DIRECTLY INFORM PARENTS WHEN REQUESTED TO DO SO BY A STUDENT, IN A LIFE-THREATENING SITUATION, OR IF AN ACCUSED INDIVIDUAL HAS SIGNED THE PERMISSION FORM AT REGISTRATION WHICH ALLOWS SUCH COMMUNICATION.

### ■ WILL THE ACCUSED INDIVIDUAL KNOW MY IDENTITY?

YES, IF YOU FILE A FORMAL COMPLAINT. SEXUAL MISCONDUCT IS A SERIOUS OFFENSE AND THE ACCUSED INDIVIDUAL HAS THE RIGHT TO KNOW THE IDENTITY OF THE COMPLAINANT/ALLEGED VICTIM. IF THERE IS A HEARING, THE COLLEGE DOES PROVIDE OPTIONS FOR QUESTIONING WITHOUT CONFRONTATION, INCLUDING CLOSED-CIRCUIT TESTIMONY, SKYPE, USING A ROOM DIVIDER OR USING SEPARATE HEARING ROOMS.

### ■ DO I HAVE TO NAME THE PERPETRATOR?

YES, IF YOU WANT FORMAL DISCIPLINARY ACTION TO BE TAKEN AGAINST THE ALLEGED PERPETRATOR. NO, IF YOU CHOOSE TO RESPOND INFORMALLY AND DO NOT FILE A FORMAL COMPLAINT (BUT YOU SHOULD CONSULT THE REPORTING POLICY ABOVE TO BETTER UNDERSTAND THE COLLEGE'S LEGAL OBLIGATIONS DEPENDING ON WHAT INFORMATION YOU SHARE WITH DIFFERENT COLLEGE OFFICIALS). VICTIMS SHOULD BE AWARE THAT NOT IDENTIFYING THE PERPETRATOR MAY LIMIT THE INSTITUTION'S ABILITY TO RESPOND COMPREHENSIVELY.

### ■ WHAT DO I DO IF I AM ACCUSED OF SEXUAL MISCONDUCT?

DO NOT CONTACT THE ALLEGED VICTIM. YOU MAY IMMEDIATELY WANT TO CONTACT SOMEONE WHO CAN ACT AS YOUR ADVOCATE (ADVISOR); ANYONE MAY SERVE AS YOUR ADVOCATE. YOU MAY ALSO CONTACT THE STUDENT SERVICES OFFICE OR THE COORDINATOR OF EQUITY & COMPLIANCE, WHICH CAN EXPLAIN THE COLLEGE'S PROCEDURES FOR ADDRESSING SEXUAL MISCONDUCT COMPLAINTS. YOU MAY ALSO WANT TO TALK TO ONE OF THE COLLEGE'S CONFIDENTIAL COUNSELORS OR SEEK OTHER COMMUNITY ASSISTANCE.

### ■ WILL I (AS A VICTIM) HAVE TO PAY FOR COUNSELING/OR MEDICAL CARE?

NOT TYPICALLY, IF THE INSTITUTION PROVIDES THESE SERVICES ALREADY. IF A VICTIM IS ACCESSING COMMUNITY AND NON-INSTITUTIONAL SERVICES, PAYMENT FOR THESE WILL BE SUBJECT TO STATE/LOCAL LAWS, INSURANCE REQUIREMENTS, ETC. IN THIS STATE, VICTIMS MAY BE INELIGIBLE FOR STATE-BASED ASSISTANCE IF THEY WERE ENGAGED IN ANY ILLEGAL ACTIVITY DURING THE ASSAULT OR IF THEY FAIL TO COOPERATE WITH CRIMINAL PROSECUTION.

### ■ WHAT ABOUT LEGAL ADVICE?

VICTIMS OF CRIMINAL SEXUAL ASSAULT NEED NOT RETAIN A PRIVATE ATTORNEY TO PURSUE PROSECUTION BECAUSE REPRESENTATION WILL BE HANDLED BY THE DISTRICT ATTORNEY'S (PROSECUTOR'S) OFFICE. YOU MAY WANT TO RETAIN AN ATTORNEY IF YOU ARE THE ACCUSED INDIVIDUAL OR ARE CONSIDERING FILING A CIVIL ACTION. THE ACCUSED INDIVIDUAL MAY RETAIN COUNSEL AT THEIR OWN EXPENSE IF THEY DETERMINE THAT THEY NEED LEGAL ADVICE ABOUT CRIMINAL PROSECUTION.

### ■ WHAT ABOUT CHANGING RESIDENCE HALL ROOMS?

IF YOU WANT TO MOVE, YOU MAY REQUEST A ROOM CHANGE. ROOM CHANGES UNDER THESE CIRCUMSTANCES ARE CONSIDERED EMERGENCIES. IT IS TYPICALLY INSTITUTIONAL POLICY THAT IN EMERGENCY ROOM CHANGES, THE STUDENT IS MOVED TO THE FIRST AVAILABLE SUITABLE ROOM. IF YOU WANT THE ACCUSED INDIVIDUAL TO MOVE AND BELIEVE THAT YOU HAVE BEEN THE VICTIM OF SEXUAL MISCONDUCT, YOU MUST BE WILLING TO PURSUE A FORMAL OR INFORMAL COLLEGE COMPLAINT. NO CONTACT ORDERS CAN BE IMPOSED AND ROOM CHANGES FOR THE ACCUSED INDIVIDUAL CAN USUALLY BE ARRANGED QUICKLY. OTHER ACCOMMODATIONS AVAILABLE TO YOU MIGHT INCLUDE

- ASSISTANCE FROM COLLEGE SUPPORT STAFF IN COMPLETING THE RELOCATION;
- ARRANGING TO DISSOLVE A HOUSING CONTRACT AND PRO-RATING A REFUND;
- ASSISTANCE WITH OR RESCHEDULING AN ACADEMIC ASSIGNMENT (PAPER, EXAMS, ETC.);
- TAKING AN INCOMPLETE IN A CLASS;
- ASSISTANCE WITH TRANSFERRING CLASS SECTIONS;
- TEMPORARY WITHDRAWAL;
- ASSISTANCE WITH ALTERNATIVE COURSE COMPLETION OPTIONS;
- OTHER ACCOMMODATIONS FOR SAFETY AS NECESSARY.

### ■ WHAT SHOULD I DO ABOUT PRESERVING EVIDENCE OF A SEXUAL ASSAULT?

POLICE ARE IN THE BEST POSITION TO SECURE EVIDENCE OF A CRIME. PHYSICAL EVIDENCE OF A CRIMINAL SEXUAL ASSAULT MUST BE COLLECTED FROM THE ALLEGED VICTIM'S PERSON WITHIN 120 HOURS, THOUGH EVIDENCE CAN OFTEN BE OBTAINED FROM TOWELS, SHEETS, CLOTHES, ETC. FOR MUCH LONGER PERIODS OF TIME. IF YOU BELIEVE YOU HAVE BEEN A VICTIM OF A CRIMINAL SEXUAL ASSAULT, YOU SHOULD GO TO THE HOSPITAL EMERGENCY ROOM BEFORE WASHING YOURSELF OR YOUR CLOTHING. THE SEXUAL ASSAULT NURSE EXAMINER (A SPECIFICALLY TRAINED NURSE) AT THE HOSPITAL IS USUALLY ON CALL 24 HOURS A DAY, 7 DAYS A WEEK (CALL THE EMERGENCY ROOM IF YOU FIRST WANT TO SPEAK TO THE NURSE; ER WILL REFER YOU). A VICTIM ADVOCATE FROM THE INSTITUTION CAN ALSO ACCOMPANY YOU TO THE HOSPITAL AND LAW ENFORCEMENT OR CAMPUS SECURITY CAN PROVIDE TRANSPORTATION. IF A VICTIM GOES TO THE HOSPITAL, LOCAL POLICE WILL BE CALLED, BUT S/HE IS NOT OBLIGATED TO TALK TO THE POLICE OR TO PURSUE PROSECUTION. HAVING THE EVIDENCE COLLECTED IN THIS MANNER WILL HELP TO KEEP ALL OPTIONS AVAILABLE TO A VICTIM BUT WILL NOT OBLIGATE HIM OR HER TO ANY COURSE OF ACTION. COLLECTING EVIDENCE CAN ASSIST THE AUTHORITIES IN PURSUING CRIMINAL CHARGES, SHOULD THE VICTIM DECIDE LATER TO EXERCISE IT.

FOR THE VICTIM: THE HOSPITAL STAFF WILL COLLECT EVIDENCE, CHECK FOR INJURIES, ADDRESS PREGNANCY CONCERNS AND ADDRESS THE POSSIBILITY OF EXPOSURE TO SEXUALLY TRANSMITTED INFECTIONS. IF YOU HAVE CHANGED CLOTHING SINCE THE ASSAULT, BRING THE CLOTHING YOU HAD ON AT THE TIME OF THE ASSAULT WITH YOU TO THE HOSPITAL IN A CLEAN SANITARY CONTAINER SUCH AS A CLEAN PAPER GROCERY BAG OR WRAPPED IN A CLEAN SHEET (PLASTIC CONTAINERS DO NOT BREATHE, AND MAY RENDER EVIDENCE USELESS). IF YOU HAVE NOT CHANGED CLOTHES, BRING A CHANGE OF CLOTHES WITH YOU TO THE HOSPITAL IF POSSIBLE, AS THEY WILL LIKELY KEEP THE CLOTHES YOU ARE WEARING AS EVIDENCE. YOU CAN TAKE A SUPPORT PERSON WITH YOU TO THE HOSPITAL, AND THEY CAN ACCOMPANY YOU THROUGH THE EXAM IF YOU WANT. DO NOT DISTURB THE CRIME SCENE—LEAVE ALL SHEETS, TOWELS, ETC. THAT MAY BEAR EVIDENCE FOR THE POLICE TO COLLECT.

### ■ WILL A VICTIM BE SANCTIONED WHEN REPORTING A SEXUAL MISCONDUCT POLICY VIOLATION IF S/HE HAS ILLEGALLY USED DRUGS OR ALCOHOL?

NO. THE SEVERITY OF THE INFRACTION WILL DETERMINE THE NATURE OF THE COLLEGE'S RESPONSE, BUT WHENEVER POSSIBLE THE COLLEGE WILL RESPOND EDUCATIONALLY RATHER THAN PUNITIVELY TO THE ILLEGAL USE OF DRUGS AND/OR ALCOHOL. THE SERIOUSNESS OF SEXUAL MISCONDUCT IS A MAJOR CONCERN AND THE COLLEGE DOES NOT WANT ANY OF THE CIRCUMSTANCES (E.G., DRUG OR ALCOHOL USE) TO INHIBIT THE REPORTING OF SEXUAL MISCONDUCT.

### ■ WILL THE USE OF DRUGS OR ALCOHOL AFFECT THE OUTCOME OF A SEXUAL MISCONDUCT COMPLAINT?

THE USE OF ALCOHOL AND/OR DRUGS BY EITHER PARTY WILL NOT DIMINISH THE ACCUSED INDIVIDUAL'S RESPONSIBILITY. ON THE OTHER HAND, ALCOHOL AND/OR DRUG USE IS LIKELY TO AFFECT THE COMPLAINANT'S MEMORY AND, THEREFORE, MAY AFFECT THE OUTCOME OF THE COMPLAINT. A PERSON BRINGING A COMPLAINT OF SEXUAL MISCONDUCT MUST EITHER REMEMBER THE ALLEGED INCIDENT OR HAVE SUFFICIENT CIRCUMSTANTIAL EVIDENCE, PHYSICAL EVIDENCE, AND/OR WITNESSES TO PROVE HER/HIS COMPLAINT. IF THE COMPLAINANT DOES NOT REMEMBER THE CIRCUMSTANCES OF THE ALLEGED INCIDENT, IT MAY NOT BE POSSIBLE TO IMPOSE SANCTIONS ON THE ACCUSED WITHOUT FURTHER CORROBORATING INFORMATION. USE OF ALCOHOL AND/OR OTHER DRUGS WILL NEVER EXCUSE A VIOLATION BY AN ACCUSED INDIVIDUAL.

### ■ WILL EITHER PARTY'S PRIOR USE OF DRUGS AND/OR ALCOHOL BE A FACTOR WHEN REPORTING SEXUAL MISCONDUCT?

NOT UNLESS THERE IS A COMPELLING REASON TO BELIEVE THAT PRIOR USE OR ABUSE IS RELEVANT TO THE PRESENT COMPLAINT.

### ■ WHAT SHOULD I DO IF I AM UNCERTAIN ABOUT WHAT HAPPENED?

IF YOU BELIEVE THAT YOU HAVE EXPERIENCED SEXUAL MISCONDUCT BUT ARE UNSURE OF WHETHER IT WAS A VIOLATION OF THE INSTITUTION'S SEXUAL MISCONDUCT POLICY, YOU SHOULD CONTACT THE COLLEGE'S COORDINATOR OF EQUITY & COMPLIANCE OR THE COLLEGE'S COUNSELING OFFICE. THE COLLEGE PROVIDES NON-LEGAL ADVOCATES (ADVISORS) WHO CAN HELP YOU TO DEFINE AND CLARIFY THE EVENT(S) AND ADVISE YOU OF YOUR OPTIONS.

# Equity Grievance Process for Resolving Grievances of Harassment, SEXUAL MISCONDUCT and OTHER FORMS OF Discrimination

THE COLLEGE WILL ACT ON ANY FORMAL OR INFORMAL GRIEVANCE OR NOTICE OF VIOLATION OF THE POLICY ON EQUAL OPPORTUNITY, HARASSMENT AND NONDISCRIMINATION, THAT IS RECEIVED BY THE COORDINATOR OF EQUITY & COMPLIANCE, HIS OR HER DEPUTIES (IF/WHEN APPLICABLE), A MEMBER OF THE EQUITY GRIEVANCE PANEL, A MEMBER OF THE ADMINISTRATION, OR A RESPONSIBLE EMPLOYEE (AS DESIGNATED BY COLLEGE POLICY).

THE PROCEDURES DESCRIBED BELOW WILL APPLY TO ALL GRIEVANCES INVOLVING STUDENTS, STAFF OR FACULTY MEMBERS. REDRESS AND REQUESTS FOR RESPONSIVE ACTIONS FOR GRIEVANCES BROUGHT INVOLVING NON-MEMBERS OF THE COMMUNITY ARE ALSO COVERED BY THESE PROCEDURES.

## I. Equity Grievance Panel (EGP)

### A. Membership Roles

MEMBERS OF THE EGP ARE ANNOUNCED IN AN ANNUAL DISTRIBUTION OF THIS POLICY TO CAMPUS, PROSPECTIVE STUDENTS, THEIR PARENTS AND PROSPECTIVE EMPLOYEES. THE LIST OF MEMBERS AND A DESCRIPTION OF THE PANEL CAN BE FOUND AT [WWW.HUTCHCC.EDU](http://www.hutchcc.edu). MEMBERS OF THE EGP ARE TRAINED IN ALL ASPECTS OF THE GRIEVANCE PROCESS AND CAN SERVE IN ANY OF THE FOLLOWING ROLES AT THE DIRECTION OF THE COORDINATOR OF EQUITY & COMPLIANCE

- TO PROVIDE SENSITIVE INTAKE AND INITIAL COUNSELING OF GRIEVANCES
- TO SERVE IN A MEDIATION ROLE IN CONFLICT RESOLUTION
- TO INVESTIGATE GRIEVANCES
- TO ACT AS ADVOCATES (ADVISORS) TO THOSE INVOLVED IN GRIEVANCES
- TO SERVE ON HEARING PANELS FOR GRIEVANCES
- TO SERVE ON APPEAL PANELS FOR GRIEVANCES

EGP MEMBERS ALSO RECOMMEND PROACTIVE POLICIES AND SERVE IN AN EDUCATIVE ROLE FOR THE COMMUNITY. THE PRESIDENT, IN CONSULTATION WITH THE COORDINATOR OF EQUITY & COMPLIANCE, APPOINTS THE PANEL WHICH REPORTS TO THE COORDINATOR OF EQUITY & COMPLIANCE. EGP MEMBERS RECEIVE ANNUAL TRAINING ORGANIZED BY THE COORDINATOR OF EQUITY & COMPLIANCE, INCLUDING A REVIEW OF COLLEGE POLICIES AND PROCEDURES, SO THAT THEY ARE ABLE TO PROVIDE ACCURATE INFORMATION TO MEMBERS OF THE COMMUNITY. ALL EGP MEMBERS ARE REQUIRED TO ATTEND THIS ANNUAL TRAINING.

### B. Membership

THE EQUITY GRIEVANCE PANEL INCLUDES

- AT LEAST 2 CO-CHAIRS: ONE REPRESENTATIVE FROM HUMAN RESOURCES AND ONE FROM STUDENT SERVICES, ETC.
- ONE ADMINISTRATIVE HEARING OFFICER WHO IS AN EX OFFICIO MEMBER AND SERVES AS CHAIR OF GRIEVANCE PANEL HEARINGS FOR GRIEVANCES INVOLVING STUDENT RESPONDING PARTIES SUCH AS THE VICE PRESIDENT OF STUDENT SERVICES OR HER/HIS DESIGNEE
- AT LEAST 2 MEMBERS OF ACADEMIC AFFAIRS ADMINISTRATORS AND/OR FACULTY
- AT LEAST 2 MEMBERS OF THE ADMINISTRATION
- AT LEAST 2 MEMBERS OF THE STAFF
- AT LEAST 1 REPRESENTATIVE FROM CAMPUS SECURITY AND/OR CAMPUS FACILITIES
- AT LEAST 1 REPRESENTATIVE FROM HUMAN RESOURCE
- AT LEAST 1 REPRESENTATIVE FROM ATHLETICS

PANEL MEMBERS ARE USUALLY APPOINTED TO THREE-YEAR TERMS. APPOINTMENTS TO THE EGP SHOULD BE MADE WITH ATTENTION TO REPRESENTATION OF GROUPS PROTECTED BY THE HARASSMENT AND NON-DISCRIMINATION POLICY. INDIVIDUALS WHO ARE INTERESTED IN SERVING ON THE EGP ARE ENCOURAGED TO CONTACT THE COORDINATOR OF EQUITY & COMPLIANCE.

## II. Filing a grievance

ANY MEMBER OF THE COMMUNITY, GUEST OR VISITOR WHO BELIEVES THAT THE POLICY ON EQUAL OPPORTUNITY, HARASSMENT AND NONDISCRIMINATION HAS BEEN VIOLATED SHOULD CONTACT THE COORDINATOR OF EQUITY & COMPLIANCE OR A MEMBER OF THE EGP. IT IS ALSO POSSIBLE FOR EMPLOYEES TO NOTIFY A SUPERVISOR, OR FOR STUDENTS TO NOTIFY AN ADMINISTRATIVE ADVISOR OR FACULTY MEMBER, OR ANY MEMBER OF THE COMMUNITY MAY CONTACT CAMPUS SECURITY. THESE INDIVIDUALS WILL IN TURN NOTIFY THE COORDINATOR OF EQUITY & COMPLIANCE. THE COLLEGE WEBSITE MAY ALSO INCLUDE A REPORTING FORM, IF AVAILABLE, WHICH MAY SERVE TO INITIATE A GRIEVANCE.

ALL EMPLOYEES RECEIVING REPORTS OF A POTENTIAL VIOLATION OF COLLEGE POLICY ARE EXPECTED TO PROMPTLY CONTACT THE COORDINATOR OF EQUITY & COMPLIANCE, WITHIN 24 HOURS OF BECOMING AWARE OF A REPORT OR INCIDENT. ALL INITIAL CONTACTS WILL BE TREATED WITH THE MAXIMUM POSSIBLE PRIVACY; SPECIFIC INFORMATION ON ANY GRIEVANCES RECEIVED BY ANY PARTY WILL BE REPORTED TO THE COORDINATOR OF EQUITY & COMPLIANCE, BUT, SUBJECT TO THE COLLEGE'S OBLIGATION TO REDRESS VIOLATIONS, EVERY EFFORT WILL BE MADE TO MAINTAIN THE PRIVACY OF THOSE INITIATING A REPORT OF A GRIEVANCE. IN ALL CASES, THE COLLEGE WILL GIVE CONSIDERATION TO THE PARTY BRINGING A GRIEVANCE WITH RESPECT TO HOW THE GRIEVANCE IS PURSUED, BUT RESERVES THE RIGHT, WHEN NECESSARY TO PROTECT THE COMMUNITY, TO INVESTIGATE AND PURSUE A RESOLUTION WHEN AN ALLEGED VICTIM CHOOSES NOT TO INITIATE OR PARTICIPATE IN A FORMAL GRIEVANCE.

## III. Grievance Intake

FOLLOWING RECEIPT OF NOTICE OF A GRIEVANCE, THE COORDINATOR OF EQUITY & COMPLIANCE [21] WILL, PROMPTLY ASSIGN AN EGP PANEL MEMBER TO WORK AS AN ADVOCATE (ADVISOR) TO THE PERSON WHO REPORTED THE GRIEVANCE OR, IF SO DESIRED BY THE PARTY BRINGING A GRIEVANCE, THE PARTY BRINGING A GRIEVANCE MAY CHOOSE FROM THE EGP POOL (OR CHOOSE A NON-TRAINED ADVOCATE FROM OUTSIDE THE POOL, IF PREFERRED, OR PROCEED WITHOUT AN ADVOCATE). NORMALLY, WITHIN TWO BUSINESS DAYS, AN INITIAL DETERMINATION IS MADE WHETHER A POLICY VIOLATION MAY HAVE OCCURRED AND/OR WHETHER CONFLICT RESOLUTION MIGHT BE APPROPRIATE. IF THE GRIEVANCE DOES NOT APPEAR TO ALLEGE A POLICY VIOLATION OR IF CONFLICT RESOLUTION IS DESIRED BY THE PARTY BRINGING A GRIEVANCE AND APPEARS APPROPRIATE GIVEN THE NATURE OF THE ALLEGED BEHAVIOR, THEN THE GRIEVANCE DOES NOT PROCEED TO INVESTIGATION.

A FULL INVESTIGATION WILL NECESSARILY BE PURSUED IF THERE IS EVIDENCE OF A PATTERN OF MISCONDUCT OR A PERCEIVED THREAT OF FURTHER HARM TO THE COMMUNITY OR ANY OF ITS MEMBERS. THE COLLEGE AIMS TO COMPLETE ALL INVESTIGATIONS WITHIN A 60 BUSINESS DAY TIME PERIOD, WHICH CAN BE EXTENDED AS NECESSARY FOR APPROPRIATE CAUSE BY THE COORDINATOR OF EQUITY & COMPLIANCE WITH NOTICE TO THE PARTIES.

IN CAMPUS INVESTIGATIONS AND HEARINGS, LEGAL TERMS LIKE "GUILT," "INNOCENCE," AND "BURDENS OF PROOF" ARE NOT APPLICABLE, BUT THE COLLEGE NEVER ASSUMES A STUDENT IS IN VIOLATION OF COLLEGE POLICY. CAMPUS INVESTIGATIONS AND HEARINGS ARE CONDUCTED TO TAKE INTO ACCOUNT THE TOTALITY OF ALL EVIDENCE AVAILABLE FROM ALL RELEVANT SOURCES.

THE COLLEGE RESERVES THE RIGHT TO TAKE WHATEVER MEASURES IT DEEMS NECESSARY IN RESPONSE TO AN ALLEGATION OF SEXUAL MISCONDUCT IN ORDER TO PROTECT STUDENTS' RIGHTS AND PERSONAL SAFETY. SUCH MEASURES INCLUDE, BUT ARE NOT LIMITED TO, MODIFICATION OF LIVING ARRANGEMENTS, INTERIM SUSPENSION FROM CAMPUS PENDING A HEARING, AND REPORTING THE MATTER TO LOCAL LAW ENFORCEMENT. NOT ALL FORMS OF HARASSMENT OF MISCONDUCT WILL BE DEEMED TO BE EQUALLY SERIOUS OFFENSES, AND THE COLLEGE RESERVES THE RIGHT TO IMPOSE DIFFERENT SANCTIONS, RANGING FROM VERBAL WARNING TO EXPULSION, DEPENDING ON THE SEVERITY OF THE OFFENSE. THE COLLEGE WILL CONSIDER THE CONCERNS AND RIGHTS OF BOTH THE PARTY BRINGING A GRIEVANCE AND THE RESPONDENT (PERSON ACCUSED OF MISCONDUCT).

## IV. Investigation

IF A PARTY BRINGING A GRIEVANCE WISHES TO PURSUE A FORMAL GRIEVANCE OR IF THE COLLEGE, BASED ON THE ALLEGED POLICY VIOLATION, WISHES TO PURSUE A FORMAL GRIEVANCE, THEN THE COORDINATOR OF EQUITY & COMPLIANCE APPOINTS EGP MEMBERS TO CONDUCT THE INVESTIGATION, USUALLY WITHIN TWO BUSINESS DAYS OF DETERMINING THAT A GRIEVANCE SHOULD PROCEED. INVESTIGATION OF GRIEVANCES BROUGHT DIRECTLY BY THOSE ALLEGING HARM SHOULD BE COMPLETED EXPEDITIOUSLY, NORMALLY WITHIN 10 BUSINESS DAYS OF NOTICE TO THE COORDINATOR OF EQUITY & COMPLIANCE. THE INVESTIGATION MAY TAKE LONGER WHEN INITIAL GRIEVANCES FAIL TO PROVIDE DIRECT FIRST-HAND INFORMATION. THE COLLEGE MAY UNDERTAKE A SHORT DELAY (3-10 DAYS, TO ALLOW EVIDENCE COLLECTION) WHEN CRIMINAL CHARGES ON THE BASIS OF THE SAME BEHAVIORS THAT INVOLVE THIS PROCESS ARE BEING INVESTIGATED. COLLEGE ACTION WILL NOT BE ALTERED OR PRECLUDED ON THE GROUNDS THAT CIVIL OR CRIMINAL CHARGES INVOLVING THE SAME INCIDENT HAVE BEEN FILED OR THAT CHARGES HAVE BEEN DISMISSED OR REDUCED. ALL INVESTIGATIONS WILL BE THOROUGH, RELIABLE, AND IMPARTIAL, AND WILL ENTAIL INTERVIEWS WITH ALL RELEVANT PARTIES AND WITNESSES, OBTAINING AVAILABLE EVIDENCE AND IDENTIFYING SOURCES OF EXPERT INFORMATION IF NECESSARY.

## V. Interim Remedies

IF, IN THE JUDGMENT OF THE COORDINATOR OF EQUITY & COMPLIANCE, THE SAFETY OR WELL-BEING OF ANY MEMBER(S) OF THE CAMPUS COMMUNITY MAY BE JEOPARDIZED BY THE PRESENCE ON-CAMPUS OF THE ACCUSED INDIVIDUAL OR THE ONGOING ACTIVITY OF A STUDENT ORGANIZATION WHOSE BEHAVIOR IS IN QUESTION, THE COORDINATOR OF EQUITY & COMPLIANCE (OR DESIGNEE) MAY PROVIDE INTERIM REMEDIES INTENDED TO ADDRESS THE SHORT-TERM EFFECTS OF HARASSMENT, DISCRIMINATION AND/OR RETALIATION, I.E., TO REDRESS HARM TO THE ALLEGED VICTIM AND THE COMMUNITY AND TO PREVENT FURTHER VIOLATIONS. THESE REMEDIES MAY INCLUDE REFERRAL TO COUNSELING AND HEALTH SERVICES OR TO THE EMPLOYEE ASSISTANCE PROGRAM (IF AVAILABLE), EDUCATION TO THE COMMUNITY, ALTERING THE HOUSING SITUATION OF AN ACCUSED STUDENT OR RESIDENT EMPLOYEE (OR THE ALLEGED VICTIM, IF DESIRED), ALTERING WORK ARRANGEMENTS FOR EMPLOYEES, PROVIDING CAMPUS ESCORTS, IMPLEMENTING CONTACT

LIMITATIONS BETWEEN THE PARTIES, OFFERING ADJUSTMENTS TO ACADEMIC DEADLINES, COURSE SCHEDULES, ETC.

THE COLLEGE MAY INTERIM SUSPEND A STUDENT, EMPLOYEE, OR ORGANIZATION PENDING THE COMPLETION OF EGP INVESTIGATION AND PROCEDURES. IN ALL CASES IN WHICH AN INTERIM SUSPENSION IS IMPOSED, THE STUDENT, EMPLOYEE, OR STUDENT ORGANIZATION WILL BE GIVEN THE OPPORTUNITY TO MEET WITH THE COORDINATOR OF EQUITY & COMPLIANCE PRIOR TO SUCH SUSPENSION BEING IMPOSED, OR AS SOON THEREAFTER AS REASONABLY POSSIBLE, TO SHOW CAUSE WHY THE SUSPENSION SHOULD NOT BE IMPLEMENTED. THE COORDINATOR OF EQUITY & COMPLIANCE HAS SOLE DISCRETION TO IMPLEMENT OR STAY AN INTERIM SUSPENSION UNDER THE POLICY ON EQUAL OPPORTUNITY, HARASSMENT AND NONDISCRIMINATION, AND TO DETERMINE ITS CONDITIONS AND DURATION. VIOLATION OF AN INTERIM SUSPENSION UNDER THIS POLICY WILL BE GROUNDS FOR EXPULSION OR TERMINATION.

DURING AN INTERIM SUSPENSION OR ADMINISTRATIVE LEAVE, A STUDENT OR EMPLOYEE MAY BE DENIED ACCESS TO COLLEGE HOUSING AND/OR THE COLLEGE CAMPUS/FACILITIES/EVENTS. AS DETERMINED BY THE COORDINATOR OF EQUITY & COMPLIANCE (OR DESIGNEE), THIS RESTRICTION INCLUDES CLASSES AND/OR ALL OTHER COLLEGE ACTIVITIES OR PRIVILEGES FOR WHICH THE STUDENT MIGHT OTHERWISE BE ELIGIBLE. AT THE DISCRETION OF COORDINATOR OF EQUITY & COMPLIANCE (OR DESIGNEE), ALTERNATIVE COURSEWORK OPTIONS MAY BE PURSUED TO ENSURE AS MINIMAL AN IMPACT AS POSSIBLE ON THE ACCUSED STUDENT.

## VI. Grievance Resolution

DURING OR UPON THE COMPLETION OF INVESTIGATION, THE INVESTIGATORS WILL MEET WITH THE COORDINATOR OF EQUITY & COMPLIANCE. BASED ON THAT MEETING, THE COORDINATOR OF EQUITY & COMPLIANCE WILL MAKE A DECISION ON WHETHER THERE IS REASONABLE CAUSE TO PROCEED WITH THE GRIEVANCE. IF THE COORDINATOR OF EQUITY & COMPLIANCE DECIDES THAT NO POLICY VIOLATION HAS OCCURRED OR THAT THE PREPONDERANCE OF EVIDENCE (I.E., WHETHER IT IS MORE LIKELY THAN NOT THAT THE ACCUSED INDIVIDUAL COMMITTED EACH ALLEGED VIOLATION) DOES NOT SUPPORT A FINDING OF A POLICY VIOLATION, THEN THE PROCESS WILL END UNLESS THE PARTY BRINGING A GRIEVANCE REQUESTS THAT THE COORDINATOR OF EQUITY & COMPLIANCE MAKES AN EXTRAORDINARY DETERMINATION TO RE-OPEN THE INVESTIGATION OR TO FORWARD THE MATTER FOR A HEARING. THIS DECISION LIES IN THE SOLE DISCRETION OF THE COORDINATOR OF EQUITY & COMPLIANCE. IF THERE IS REASONABLE CAUSE, THE COORDINATOR OF EQUITY & COMPLIANCE WILL DIRECT THE INVESTIGATION TO CONTINUE, OR IF THERE IS A PREPONDERANCE OF EVIDENCE OF A VIOLATION, THEN THE COORDINATOR OF EQUITY & COMPLIANCE MAY RECOMMEND CONFLICT RESOLUTION, A RESOLUTION WITHOUT A HEARING, OR A FORMAL HEARING, BASED ON THE BELOW CRITERIA.

### A. Conflict Resolution

CONFLICT RESOLUTION IS OFTEN USED FOR LESS SERIOUS, YET INAPPROPRIATE, BEHAVIORS AND IS ENCOURAGED AS AN ALTERNATIVE TO THE FORMAL HEARING PROCESS TO RESOLVE CONFLICTS. THE COORDINATOR OF EQUITY & COMPLIANCE WILL DETERMINE IF CONFLICT RESOLUTION IS APPROPRIATE, BASED ON THE WILLINGNESS OF THE PARTIES, THE NATURE OF THE CONDUCT AT ISSUE AND THE SUSCEPTIBILITY OF THE CONDUCT TO CONFLICT RESOLUTION. IN A CONFLICT RESOLUTION MEETING, AN EGP MEMBER WILL FACILITATE A DIALOGUE WITH THE PARTIES TO AN EFFECTIVE RESOLUTION, IF POSSIBLE. SANCTIONS ARE NOT POSSIBLE AS THE RESULT OF A CONFLICT RESOLUTION PROCESS, THOUGH THE PARTIES MAY AGREE TO APPROPRIATE REMEDIES. THE COORDINATOR OF EQUITY & COMPLIANCE WILL KEEP RECORDS OF ANY RESOLUTION THAT IS REACHED, AND FAILURE TO ABIDE BY THE ACCORD CAN RESULT IN APPROPRIATE RESPONSIVE ACTIONS.

CONFLICT RESOLUTION WILL NOT BE THE PRIMARY RESOLUTION MECHANISM USED TO ADDRESS GRIEVANCES OF SEXUAL MISCONDUCT OR VIOLENT BEHAVIOR OF ANY KIND OR IN OTHER CASES OF SERIOUS VIOLATIONS OF POLICY, THOUGH IT MAY BE MADE AVAILABLE AFTER THE FORMAL PROCESS IS COMPLETED SHOULD THE PARTIES AND THE COORDINATOR OF EQUITY & COMPLIANCE BELIEVE THAT IT COULD BE BENEFICIAL. IT IS NOT NECESSARY TO PURSUE CONFLICT RESOLUTION FIRST IN ORDER TO MAKE A FORMAL EGP GRIEVANCE, AND ANYONE PARTICIPATING IN CONFLICT RESOLUTION CAN STOP THAT PROCESS AT ANY TIME AND REQUEST A FORMAL HEARING.

### B. Resolution Without a Hearing

RESOLUTION WITHOUT A HEARING CAN BE PURSUED FOR ANY BEHAVIOR THAT FALLS WITHIN THE POLICY ON EQUAL OPPORTUNITY, HARASSMENT AND NONDISCRIMINATION, AT ANY TIME DURING THE PROCESS. THE COORDINATOR OF EQUITY & COMPLIANCE WILL PROVIDE WRITTEN NOTIFICATION OF A GRIEVANCE TO ANY MEMBER OF THE COLLEGE COMMUNITY WHO IS ACCUSED OF AN OFFENSE OF HARASSMENT, DISCRIMINATION, OR RETALIATION. THE COORDINATOR OF EQUITY & COMPLIANCE [TOGETHER WITH THE INVESTIGATOR(S)] WILL MEET WITH THE RESPONDING INDIVIDUAL TO EXPLAIN THE FINDING(S) OF THE INVESTIGATION. ONCE INFORMED, THE RESPONDING PARTY MAY CHOOSE TO ADMIT RESPONSIBILITY FOR ALL OR PART OF THE ALLEGED POLICY VIOLATIONS AT ANY POINT IN THE PROCESS. IF SO, THE COORDINATOR OF EQUITY & COMPLIANCE WILL RENDER A FINDING THAT THE INDIVIDUAL IS IN VIOLATION OF COLLEGE POLICY FOR THE ADMITTED CONDUCT, AND WILL NORMALLY PROCEED TO CONVENE A FORMAL HEARING ON ANY REMAINING DISPUTED VIOLATIONS. FOR ADMITTED VIOLATIONS, THE APPROPRIATE CO-CHAIR OF THE EGP WILL RECOMMEND AN APPROPRIATE SANCTION OR RESPONSIVE ACTION. IF THE SANCTION/RESPONSIVE ACTION IS ACCEPTED BY BOTH THE PARTY BRINGING A GRIEVANCE AND RESPONDING PARTY, THE COORDINATOR OF EQUITY & COMPLIANCE WILL IMPLEMENT IT, AND ACT PROMPTLY AND EFFECTIVELY TO REMEDY THE EFFECTS OF THE ADMITTED CONDUCT UPON THE VICTIM AND THE COMMUNITY. IF EITHER PARTY REJECTS THE SANCTION/RESPONSIVE ACTION, AN EGP HEARING WILL BE HELD ON THE SANCTION/RESPONSIVE ACTION ONLY, ACCORDING TO THE EGP PROCEDURES BELOW, EXCEPT IN THE CASE OF AT-WILL EMPLOYEES FOR WHOM FINDINGS AND RESPONSIVE ACTIONS WILL BE DETERMINED BY THE DIRECTOR OF HUMAN RESOURCES, IN COOPERATION WITH THE COORDINATOR OF EQUITY & COMPLIANCE, BASED ON THE RESULTS OF THE INVESTIGATION.

### C. Formal Hearing

FOR ANY GRIEVANCES THAT ARE NOT APPROPRIATE FOR CONFLICT RESOLUTION AND WHICH ARE NOT RESOLVED WITHOUT A HEARING, THE COORDINATOR OF EQUITY & COMPLIANCE WILL INITIATE A FORMAL HEARING OR FOR EMPLOYEES FOR WHOM NO HEARING PROCESS IS AVAILABLE AND WILL REFER HER/HIS FINDINGS TO THE DIRECTOR OF HUMAN RESOURCES FOR JOINT IMPLEMENTATION.

## VII. Formal EGP Procedure

### A. Hearing Panels

THE COORDINATOR OF EQUITY & COMPLIANCE WILL APPOINT A NON-VOTING PANEL CHAIR (ONE OF THE EGP CO-CHAIRS [OR THEIR DESIGNEE]; THE ADMINISTRATIVE HEARING OFFICER [OR HER/HIS DESIGNEE]), DEPENDING ON WHETHER THE RESPONDING PARTY IS A FACULTY MEMBER, OTHER EMPLOYEE, OR STUDENT, AND THREE MEMBERS OF THE EGP TO THE HEARING PANEL, NONE OF WHOM HAVE BEEN PREVIOUSLY INVOLVED WITH THE GRIEVANCE. EGP MEMBERS WHO SERVED AS INVESTIGATORS WILL BE WITNESSES IN THE HEARING OF THE GRIEVANCE AND THEREFORE MAY NOT SERVE AS HEARING PANEL MEMBERS. HEARING PANELS MAY INCLUDE BOTH FACULTY AND NON-FACULTY EMPLOYEES WITH A LEAST ONE FACULTY OR ACADEMIC AFFAIRS EMPLOYEE SELECTED IN A GRIEVANCE INVOLVING A FACULTY MEMBER. NO MEMBER OF THE PANEL MAY BE A PRACTICING ATTORNEY. THE PANEL WILL MEET AT TIMES DETERMINED BY THE CHAIR.

### B. Notification of Charges

AT LEAST ONE WEEK PRIOR TO THE HEARING, OR AS FAR IN ADVANCE AS IS REASONABLY POSSIBLE IF AN ACCELERATED HEARING IS SCHEDULED WITH THE CONSENT OF THE PARTIES, THE EGP CO-CHAIR WILL SEND A LETTER TO THE PARTIES WITH THE FOLLOWING INFORMATION. ONCE MAILED, EMAILED, AND/OR RECEIVED IN-PERSON, NOTICE WILL BE PRESUMPTIVELY DELIVERED. THE LETTER WILL CONTAIN

- A DESCRIPTION OF THE ALLEGED VIOLATION(S), A DESCRIPTION OF THE APPLICABLE PROCEDURES, AND A STATEMENT OF THE POTENTIAL SANCTIONS/RESPONSIVE ACTIONS THAT COULD RESULT.
- THE TIME, DATE, AND LOCATION OF THE HEARING AND A REMINDER THAT ATTENDANCE IS MANDATORY, SUPERSEDING ALL OTHER CAMPUS ACTIVITIES. IF ANY PARTY DOES NOT APPEAR AT THE SCHEDULED HEARING, THE HEARING WILL BE HELD IN THEIR ABSENCE. FOR COMPELLING REASONS, THE CO-CHAIR MAY RESCHEDULE THE HEARING.
- THE PARTIES MAY HAVE THE ASSISTANCE OF AN EGP PANEL MEMBER, OR OTHER ADVOCATE (ADVISOR), AT THE HEARING. TYPICALLY, ADVOCATES ARE MEMBERS OF THE CAMPUS COMMUNITY, BUT THE COORDINATOR OF EQUITY & COMPLIANCE MAY GRANT PERMISSION FOR AN OUTSIDE ADVOCATE UPON REQUEST. THE ADVOCATE MAY NOT MAKE A PRESENTATION OR REPRESENT THE PARTY BRINGING A GRIEVANCE OR RESPONDING PARTY DURING THE HEARING. THE PARTIES TO THE HEARING ARE EXPECTED TO ASK AND RESPOND TO QUESTIONS ON THEIR OWN BEHALF, WITHOUT REPRESENTATION BY THEIR ADVOCATE. THE ADVOCATE MAY CONSULT WITH THE PARTY QUIETLY OR IN WRITING, OR OUTSIDE THE HEARING DURING BREAKS, BUT MAY NOT SPEAK ON BEHALF OF THE ADVISEE TO THE PANEL.
- HEARINGS FOR POSSIBLE VIOLATIONS THAT OCCUR NEAR OR AFTER THE END OF AN ACADEMIC TERM WILL BE HELD IMMEDIATELY AFTER THE END OF THE TERM OR DURING THE SUMMER, AS NEEDED, TO MEET THE RESOLUTION TIMELINE FOLLOWED BY THE COLLEGE AND REMAIN WITHIN THE 60-DAY GOAL FOR RESOLUTION.

### C. Hearing Procedures

EGP HEARINGS WILL BE CONVENED, USUALLY WITHIN ONE TO TWO WEEKS OF THE COMPLETION OF THE INVESTIGATION, AND WILL BE CONDUCTED IN PRIVATE. THE EGP HAS THE AUTHORITY TO HEAR ALL COLLATERAL MISCONDUCT, MEANING THAT IT HEARS ALL ALLEGATIONS OF DISCRIMINATION, HARASSMENT AND RETALIATION, BUT ALSO MAY HEAR ANY ADDITIONAL ALLEGED POLICY VIOLATIONS THAT HAVE OCCURRED IN CONCERT WITH THE DISCRIMINATION, HARASSMENT OR RETALIATION, EVEN THOUGH THOSE COLLATERAL ALLEGATIONS MAY NOT SPECIFICALLY FALL WITHIN EGP JURISDICTION. ACCORDINGLY, INVESTIGATIONS SHOULD BE CONDUCTED WITH AS WIDE A SCOPE AS NECESSARY.

PARTICIPANTS WILL INCLUDE THE NON-VOTING CHAIR, THE THREE MEMBERS OF THE PANEL, THE INVESTIGATOR(S) WHO CONDUCTED THE INVESTIGATION ON THE GRIEVANCE, THE PARTY BRINGING A GRIEVANCE AND RESPONDING PARTY(IES) (OR THREE ORGANIZATIONAL REPRESENTATIVES IN A CASE WHERE AN ORGANIZATION IS CHARGED), ADVOCATES (ADVISORS) TO THE PARTIES, AND ANY CALLED WITNESSES. THE CHAIR WILL EXCHANGE THE NAMES OF WITNESSES THE COLLEGE INTENDS TO CALL, ALL PERTINENT DOCUMENTARY EVIDENCE AND ANY WRITTEN FINDINGS FROM THE INVESTIGATORS BETWEEN THE PARTIES AT LEAST TWO BUSINESS DAYS PRIOR TO THE HEARING. IN ADDITION, THE PARTIES WILL BE GIVEN A LIST OF THE NAMES OF EACH OF THE EGP PANEL MEMBERS AT LEAST TWO BUSINESS DAYS IN ADVANCE OF THE HEARING. SHOULD EITHER (ANY) PARTY OBJECT TO ANY PANELIST, S/HE MUST RAISE ALL OBJECTIONS, IN WRITING, TO THE CHAIR IMMEDIATELY. PANEL MEMBERS WILL ONLY BE UNSEATED IF THE CHAIR CONCLUDES THAT THEIR BIAS PRECLUDES AN IMPARTIAL HEARING OF THE GRIEVANCE. ADDITIONALLY, ANY PANELIST OR CHAIR WHO FEELS S/HE CANNOT MAKE AN OBJECTIVE DETERMINATION MUST RECUSE HIMSELF OR HERSELF FROM THE PROCEEDINGS WHEN NOTIFIED OF THE IDENTITY OF THE PARTIES AND ALL WITNESSES IN ADVANCE OF THE HEARING.

THE CHAIR, IN CONSULTATION WITH THE PARTIES AND INVESTIGATORS, MAY DECIDE IN ADVANCE OF THE HEARING THAT CERTAIN WITNESSES DO NOT NEED TO BE PHYSICALLY PRESENT IF THEIR TESTIMONY CAN BE ADEQUATELY SUMMARIZED BY THE INVESTIGATOR(S) DURING THE HEARING. ALL PARTIES WILL HAVE AMPLE OPPORTUNITY TO PRESENT FACTS AND ARGUMENTS IN FULL AND QUESTION ALL PRESENT WITNESSES DURING THE HEARING, THOUGH FORMAL CROSS-EXAMINATION IS NOT USED BETWEEN THE PARTIES. IF ALTERNATIVE QUESTIONING MECHANISMS ARE DESIRED (SCREENS, SKYPE, QUESTIONS DIRECTED THROUGH THE CHAIR, ETC.), THE PARTIES SHOULD REQUEST THEM FROM THE CHAIR AT LEAST TWO BUSINESS DAYS PRIOR TO THE HEARING.

ONCE THE PROCEDURES ARE EXPLAINED AND THE PARTICIPANTS ARE INTRODUCED, THE INVESTIGATOR WILL PRESENT THE REPORT OF THE INVESTIGATION FIRST AND BE SUBJECT TO QUESTIONING BY THE PARTIES AND THE EGP. THE INVESTIGATOR(S) WILL BE PRESENT DURING THE ENTIRE HEARING PROCESS BUT WILL ONLY BE PRESENT DURING DELIBERATIONS AT THE REQUEST OF THE CHAIR. THE FINDINGS OF THE INVESTIGATION ARE NOT BINDING ON THE PANEL, THOUGH ANY UNDISPUTED CONCLUSIONS OF THE INVESTIGATION REPORT WILL NOT BE REVISITED, EXCEPT AS NECESSARY TO DETERMINE SANCTIONS/RESPONSIVE ACTIONS. ONCE THE INVESTIGATOR(S) IS/ARE QUESTIONED, THE EGP WILL PERMIT QUESTIONING OF AND BY THE PARTIES AND OF ANY PRESENT WITNESS. QUESTIONS MAY BE



DIRECTED THROUGH THE PANEL AT THE DISCRETION OF THE CHAIR.

FORMAL RULES OF EVIDENCE WILL NOT APPLY. ANY EVIDENCE THAT THE PANEL BELIEVES IS RELEVANT AND CREDIBLE MAY BE CONSIDERED, INCLUDING HISTORY AND PATTERN EVIDENCE. THE CHAIR WILL ADDRESS ANY EVIDENTIARY CONCERNS PRIOR TO AND/OR DURING THE HEARING, MAY EXCLUDE IRRELEVANT OR IMMATERIAL EVIDENCE AND MAY ASK THE PANEL TO DISREGARD EVIDENCE LACKING IN CREDIBILITY. THE CHAIR WILL DETERMINE ALL QUESTIONS OF PROCEDURE AND EVIDENCE. ANYONE APPEARING AT THE HEARING TO PROVIDE INFORMATION WILL RESPOND TO QUESTIONS ON HER/HIS OWN BEHALF.

UNLESS THE CHAIR DETERMINES IT IS APPROPRIATE, NO ONE WILL PRESENT INFORMATION OR RAISE QUESTIONS CONCERNING (1) INCIDENTS NOT DIRECTLY RELATED TO THE POSSIBLE VIOLATION, UNLESS THEY SHOW A PATTERN, OR (2) THE SEXUAL HISTORY OF OR THE CHARACTER OF THE VICTIM/PARTY BRINGING A GRIEVANCE.

THERE WILL BE NO OBSERVERS IN THE HEARING. THE CHAIR MAY ALLOW WITNESSES WHO HAVE RELEVANT INFORMATION TO APPEAR AT A PORTION OF THE HEARING IN ORDER TO RESPOND TO SPECIFIC QUESTIONS FROM THE PANEL OR THE PARTIES INVOLVED. THE PANEL DOES NOT HEAR FROM CHARACTER WITNESSES BUT WILL ACCEPT UP TO TWO LETTERS SUPPORTING THE CHARACTER OF THE INDIVIDUALS INVOLVED.

IN HEARINGS INVOLVING MORE THAN ONE ACCUSED INDIVIDUAL OR IN WHICH TWO PARTIES BRINGING A GRIEVANCES HAVE ACCUSED THE SAME INDIVIDUAL OF SUBSTANTIALLY SIMILAR CONDUCT, THE STANDARD PROCEDURE WILL BE TO HEAR THE GRIEVANCES JOINTLY; HOWEVER, THE COORDINATOR OF EQUITY & COMPLIANCE MAY PERMIT THE HEARING PERTINENT TO EACH RESPONDING PARTY TO BE CONDUCTED SEPARATELY. IN JOINT HEARINGS, SEPARATE DETERMINATIONS OF RESPONSIBILITY WILL BE MADE FOR EACH RESPONDING PARTY.

PROCEEDINGS ARE PRIVATE. ALL PERSONS PRESENT AT ANY TIME DURING THE HEARING ARE EXPECTED TO MAINTAIN THE PRIVACY OF THE PROCEEDINGS, SUBJECT TO COLLEGE CONSEQUENCES FOR FAILURE TO DO SO. WHILE THE CONTENTS OF THE HEARING ARE PRIVATE, THE PARTIES HAVE DISCRETION TO SHARE THEIR OWN EXPERIENCES IF THEY SO CHOOSE AND SHOULD DISCUSS DOING SO WITH THEIR ADVOCATES.

HEARINGS ARE RECORDED FOR PURPOSES OF REVIEW IN THE EVENT OF AN APPEAL. EGP MEMBERS, THE PARTIES AND/OR THE PERSONS WHO INITIATED THE ACTION, AND APPROPRIATE ADMINISTRATIVE OFFICERS OF THE COLLEGE WILL BE ALLOWED TO LISTEN TO THE RECORDING IN A LOCATION DETERMINED BY THE COORDINATOR OF EQUITY & COMPLIANCE OR DESIGNEE. NO PERSON WILL BE GIVEN OR BE ALLOWED TO MAKE A COPY OF THE RECORDING WITHOUT PERMISSION OF THE COORDINATOR OF EQUITY & COMPLIANCE. PERSONS GIVEN ACCESS TO THE RECORDING WILL BE REQUIRED TO SIGN AN AGREEMENT CONFIRMING THAT THEY WILL PROTECT THE PRIVACY OF THE INFORMATION CONTAINED IN THE RECORDING.

## D. Decisions

THE EGP WILL DELIBERATE IN CLOSED SESSION TO DETERMINE WHETHER THE RESPONDING PARTY IS RESPONSIBLE OR NOT RESPONSIBLE FOR THE VIOLATION(S) IN QUESTION. THE PANEL WILL BASE ITS DETERMINATION ON A PREPONDERANCE OF THE EVIDENCE (I.E., WHETHER IT IS MORE LIKELY THAN NOT THAT THE ACCUSED INDIVIDUAL COMMITTED EACH ALLEGED VIOLATION). IF AN INDIVIDUAL RESPONDING PARTY OR ORGANIZATION IS FOUND RESPONSIBLE BY A MAJORITY OF THE PANEL, THE PANEL WILL RECOMMEND APPROPRIATE SANCTIONS TO THE COORDINATOR OF EQUITY & COMPLIANCE.

THE CHAIR WILL PREPARE A WRITTEN DELIBERATION REPORT AND DELIVER IT TO THE COORDINATOR OF EQUITY & COMPLIANCE, DETAILING THE FINDING, HOW EACH MEMBER VOTED, THE INFORMATION CITED BY THE PANEL IN SUPPORT OF ITS RECOMMENDATION AND ANY INFORMATION THE HEARING PANEL EXCLUDED FROM ITS CONSIDERATION AND WHY. THE REPORT SHOULD CONCLUDE WITH ANY RECOMMENDED SANCTIONS. THIS REPORT SHOULD NOT EXCEED TWO PAGES IN LENGTH AND MUST BE SUBMITTED TO THE COORDINATOR OF EQUITY & COMPLIANCE WITHIN TWO (2) DAYS OF THE END OF DELIBERATIONS.

THE COORDINATOR OF EQUITY & COMPLIANCE WILL INFORM THE RESPONDING PARTY AND THE PARTY BRINGING A GRIEVANCE OF THE FINAL DETERMINATION WITHIN 2-3 BUSINESS DAYS OF THE HEARING, WITHOUT SIGNIFICANT TIME DELAY BETWEEN NOTIFICATIONS. NOTIFICATION WILL BE MADE IN WRITING AND MAY BE DELIVERED BY ONE OR MORE OF THE FOLLOWING METHODS: IN PERSON, MAILED TO THE LOCAL OR PERMANENT ADDRESS OF THE PARTIES AS INDICATED IN OFFICIAL COLLEGE RECORDS, OR EMAILED TO THE PARTIES' COLLEGE-ISSUED EMAIL ACCOUNT. ONCE MAILED, EMAILED, AND/OR RECEIVED IN-PERSON, NOTICE WILL BE PRESUMPTIVELY DELIVERED.

## E. Sanctions

SANCTIONS OR RESPONSIVE ACTIONS WILL BE DETERMINED BY THE EGP. FACTORS CONSIDERED WHEN DETERMINING A SANCTION/RESPONSIVE ACTION MAY INCLUDE

- THE NATURE, SEVERITY OF, AND CIRCUMSTANCES SURROUNDING THE VIOLATION
- AN INDIVIDUAL'S DISCIPLINARY HISTORY
- PREVIOUS GRIEVANCES OR ALLEGATIONS INVOLVING SIMILAR CONDUCT
- ANY OTHER INFORMATION DEEMED RELEVANT BY THE EGP
- THE NEED FOR SANCTIONS/RESPONSIVE ACTIONS TO BRING AN END TO THE DISCRIMINATION, HARASSMENT, AND/OR RETALIATION
- THE NEED FOR SANCTIONS/RESPONSIVE ACTIONS TO PREVENT THE FUTURE RECURRENCE OF DISCRIMINATION, HARASSMENT, AND/OR RETALIATION
- THE NEED TO REMEDY THE EFFECTS OF THE DISCRIMINATION, HARASSMENT, AND/OR RETALIATION ON THE VICTIM AND THE COMMUNITY

### 1. Examples of Possible Student Sanctions

THE FOLLOWING ARE THE USUAL SANCTIONS THAT MAY BE IMPOSED UPON STUDENTS OR ORGANIZATIONS SINGLY OR IN COMBINATION:

- **WARNING:** A FORMAL STATEMENT THAT THE BEHAVIOR WAS UNACCEPTABLE AND A WARNING THAT FURTHER INFRACTIONS OF ANY COLLEGE POLICY, PROCEDURE OR DIRECTIVE WILL RESULT IN MORE SEVERE SANCTIONS/RESPONSIVE ACTIONS. **PROBATION:** A WRITTEN REPRIMAND FOR VIOLATION OF THE CODE OF STUDENT CONDUCT, PROVIDING FOR MORE SEVERE DISCIPLINARY SANCTIONS IN THE EVENT THAT THE STUDENT OR ORGANIZATION IS FOUND IN VIOLATION OF ANY COLLEGE POLICY, PROCEDURE OR DIRECTIVE WITHIN A SPECIFIED PERIOD OF TIME. TERMS OF THE PROBATION WILL BE SPECIFIED AND MAY INCLUDE DENIAL OF SPECIFIED SOCIAL PRIVILEGES, EXCLUSION FROM CO-CURRICULAR ACTIVITIES, NON-CONTACT ORDERS AND/OR OTHER MEASURES DEEMED APPROPRIATE.
- **SUSPENSION:** TERMINATION OF STUDENT STATUS FOR A DEFINITE PERIOD OF TIME NOT TO EXCEED TWO YEARS, AND/OR UNTIL SPECIFIC CRITERIA ARE MET. STUDENTS WHO RETURN FROM SUSPENSION ARE AUTOMATICALLY PLACED ON PROBATION THROUGH THE REMAINDER OF THEIR TENURE AT THE COLLEGE. THIS SANCTION MAY BE NOTED AS A CONDUCT SUSPENSION ON THE STUDENT'S OFFICIAL TRANSCRIPT.
- **EXPULSION:** PERMANENT TERMINATION OF STUDENT STATUS, REVOCATION OF RIGHTS TO BE ON CAMPUS FOR ANY REASON OR ATTEND COLLEGE-SPONSORED EVENTS. THIS SANCTION MAY BE NOTED AS A CONDUCT EXPULSION ON THE STUDENT'S OFFICIAL TRANSCRIPT.
- **WITHHOLDING DIPLOMA.** THE COLLEGE MAY WITHHOLD A STUDENT'S DIPLOMA FOR A SPECIFIED PERIOD OF TIME AND/OR DENY A STUDENT PARTICIPATION IN COMMENCEMENT ACTIVITIES IF THE STUDENT HAS A GRIEVANCE PENDING OR AS A SANCTION IF THE STUDENT IS FOUND RESPONSIBLE FOR AN ALLEGED VIOLATION.
- **REVOCATION OF DEGREE.** THE COLLEGE RESERVES THE RIGHT TO REVOKE A DEGREE AWARDED FROM THE COLLEGE FOR FRAUD, MISREPRESENTATION OR OTHER VIOLATION OF COLLEGE POLICIES, PROCEDURES OR DIRECTIVES IN OBTAINING THE DEGREE, OR FOR OTHER SERIOUS VIOLATIONS COMMITTED BY A STUDENT PRIOR TO GRADUATION.
- **ORGANIZATIONAL SANCTIONS.** DEACTIVATION, DE-RECOGNITION, LOSS OF ALL PRIVILEGES (INCLUDING UNIVERSITY REGISTRATION), FOR A SPECIFIED PERIOD OF TIME.
- **OTHER ACTIONS:** IN ADDITION TO OR IN PLACE OF THE ABOVE SANCTIONS, THE COLLEGE MAY ASSIGN ANY OTHER SANCTIONS AS DEEMED APPROPRIATE.

### 2. Employee Sanctions

RESPONSIVE ACTIONS FOR AN EMPLOYEE WHO HAS ENGAGED IN HARASSMENT, DISCRIMINATION, AND/OR RETALIATION INCLUDE WARNING, REQUIRED COUNSELING, DEMOTION, SUSPENSION WITH PAY, SUSPENSION WITHOUT PAY, AND/OR TERMINATION.

## F. Withdrawal or Resignation While Charges Pending

**STUDENTS:** THE COLLEGE DOES NOT PERMIT A STUDENT TO WITHDRAW IF THAT STUDENT HAS A GRIEVANCE PENDING FOR VIOLATION OF THE POLICY ON EQUAL OPPORTUNITY, HARASSMENT AND NONDISCRIMINATION, OR FOR CHARGES UNDER THE CODE OF STUDENT CONDUCT. SHOULD A STUDENT DECIDE TO LEAVE AND NOT PARTICIPATE IN THE INVESTIGATION AND/OR HEARING, THE PROCESS WILL NONETHELESS PROCEED IN THE STUDENT'S ABSENCE TO A REASONABLE RESOLUTION AND THAT STUDENT WILL NOT BE PERMITTED TO RETURN TO COLLEGE UNLESS ALL SANCTIONS HAVE BEEN SATISFIED.

**EMPLOYEES:** SHOULD AN EMPLOYEE RESIGN WHILE CHARGES ARE PENDING, THE RECORDS OF THE COORDINATOR OF EQUITY & COMPLIANCE WILL REFLECT THAT STATUS, AS WILL COLLEGE RESPONSES TO ANY FUTURE INQUIRIES REGARDING EMPLOYMENT REFERENCES FOR THAT INDIVIDUAL. THE COORDINATOR OF EQUITY & COMPLIANCE WILL ACT TO PROMPTLY AND EFFECTIVELY REMEDY THE EFFECTS OF THE CONDUCT UPON THE VICTIM AND THE COMMUNITY.

## G. Appeals

ALL REQUESTS FOR APPEAL CONSIDERATIONS MUST BE SUBMITTED IN WRITING TO THE COORDINATOR OF EQUITY & COMPLIANCE WITHIN THREE BUSINESS DAYS OF THE DELIVERY OF THE WRITTEN FINDING OF THE EGP.

A THREE-MEMBER PANEL OF THE EGP DESIGNATED BY THE COORDINATOR OF EQUITY & COMPLIANCE WHO WAS NOT INVOLVED IN THE GRIEVANCE PREVIOUSLY WILL CONSIDER ALL APPEAL REQUESTS. ANY PARTY MAY APPEAL, BUT APPEALS ARE LIMITED TO THE FOLLOWING:

- A PROCEDURAL ERROR OR OMISSION OCCURRED THAT SIGNIFICANTLY IMPACTED THE OUTCOME OF THE HEARING (E.G., SUBSTANTIATED BIAS, MATERIAL DEVIATION FROM ESTABLISHED PROCEDURES, ETC.).
- TO CONSIDER NEW EVIDENCE, UNKNOWN OR UNAVAILABLE DURING THE ORIGINAL HEARING OR INVESTIGATION, THAT COULD SUBSTANTIALLY IMPACT THE ORIGINAL FINDING OR SANCTION. A SUMMARY OF THIS NEW EVIDENCE AND ITS POTENTIAL IMPACT MUST BE INCLUDED.
- THE SANCTIONS FALL OUTSIDE THE RANGE OF SANCTIONS THE COLLEGE HAS DESIGNATED FOR THIS OFFENSE.

THE APPEALS PANEL OF THE EGP WILL REVIEW THE APPEAL REQUEST(S). THE ORIGINAL FINDING AND SANCTION/RESPONSIVE ACTIONS WILL STAND IF THE APPEAL IS NOT TIMELY OR IS NOT BASED ON THE GROUNDS LISTED ABOVE, AND SUCH A DECISION IS FINAL. WHEN ANY PARTY REQUESTS AN APPEAL, THE OTHER PARTY (PARTIES) WILL BE NOTIFIED AND JOINED IN THE APPEAL. THE PARTY REQUESTING APPEAL MUST SHOW THAT THE GROUNDS FOR AN APPEAL REQUEST HAVE BEEN MET, AND THE OTHER PARTY OR PARTIES MAY SHOW THE GROUNDS HAVE NOT BEEN MET, OR THAT ADDITIONAL GROUNDS ARE

MET. THE ORIGINAL FINDING AND SANCTION ARE PRESUMED TO HAVE BEEN DECIDED REASONABLY AND APPROPRIATELY.

WHERE THE EGP APPEALS PANEL FINDS THAT AT LEAST ONE OF THE GROUNDS IS MET, AND PROCEEDS, ADDITIONAL PRINCIPLES GOVERNING THE HEARING OF APPEALS INCLUDE THE FOLLOWING:

- APPEALS DECISIONS BY THE EGP PANEL ARE TO BE DEFERENTIAL TO THE ORIGINAL DECISION, MAKING CHANGES TO THE FINDING ONLY WHERE THERE IS CLEAR ERROR AND TO THE SANCTION/RESPONSIVE ACTION ONLY IF THERE IS A COMPELLING JUSTIFICATION TO DO SO.
- APPEALS ARE NOT INTENDED TO BE FULL REHEARINGS OF THE GRIEVANCE. IN MOST CASES, APPEALS ARE CONFINED TO A REVIEW OF THE WRITTEN DOCUMENTATION OR RECORD OF THE ORIGINAL HEARING, AND PERTINENT DOCUMENTATION REGARDING THE GROUNDS FOR APPEAL. APPEALS GRANTED BASED ON NEW EVIDENCE SHOULD NORMALLY BE REMANDED TO THE ORIGINAL HEARING PANEL FOR RECONSIDERATION. OTHER APPEALS MAY BE REMANDED AT THE DISCRETION OF THE COORDINATOR OF EQUITY & COMPLIANCE OR HEARD BY THE THREE-MEMBER PANEL OF THE EGP.
- SANCTIONS IMPOSED ARE IMPLEMENTED IMMEDIATELY UNLESS THE COORDINATOR OF EQUITY & COMPLIANCE OR DESIGNEE STAYS THEIR IMPLEMENTATION IN EXTRAORDINARY CIRCUMSTANCES, PENDING THE OUTCOME OF THE APPEAL.
- THE COORDINATOR OF EQUITY & COMPLIANCE WILL NORMALLY, AFTER CONFERRING WITH THE EGP APPEALS PANEL, RENDER A WRITTEN DECISION ON THE APPEAL TO ALL PARTIES WITHIN 2-3 BUSINESS DAYS FROM HEARING OF THE APPEAL.
- ALL PARTIES SHOULD BE INFORMED OF WHETHER THE GROUNDS FOR AN APPEAL ARE ACCEPTED AND THE RESULTS OF THE APPEAL DECISION.
- ONCE AN APPEAL IS DECIDED, THE OUTCOME IS FINAL; FURTHER APPEALS ARE NOT PERMITTED.

## H. Failure to Complete Sanctions/Comply with Responsive Actions

ALL RESPONDING PARTIES ARE EXPECTED TO COMPLY WITH CONDUCT SANCTIONS/RESPONSIVE/CORRECTIVE ACTIONS WITHIN THE TIME FRAME SPECIFIED BY THE COORDINATOR OF EQUITY & COMPLIANCE. FAILURE TO FOLLOW THROUGH ON CONDUCT SANCTIONS/RESPONSIVE/CORRECTIVE ACTIONS BY THE DATE SPECIFIED, WHETHER BY REFUSAL, NEGLIGENCE, OR ANY OTHER REASON, MAY RESULT IN ADDITIONAL SANCTIONS/RESPONSIVE/CORRECTIVE ACTIONS AND/OR SUSPENSION, EXPULSION, AND/OR TERMINATION FROM THE COLLEGE AND MAY BE NOTED ON A STUDENT'S OFFICIAL TRANSCRIPT. A SUSPENSION WILL ONLY BE LIFTED WHEN COMPLIANCE IS ACHIEVED TO THE SATISFACTION OF THE COORDINATOR OF EQUITY & COMPLIANCE.

## I. Records

IN IMPLEMENTING THIS POLICY, RECORDS OF ALL GRIEVANCES, RESOLUTIONS, AND HEARINGS WILL BE KEPT BY THE COORDINATOR OF EQUITY & COMPLIANCE INDEFINITELY IN THE COORDINATOR'S DESIGNATED DATABASE AND/OR FILING SYSTEM.

## J. Statement of the Rights of a Party Bringing a Grievance

- TO BE TREATED WITH RESPECT BY COLLEGE OFFICIALS.
- TO TAKE ADVANTAGE OF CAMPUS SUPPORT RESOURCES (SUCH AS COUNSELING SERVICES, THE HUTCHINSON AREA STUDENT HEALTH SERVICES FOR STUDENTS, OR EAP SERVICES FOR EMPLOYEES [IF SUCH PROGRAM IS AVAILABLE]).
- TO EXPERIENCE A SAFE LIVING, EDUCATIONAL, AND WORK ENVIRONMENT.
- TO HAVE AN ADVOCATE (ADVISOR), IF DESIRED, DURING THIS PROCESS.
- TO REFUSE TO HAVE AN ALLEGATION RESOLVED THROUGH CONFLICT RESOLUTION PROCEDURES.
- TO RECEIVE AMNESTY FOR MINOR STUDENT MISCONDUCT (SUCH AS ALCOHOL OR DRUG VIOLATIONS) THAT IS ANCILLARY TO THE INCIDENT.
- TO BE FREE FROM RETALIATION.
- TO HAVE GRIEVANCES HEARD IN SUBSTANTIAL ACCORDANCE WITH THESE PROCEDURES.
- TO FULL PARTICIPATION OF THE INJURED PARTY IN ANY EGP PROCESS WHETHER THE INJURED PARTY IS SERVING AS THE PARTY BRINGING A GRIEVANCE OR THE COLLEGE IS SERVING AS PARTY BRINGING A GRIEVANCE.
- TO BE INFORMED IN WRITING OF THE OUTCOME/RESOLUTION OF THE GRIEVANCE, SANCTIONS WHERE PERMISSIBLE, AND THE RATIONALE FOR THE OUTCOME WHERE PERMISSIBLE.
- REFER TO LAW ENFORCEMENT AND HAVE ASSISTANCE.
- HOUSING AND LIVING ACCOMMODATIONS.
- NO CONTACTS.

## K. Statement of the Rights of the Responding Party

- TO BE TREATED WITH RESPECT BY COLLEGE OFFICIALS.
- TO TAKE ADVANTAGE OF CAMPUS SUPPORT RESOURCES (SUCH AS COUNSELING SERVICES, THE HUTCHINSON AREA STUDENT HEALTH SERVICES FOR STUDENTS, OR EAP SERVICES FOR EMPLOYEES [IF SUCH PROGRAM IS AVAILABLE]).
- TO HAVE AN ADVOCATE (ADVISOR), IF DESIRED, DURING THIS PROCESS.
- TO REFUSE TO HAVE AN ALLEGATION RESOLVED THROUGH CONFLICT RESOLUTION PROCEDURES.
- TO HAVE GRIEVANCES HEARD IN SUBSTANTIAL ACCORDANCE WITH THESE PROCEDURES.
- TO BE INFORMED OF THE OUTCOME/RESOLUTION OF THE GRIEVANCE AND THE RATIONALE FOR THE OUTCOME IN WRITING.

## VIII. Revision

THESE POLICIES AND PROCEDURES WILL BE REVIEWED AND UPDATED ANNUALLY BY THE COORDINATOR OF EQUITY & COMPLIANCE. THE COORDINATOR OF EQUITY & COMPLIANCE MAY MAKE MINOR MODIFICATIONS TO PROCEDURE THAT DO NOT MATERIALLY JEOPARDIZE THE FAIRNESS OWED TO ANY PARTY. HOWEVER, THE COORDINATOR OF EQUITY & COMPLIANCE MAY ALSO VARY PROCEDURES MATERIALLY WITH NOTICE (ON THE INSTITUTIONAL WEB SITE, WITH APPROPRIATE DATE OF EFFECT IDENTIFIED) UPON DETERMINING THAT CHANGES TO LAW OR REGULATION REQUIRE POLICY OR PROCEDURAL ALTERATIONS NOT REFLECTED IN THIS POLICY AND PROCEDURE. PROCEDURES IN EFFECT AT THE TIME OF ITS IMPLEMENTATION WILL APPLY. POLICY IN EFFECT AT THE TIME OF THE OFFENSE WILL APPLY EVEN IF THE POLICY IS CHANGED SUBSEQUENTLY, UNLESS THE PARTIES CONSENT TO BE BOUND BY THE CURRENT POLICY.

THIS POLICY AND PROCEDURE WAS ORIGINALLY APPROVED BY THE BOARD OF TRUSTEES ON JANUARY 15, 2015.

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[2] SPECIFIC REQUIREMENTS AND TIME FRAMES MAY EXIST FOR FILING COMPLAINTS WITH THESE AGENCIES.

[3] THE DETERMINATION OF WHETHER AN ENVIRONMENT IS "HOSTILE" MUST BE BASED ON ALL OF THE CIRCUMSTANCES. THESE CIRCUMSTANCES COULD INCLUDE

- THE FREQUENCY OF CONDUCT;
- THE NATURE AND SEVERITY OF THE CONDUCT;
- WHETHER THE CONDUCT WAS PHYSICALLY THREATENING;
- WHETHER THE CONDUCT WAS HUMILIATING;
- THE EFFECT OF THE CONDUCT ON THE COMPLAINANT'S MENTAL OR EMOTIONAL STATE;
- WHETHER THE CONDUCT WAS DIRECTED AT MORE THAN ONE PERSON;
- WHETHER THE CONDUCT AROSE IN THE CONTEXT OF OTHER DISCRIMINATORY CONDUCT;
- WHETHER THE CONDUCT UNREASONABLY INTERFERED WITH THE COMPLAINANT'S EDUCATIONAL WORK PERFORMANCE;
- WHETHER THE STATEMENT IS A MERE UTTERANCE OF AN EPITHET WHICH ENGENDERS OFFENSE IN AN EMPLOYEE OR STUDENT, OR OFFENDS BY MERE DISCOURTESY OR RUDENESS;
- WHETHER THE SPEECH OR CONDUCT DESERVES THE PROTECTIONS OF ACADEMIC FREEDOM OR THE 1ST AMENDMENT.

[4] THIS DEFINITION OF HOSTILE ENVIRONMENT IS BASED ON FEDERAL REGISTER / VOL. 59, No. 47 / THURSDAY, MARCH 10, 1994: DEPARTMENT OF EDUCATION OFFICE FOR CIVIL RIGHTS, RACIAL INCIDENTS AND HARASSMENT AGAINST STUDENTS AT EDUCATIONAL INSTITUTIONS INVESTIGATIVE GUIDANCE. THE DOCUMENT IS AVAILABLE AT [HTTP://WWW.ED.GOV/ABOUT/OFFICES/LIST/OCR/DOCS/RACE394.HTML](http://www.ed.gov/about/offices/list/ocr/docs/race394.html)

[5] ALSO OF RELEVANCE IS THE OFFICE OF CIVIL RIGHTS 2001 STATEMENT ON SEXUAL HARASSMENT, "REVISED SEXUAL HARASSMENT GUIDANCE: HARASSMENT OF STUDENTS BY SCHOOL EMPLOYEES, OTHER STUDENTS, OR THIRD PARTIES, TITLE IX," WHICH CAN BE FOUND AT [HTTP://WWW2.ED.GOV/LEGISLATION/FEDREGISTER/OTHER/2001-1/011901B.HTML](http://www2.ed.gov/legislation/FedRegister/other/2001-1/011901b.html), AS WELL AS THE APRIL, 2011 DEAR COLLEAGUE LETTER ON CAMPUS SEXUAL VIOLENCE, WHICH CAN BE FOUND AT: [HTTP://WWW.WHITEHOUSE.GOV/SITES/DEFAULT/FILES/DEAR\\_COLLEAGUE\\_SEXUAL\\_VIOLENCE.PDF](http://www.whitehouse.gov/sites/default/files/dear_colleague_sexual_violence.pdf)

[6] SOME EXAMPLES OF POSSIBLE SEXUAL HARASSMENT INCLUDE

- A PROFESSOR INSISTS THAT A STUDENT HAVE SEX WITH HIM/HER IN EXCHANGE FOR A GOOD GRADE. THIS IS HARASSMENT REGARDLESS OF WHETHER THE STUDENT ACCEDES TO THE REQUEST.
- A STUDENT REPEATEDLY SENDS SEXUALLY ORIENTED JOKES AROUND ON AN EMAIL LIST S/HE CREATED, EVEN WHEN ASKED TO STOP, CAUSING ONE RECIPIENT TO AVOID THE SENDER ON CAMPUS AND IN THE RESIDENCE HALL IN WHICH THEY BOTH LIVE.
- EXPLICIT SEXUAL PICTURES ARE DISPLAYED IN A PROFESSOR'S OFFICE OR ON THE EXTERIOR OF A RESIDENCE HALL DOOR.
- TWO SUPERVISORS FREQUENTLY "RATE" SEVERAL EMPLOYEES' BODIES AND SEX APPEAL, COMMENTING SUGGESTIVELY ABOUT THEIR CLOTHING AND APPEARANCE.
- A PROFESSOR ENGAGES STUDENTS IN HER CLASS IN DISCUSSIONS ABOUT THEIR PAST SEXUAL EXPERIENCES, YET THE CONVERSATION IS NOT IN ANY WAY GERMANE TO THE SUBJECT MATTER OF THE CLASS. SHE PROBES FOR EXPLICIT DETAILS, AND DEMANDS THAT STUDENTS ANSWER HER, THOUGH THEY ARE CLEARLY UNCOMFORTABLE AND HESITANT.
- AN EX-GIRLFRIEND WIDELY SPREADS FALSE STORIES ABOUT HER SEX LIFE WITH HER FORMER BOYFRIEND TO THE CLEAR DISCOMFORT OF THE BOYFRIEND, TURNING HIM INTO A SOCIAL PARIAH ON CAMPUS.

- MALE STUDENTS TAKE TO CALLING A PARTICULAR BRUNETTE STUDENT "MONICA" BECAUSE OF HER RESEMBLANCE TO MONICA LEWINSKY. SOON, EVERYONE ADOPTS THIS NICKNAME FOR HER, AND SHE IS THE TARGET OF RELENTLESS REMARKS ABOUT CIGARS, THE PRESIDENT, "SEXUAL RELATIONS," AND WEIGHT WATCHERS.
- A STUDENT GRABBED ANOTHER STUDENT BY THE HAIR, THEN GRABBED HER BREAST AND PUT HIS MOUTH ON IT. WHILE THIS IS SEXUAL HARASSMENT, IT IS ALSO A FORM OF SEXUAL VIOLENCE.

**[7] QUID PRO QUO SEXUAL HARASSMENT EXISTS WHEN THERE ARE**

1. UNWELCOME SEXUAL ADVANCES, REQUESTS FOR SEXUAL FAVORS OR OTHER VERBAL OR PHYSICAL CONDUCT OF A SEXUAL NATURE; AND
2. SUBMISSION OR REJECTIONS OF SUCH CONDUCT RESULTS IN ADVERSE EDUCATIONAL OR EMPLOYMENT ACTION.

**[8] RETALIATORY HARASSMENT IS ANY ADVERSE EMPLOYMENT OR EDUCATIONAL ACTION TAKEN AGAINST A PERSON BECAUSE OF THE PERSON'S PARTICIPATION IN A COMPLAINT OR INVESTIGATION OF DISCRIMINATION OR SEXUAL MISCONDUCT.**

**[9] THE STATE DEFINITION OF RAPE (SEXUAL ASSAULT), AS OUTLINED BY K.S.A. 44-1131 OR ANY CRIME DEFINED IN CHAPTER 21 ARTICLE 55 OF THE KANSAS STATUTES ANNOTATED, IS PROVIDED BELOW AND IS APPLICABLE TO CRIMINAL PROSECUTIONS FOR RAPE (SEXUAL ASSAULT) IN KANSAS, BUT MAY DIFFER FROM THE DEFINITION USED ON CAMPUS TO ADDRESS POLICY VIOLATIONS.**

**RAPE IS**

1. KNOWINGLY ENGAGING IN SEXUAL INTERCOURSE WITH A VICTIM WHO DOES NOT CONSENT TO THE SEXUAL INTERCOURSE UNDER ANY OF THE FOLLOWING CIRCUMSTANCES:
  - A. WHEN THE VICTIM IS OVERCOME BY FORCE OR FEAR; OR
  - B. WHEN THE VICTIM IS UNCONSCIOUS OR PHYSICALLY POWERLESS;
2. KNOWINGLY ENGAGING IN SEXUAL INTERCOURSE WITH A VICTIM WHEN THE VICTIM IS INCAPABLE OF GIVING CONSENT BECAUSE OF MENTAL DEFICIENCY OR DISEASE, OR WHEN THE VICTIM IS INCAPABLE OF GIVING CONSENT BECAUSE OF THE EFFECT OF ANY ALCOHOLIC LIQUOR, NARCOTIC, DRUG OR OTHER SUBSTANCE, WHICH CONDITION WAS KNOWN BY THE OFFENDER OR WAS REASONABLY APPARENT TO THE OFFENDER;
3. SEXUAL INTERCOURSE WITH A CHILD WHO IS UNDER 14 YEARS OF AGE;
4. SEXUAL INTERCOURSE WITH A VICTIM WHEN THE VICTIM'S CONSENT WAS OBTAINED THROUGH A KNOWING MISREPRESENTATION MADE BY THE OFFENDER THAT THE SEXUAL INTERCOURSE WAS A MEDICALLY OR THERAPEUTICALLY NECESSARY PROCEDURE; OR
5. SEXUAL INTERCOURSE WITH A VICTIM WHEN THE VICTIM'S CONSENT WAS OBTAINED THROUGH A KNOWING MISREPRESENTATION MADE BY THE OFFENDER THAT THE SEXUAL INTERCOURSE WAS A LEGALLY REQUIRED PROCEDURE WITHIN THE SCOPE OF THE OFFENDER'S AUTHORITY.

**[10] FORCE IS THE USE OF PHYSICAL VIOLENCE AND/OR IMPOSING ON SOMEONE PHYSICALLY TO GAIN SEXUAL ACCESS. FORCE ALSO INCLUDES THREATS, INTIMIDATION (IMPLIED THREATS) AND COERCION THAT OVERCOME RESISTANCE OR PRODUCE CONSENT.**

- COERCION IS UNREASONABLE PRESSURE FOR SEXUAL ACTIVITY. COERCIVE BEHAVIOR DIFFERS FROM SEDUCTIVE BEHAVIOR BASED ON THE TYPE OF PRESSURES SOMEONE USES TO GET CONSENT FROM ANOTHER. WHEN SOMEONE MAKES CLEAR TO YOU THAT THEY DO NOT WANT SEX, THAT THEY WANT TO STOP, OR THAT THEY DO NOT WANT TO GO PAST A CERTAIN POINT OF SEXUAL INTERACTION, CONTINUED PRESSURE BEYOND THAT POINT CAN BE COERCIVE.
- NOTE: THERE IS NO REQUIREMENT THAT A PARTY RESISTS THE SEXUAL ADVANCE OR REQUEST, BUT RESISTANCE IS A CLEAR DEMONSTRATION OF NON-CONSENT. THE PRESENCE OF FORCE IS NOT DEMONSTRATED BY THE ABSENCE OF RESISTANCE. SEXUAL ACTIVITY THAT IS FORCED IS BY DEFINITION NON-CONSENSUAL BUT NON-CONSENSUAL SEXUAL ACTIVITY IS NOT BY DEFINITION FORCED.

**[11] POSSESSION, USE AND/OR DISTRIBUTION OF ANY OF THESE SUBSTANCES, INCLUDING, BUT NOT LIMITED TO, ROHYPNOL, KETOMINE, GHB, BURUNDANGA, ETC., IS PROHIBITED, AND ADMINISTERING ONE OF THESE DRUGS TO ANOTHER STUDENT IS A VIOLATION OF THIS POLICY. MORE INFORMATION ABOUT THESE DRUGS CAN BE FOUND AT [HTTP://WWW.911RAPE.ORG/](http://www.911rape.org/)**

**[12] THE STATE MEANING OF 'CONSENT' (OR THE INABILITY TO PROVIDE IT) IS IMPLIED THROUGH THE RELATED STATE DEFINITION OF RAPE (AND/OR SEXUAL ASSAULT), AS OUTLINED BY K.S.A. 44-1131, K.S.A. 21-5501, AND/OR IN CHAPTER 21 ARTICLE 55 OF THE KANSAS STATUTES ANNOTATED. SUCH A DEFINITION MAY DIFFER FROM THE DEFINITION USED ON CAMPUS TO ADDRESS POLICY VIOLATIONS. [SEE EARLIER FOOTNOTE FOR THE DEFINITION OF RAPE (AND/OR SEXUAL ASSAULT)].**

**[13] THE STATE MEANING OF 'HAZING,' AS OUTLINED BY K.S.A. 21-5418 OR ANY CRIME DEFINED IN CHAPTER 21 ARTICLE 54 OF THE KANSAS STATUTES ANNOTATED, IS PROVIDED BELOW. SUCH A DEFINITION MAY DIFFER FROM THE DEFINITION USED ON CAMPUS TO ADDRESS POLICY VIOLATIONS.**

HAZING IS RECKLESSLY COERCING, DEMANDING OR ENCOURAGING ANOTHER PERSON TO PERFORM, AS A CONDITION OF MEMBERSHIP IN A SOCIAL OR FRATERNAL ORGANIZATION, ANY ACT WHICH COULD REASONABLY BE EXPECTED TO RESULT IN GREAT BODILY HARM, DISFIGUREMENT OR DEATH OR WHICH IS DONE IN A MANNER WHEREBY GREAT BODILY HARM, DISFIGUREMENT OR DEATH COULD BE INFLECTED.

**[14] THE FEDERAL DEFINITION OF DATING VIOLENCE, AS OUTLINED BY 42 U.S.C. § 40002(A) OF THE VIOLENCE AGAINST WOMEN ACT OF 1994 AND SUBSEQUENT AMENDMENTS THEREOF, AND FOR WHICH THE COLLEGE IS REQUIRED TO BOTH TRACK AND DISCLOSE INCIDENTS OF IN ITS ANNUAL SECURITY REPORT (ASR), IS APPLICABLE TO CRIMINAL PROSECUTIONS FOR, BUT MAY DIFFER FROM THE DEFINITION USED ON CAMPUS TO ADDRESS POLICY VIOLATIONS.**

**DATING VIOLENCE MEANS VIOLENCE COMMITTED BY A PERSON**

- WHO IS OR HAS BEEN IN A SOCIAL RELATIONSHIP OF A ROMANTIC OR INTIMATE NATURE WITH THE VICTIM; AND
- WHERE THE EXISTENCE OF SUCH A RELATIONSHIP SHALL BE DETERMINED BASED ON A CONSIDERATION OF THE FOLLOWING FACTORS
  - THE LENGTH OF THE RELATIONSHIP;
  - THE TYPE OF RELATIONSHIP; AND
  - THE FREQUENCY OF INTERACTION BETWEEN THE PERSONS INVOLVED IN THE RELATIONSHIP.

**[15] THE STATE DEFINITION OF DOMESTIC VIOLENCE (DOMESTIC BATTERY), AS OUTLINED BY K.S.A. 21-5414 OR ANY CRIME DEFINED IN CHAPTER 21 ARTICLE 54 OF THE KANSAS STATUTES ANNOTATED, IS PROVIDED BELOW AND IS APPLICABLE TO CRIMINAL PROSECUTIONS FOR DOMESTIC VIOLENCE IN KANSAS, BUT MAY DIFFER FROM THE DEFINITION USED ON CAMPUS TO ADDRESS POLICY VIOLATIONS.**

**DOMESTIC VIOLENCE IS**

1. KNOWINGLY OR RECKLESSLY CAUSING BODILY HARM BY A FAMILY OR HOUSEHOLD MEMBER AGAINST A FAMILY OR HOUSEHOLD MEMBER; OR
  2. KNOWINGLY CAUSING PHYSICAL CONTACT WITH A FAMILY OR HOUSEHOLD MEMBER BY A FAMILY OR HOUSEHOLD MEMBER WHEN DONE IN A RUDE, INSULTING OR ANGRY MANNER.
- "FAMILY OR HOUSEHOLD MEMBER" MEANS PERSONS 18 YEARS OF AGE OR OLDER WHO ARE SPOUSES, FORMER SPOUSES, PARENTS OR STEPPARENTS, AND CHILDREN OR STEPCHILDREN, AND PERSONS WHO ARE PRESENTLY RESIDING TOGETHER OR WHO HAVE RESIDED TOGETHER IN THE PAST, AND PERSONS WHO HAVE A CHILD IN COMMON REGARDLESS OF WHETHER THEY HAVE BEEN MARRIED OR WHO HAVE LIVED TOGETHER AT ANY TIME. "FAMILY OR HOUSEHOLD MEMBER" ALSO INCLUDES A MAN AND WOMAN IF THE WOMAN IS PREGNANT AND THE MAN IS ALLEGED TO BE THE FATHER, REGARDLESS OF WHETHER THEY HAVE BEEN MARRIED OR HAVE LIVED TOGETHER AT ANY TIME.

FURTHERMORE, THE FEDERAL DEFINITION OF DOMESTIC VIOLENCE, AS OUTLINED BY 42 U.S.C. § 40002(A) OF THE VIOLENCE AGAINST WOMEN ACT OF 1994 AND SUBSEQUENT AMENDMENTS THEREOF, AND FOR WHICH THE COLLEGE IS REQUIRED TO BOTH TRACK AND DISCLOSE INCIDENTS OF IN ITS ANNUAL SECURITY REPORT (ASR), IS ALSO APPLICABLE.

**DOMESTIC VIOLENCE MEANS A FELONY OR MISDEMEANOR CRIME OF VIOLENCE COMMITTED BY**

- A CURRENT OR FORMER SPOUSE OR INTIMATE PARTNER OF THE VICTIM,
- A PERSON WITH WHOM THE VICTIM SHARES A CHILD IN COMMON,
- A PERSON WHO IS COHABITATING WITH OR HAS COHABITATED WITH THE VICTIM AS A SPOUSE OR INTIMATE PARTNER,
- A PERSON SIMILARLY SITUATED TO A SPOUSE OF THE VICTIM UNDER THE DOMESTIC OR FAMILY VIOLENCE LAWS OF THE JURISDICTION RECEIVING GRANT MONIES, OR
- ANY OTHER PERSON AGAINST AN ADULT OR YOUTH VICTIM WHO IS PROTECTED FROM THAT PERSON'S ACTS UNDER THE DOMESTIC OR FAMILY VIOLENCE LAWS OF THE JURISDICTION.

**[16] RELEVANT EXAMPLES:**

- EMPLOYEE A HAS BEEN IN AN INTIMATE RELATIONSHIP WITH EMPLOYEE B FOR OVER A YEAR; EMPLOYEE A PUNCHES EMPLOYEE B IN THE FACE DURING AN ARGUMENT (DATING VIOLENCE).
- STUDENT A HAS BEEN IN AN INTIMATE RELATIONSHIP WITH STUDENT B FOR OVER A YEAR; STUDENTS A & B LIVE TOGETHER. DURING AN ARGUMENT, STUDENT A SHOVS STUDENT B TO THE GROUND (DOMESTIC VIOLENCE).

**[17] THE STATE DEFINITION OF STALKING IS, AS OUTLINED BY K.S.A. 21-5427 OR ANY CRIME DEFINED IN CHAPTER 21 ARTICLE 54 OF THE KANSAS STATUTES ANNOTATED, IS PROVIDED BELOW AND IS APPLICABLE TO CRIMINAL PROSECUTIONS FOR STALKING IN KANSAS, BUT MAY DIFFER FROM THE DEFINITION USED ON CAMPUS TO ADDRESS POLICY VIOLATIONS.**

**STALKING IS**

1. RECKLESSLY ENGAGING IN A COURSE OF CONDUCT TARGETED AT A SPECIFIC PERSON WHICH WOULD CAUSE A REASONABLE PERSON IN THE CIRCUMSTANCES OF THE TARGETED PERSON TO FEAR FOR SUCH PERSON'S SAFETY, OR THE SAFETY OF A MEMBER OF SUCH PERSON'S IMMEDIATE FAMILY AND THE TARGETED PERSON IS ACTUALLY PLACED IN SUCH FEAR;
2. ENGAGING IN A COURSE OF CONDUCT TARGETED AT A SPECIFIC PERSON WITH KNOWLEDGE THAT THE COURSE OF CONDUCT WILL PLACE THE TARGETED PERSON IN FEAR FOR SUCH PERSON'S SAFETY OR THE SAFETY OF A MEMBER OF SUCH PERSON'S IMMEDIATE FAMILY.

FURTHERMORE, THE FEDERAL DEFINITION OF STALKING, AS OUTLINED BY 42 U.S.C. § 40002(A) OF THE VIOLENCE AGAINST WOMEN ACT OF 1994 AND SUBSEQUENT AMENDMENTS THEREOF, AND FOR WHICH THE COLLEGE IS REQUIRED TO BOTH TRACK AND DISCLOSE INCIDENTS OF IN ITS ANNUAL SECURITY REPORT (ASR), IS ALSO APPLICABLE.

**STALKING MEANS ENGAGING IN A COURSE OF CONDUCT DIRECTED AT A SPECIFIC PERSON THAT WOULD CAUSE A REASONABLE PERSON TO**

- FEAR FOR HIS OR HER SAFETY OR THE SAFETY OF OTHERS; OR
- SUFFER SUBSTANTIAL EMOTIONAL DISTRESS.

**[18] RELEVANT EXAMPLES:**

- EMPLOYEE A RECENTLY ENDED AN INTIMATE RELATIONSHIP WITH EMPLOYEE B. FOR THE PAST THREE WEEKS, B HAS BEEN SENDING A 100 TEXT MESSAGES PER DAY AND WAITS BY A'S CAR AT THE END OF

EACH DAY TO BEG AND PLEAD WITH HER TO TAKE HIM BACK. WHEN SHE REFUSES, HE LOSES CONTROL, MAKES THREATENING GESTURES, AND TELLS HER SHE WILL REGRET THIS. EMPLOYEE A INDICATES SHE IS FEARFUL OF WHAT B MIGHT DO TO HER (STALKING).

- JOE IS A STUDENT ON CAMPUS WHO HAS ALWAYS BEEN FASCINATED BY WOMEN WHO DYE THEIR HAIR. ONE DAY, HE NOTICES MARY LOU, WHOSE HAIR IS DYED A VERY BRIGHT PURPLE. HE FOLLOWS HER HOME TO SEE WHERE SHE LIVES AND BEGINS TO TRACK HER HISTORY, ACTIONS, AND MOVEMENTS ONLINE. HIS FASCINATION INCREASES TO THE POINT WHERE HE FOLLOWS HER FREQUENTLY ON CAMPUS, TAKES PICTURES OF HER WITHOUT HER PERMISSION, AND SPIES THROUGH HER WINDOW AT NIGHT WITH A LONG-RANGE CAMERA LENS. HE WANTS TO HAVE HER BEAUTIFUL PURPLE HAIR FOR HIS OWN SO THAT HE CAN STROKE IT WHENEVER HE WANTS.

**[19]**WHILE THESE OFF-CAMPUS COUNSELORS AND AGENCIES MAY MAINTAIN A VICTIM'S CONFIDENTIALITY VIS-A-VIS THE COLLEGE, THEY MAY HAVE REPORTING OR OTHER OBLIGATIONS UNDER STATE LAW.

**[20]**A "RESPONSIBLE EMPLOYEE" IS A COLLEGE EMPLOYEE WHO HAS THE AUTHORITY TO REDRESS SEXUAL HARASSMENT OR SEXUAL MISCONDUCT, WHO HAS THE DUTY TO REPORT INCIDENTS OF SEXUAL HARASSMENT OR SEXUAL MISCONDUCT, OR WHO A STUDENT COULD REASONABLE BELIEVE TO HAVE THIS AUTHORITY OR DUTY. A RESPONSIBLE EMPLOYEE SHOULD WORK TO ENSURE THAT THE REPORTING PARTY UNDERSTANDS THE EMPLOYEE'S OBLIGATIONS.

**[21]**IF CIRCUMSTANCES REQUIRE, THE PRESIDENT OF THE COLLEGE OR COORDINATOR OF EQUITY & COMPLIANCE MAY DESIGNATE ANOTHER PERSON TO OVERSEE THE PROCESS BELOW, SHOULD A GRIEVANCE BE MADE AGAINST THE COORDINATOR OR THE COORDINATOR BE OTHERWISE UNAVAILABLE OR UNABLE TO FULFILL HER/HIS DUTIES.

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