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| **5.4**   | **Protection Against Sexual Harassment**(*Adopted 10-6-2014*)East Central College is committed to maintaining a workplace and educational environment that is free from sexual harassment based on gender or sexual orientation. The College also prohibits: 1. Retaliatory actions based on making complaints of sexual harassment or based on participation in an investigation, formal proceeding or informal resolution concerning sexual harassment.
2. Aiding, abetting, inciting, compelling or coercing sexual harassment.
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**Procedures** *(Adopted 10-6-2014)*

###  5.4.1 General Rule

 Except as otherwise set forth in Policy, all employees, students and visitors must immediately report to the College for investigation any incident or behavior that could constitute sexual harassment.

 **5.4.2 Definitions – the following definitions apply to this Policy:**

 **Compliance Officer –** The College designated individual(s) responsible for compliance with Title IX in regards to students and employees.

 **Complaint** – An informal or formal report of sexual harassment made to a Compliance Officer.

 **Discrimination –** Conferring, refusing or denying benefits or providing differential treatment to a person or class of persons in violation of law based

 on an employee’s protected status, such as gender or sexual orientation. A complaint of Sex Discrimination as defined herein, is grieved through

 Policy 5.3.

 **Harassment** – A form of discrimination that occurs when the school or work environment becomes permeated with intimidation, ridicule or insult that is sufficiently severe or pervasive enough that it unreasonably alters the employment or educational environment. This is also sometimes referred to as hostile work environment when the harassment is related to an employee’s protected status, such as gender or sexual orientation.

 **Sexual Harassment** – A form of discrimination on the basis of sex. Sexual harassment is unwelcome conduct that occurs when a) benefits or decisions are implicitly or explicitly conditioned upon submission to, or punishment is applied for refusing to comply with, unwelcome sexual advances, requests for sexual favors or conduct of a sexual nature; or b) the school or work environment becomes permeated with intimidation, ridicule or insult that is based on sex or is sexual in nature and that is sufficiently severe or pervasive enough to alter the conditions of participation in the College’s programs and activities or the conditions of employment. Sexual harassment may occur between members of the same or opposite sex.

 Behaviors that could constitute sexual harassment include, but are not limited to:

1. Sexual advances and requests or pressure of any kind for sexual favors, activities or contact.
2. Conditioning grades, promotions, rewards or privileges on submission to sexual favors, activities or contact.
3. Punishing or reprimanding persons who refuse to comply with sexual requests, activities or contact.
4. Graffiti, name calling, slurs, jokes, gestures, display of pictures or written material, or communications of a sexual nature or based on sex.
5. Physical contact or touching of a sexual nature, including touching of intimate parts and sexually motivated or inappropriate patting, pinching or rubbing.

###  5.4.3 Designated Compliance Officer(s)

 The Board of Trustees designates the following individual(s) to act as the College’s compliance officers:

 The Vice President of Student Development will serve as the Administrator for Title IX and Section 504 in regards to students at the College or designated locations. The Administrator has responsibility for compliance as it relates to students. The Administrator is located on the main campus of East Central College at 1964 Prairie Dell Road, 131 Buescher Hall, Union, MO 63084. Phone: 636-584-6565, Email: stnotice@eastcentral.edu.

 The Director of Human Resources will serve as the Deputy Administrator for Title IX and ADA in regards to employees, contractors, and visitors to the

College or designated locations. The Deputy Administrator is located on the

main campus of East Central College, 1964 Prairie Dell Road, MP005, Union, MO 63084. Phone: 636-584-6712, Email: hrnotice@eastcentral.edu.

 **5.4.4 Responsibilities of the Deputy Administrator for Title IX and ADA:**

1. Coordinate compliance with this Policy and the law.
2. Receive all complaints regarding sexual harassment at East Central College in regards to employees, contractors and visitors to the campus or designated locations.
3. Serve as the College’s contact person for compliance with discrimination laws.
4. Investigate or assign persons to investigate complaints; monitor the status of complaints; and recommend consequences.
5. Seek legal advice when necessary to enforce this Policy.
6. Report to the College President and the Board of Trustees aggregate information regarding the number and frequency of complaints and compliance with this Policy.
7. Make recommendations regarding the implementation of this Policy.
8. Coordinate and institute training programs for College staff and supervisors as necessary to meet the goals of this Policy, including instruction in recognizing behavior that constitutes sexual harassment.
9. Perform other duties as assigned by the College President.

###  5.4.5 Informal Complaint Process

 In cases where an employee feels that he/she has been subjected to any suspicious/ questionable behavior or sexual harassment as defined in this Policy, the person may, if appropriate, attempt to resolve the situation by using the following informal procedures:

1. Communicate that the behavior is unwelcome, requesting that the unwelcome behavior stop immediately. Document the date and time of the conversation. Inform the immediate supervisor and/or Human Resources;

 and/or

1. Speak with the appropriate supervisor and/or Human Resources who may

speak with the person whose behavior is unwelcome. Document the date and time of the conversation. The supervisor will document and report the incident to Human Resources.

 Informal complaints that have not been resolved to the satisfaction of the employee will be referred to the Office of Human Resources for investigation and resolution.

###  5.4.6 Formal Complaint Process

 Employees or other individuals, who are not students, and who believe that they have been victims of sexual harassment may file a formal complaint with the

Office of Human Resources for investigation by the Deputy Administrator for Title IX or designee.

 Students who believe they have been victims of sexual harassment, as referenced in Policy 3.25, or sexual violence as referenced in Policy 3.26, may file a formal complaint with the Administrator of Title IX or designee and it will be promptly investigated.

###  5.4.7 Procedure for Investigation of Complaints

 The Deputy Administrator of Title IX or designee will investigate all complaints. All persons are required to cooperate fully in the investigation. The Deputy Administrator of Title IX or designee may utilize an attorney or other professionals to conduct the investigation.

 In determining whether alleged conduct constitutes sexual harassment, the Deputy Administrator of Title IX or designee will consider the surrounding circumstances, the nature of the behavior, the relationships between the parties involved, past incidents, the context in which the alleged incidents occurred and all other relevant information. Whether a particular action or incident constitutes a violation of this Policy requires a determination based on all of the facts and surrounding circumstances. If, after investigation, the Deputy Administrator of Title IX or designee determines that it is more likely than not that sexual harassment or other prohibited behavior has occurred, College officials will take immediate corrective action.

 The following procedures will be used as a guideline for investigating complaints:

1. Interview complainant regarding the nature and specifics of the incident(s)

(complainant will make written statement);

1. Interview the person accused (accused will make written statement); and
2. Interview other possible witnesses, if appropriate (witnesses will make written statements).
3. The Deputy Administrator of Title IX or designee will prepare a written factual findings report.
4. The Deputy Administrator of Title IX or designee will determine if a violation of the Policy more likely than not occurred based on the facts of the investigation.
5. The Deputy Administrator of Title IX or designee will provide the College President a copy of the written report and a recommendation on the determination as to whether or not the alleged conduct is a violation of this Policy.
6. The College President will review the findings and determine the appropriate response and/or corrective action or discipline, if any, according to Policy 5.2.
7. The decision is final and cannot be grieved through Policy 5.3.

###  5.4.8 Confidentiality and Records

 To the extent practical, the College will endeavor to keep confidential the identity of the person filing a complaint, witnesses or other parties interviewed, and any information or other document that is generated or received pertaining to complaints. Information may be disclosed if necessary to further the investigation or resolution of a complaint or if necessary to carry out disciplinary measures. The College will disclose information to the College’s attorney, law enforcement, and others when necessary to enforce this Policy or when required by law. In implementing this Policy, the College will comply with state and federal laws regarding the confidentiality of student and employee records. Information regarding any resulting employee or student disciplinary action will be maintained and released in the same manner as any other disciplinary record.

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###  5.4.9 Employee’s Obligation

 Accountability for compliance with this Policy will be the responsibility of all employees. Employees will be required to complete sexual harassment prevention training as determined by the College.

 Any employee who believes he/she has been a victim of any suspicious/questionable behavior or sexual harassment as defined in this Policy is required to report the incident(s) to the immediate supervisor and Human Resources.

 Any employee who believes or has knowledge that an employee or visitor to the College or designated locations has been a victim of any

suspicious/questionable behavior or sexual harassment as defined in this Policy is required to report the incident(s) to the immediate supervisor and Human Resources.

 Any employee who believes or has knowledge that a student has been a victim of sexual harassment is required to report to the Vice President of Student Development and refer to Policy 3.25 Student Protection Against Discrimination and Harassment.

 Any employee who believes or has knowledge that a student has been a victim of sexual assault, relationship violence or stalking is required to report to the Vice President of Student Development and refer to Policy 3.26 Student Protections Against Sexual Assault, Relationship Violence or Stalking.

 In addition, all employees are required to fully cooperate during an investigation. This includes the requirement that employees should only make truthful reports and complaints.

### 5.4.10 Appropriate Supervisory Relationships

 While it is not the intent of the College to regulate employees’ social interactions or relationships freely entered into, romantic relationships between a supervisor and a directly supervised employee as well as romantic relationships between a faculty member and his/her student are strongly discouraged. Human Resources should be notified of such relationships. Should a supervisor enter into a relationship with a subordinate, the College reserves the right to reassign the employee.

### 5.4.11 Consequences

 Employees who violate this Policy will be disciplined, up to and including employment termination according to Policy 5.2 Employee Conduct and Discipline.

 Contractors, visitors or others who violate this Policy may be prohibited or restricted from the College’s main campus, designated properties or College sanctioned events.