

## **Appendix F: Sexual and Other Unlawful Harassment or Misconduct Policy**

A. In accordance with Title VII of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, and the Clery Act and Violence Against Women Act (VAWA), it is the policy of Gaston College to provide a working and learning environment free from sexual and other unlawful harassment or misconduct. Sexual and other unlawful harassment and misconduct are illegal, strictly prohibited, and will not be tolerated. Individuals who violate this policy are subject to disciplinary action, up to and including expulsion or dismissal, and in some cases, criminal charges.

### **B. Sexual Harassment**

Sexual harassment includes unwelcome sexual advances, requests for sexual favors, and other visual, verbal, or physical conduct of a sexual nature when submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or academic status; submission to, or rejection of, such conduct by an individual is used as the basis for employment or academic decisions affecting the individual; or when such conduct is so severe, persistent, or pervasive that it alters the conditions of education, employment, or participation in a College program or activity, thereby creating an environment that a reasonable person would find hostile, intimidating, or abusive. While a single isolated incident of conduct, unless extreme, may not be sufficient to create a hostile or harassing environment, such conduct itself may be sufficient to constitute another type of harassment violation as provided for by this policy.

#### **Sexual harassment may include, but is not limited to:**

1. Physical assault, including any coerced sexual relations or act.
2. Direct or implied threats that submission to sexual advances will be a condition of employment or academic status such as promotion, grades, or letters of recommendation.
3. Direct propositions of a sexual nature and/or subtle pressure for sexual activity that is unwanted and unreasonably interferes with a person's work or learning environment.
4. A pattern of conduct that unreasonably interferes with the work or learning environment including sexually explicit or suggestive statements, questions, jokes, or anecdotes about a person's physical attributes, clothing, or behavior, regardless of the means of communication (e.g., oral, written, electronic); unwanted touching, patting, hugging, brushing against a person's body, or staring; inquiries and commentaries about sexual activity, experience, or orientation; the display of inappropriate sexually oriented materials in a location where others can view them; and/or sexually stereotyped or sexually charged insults, humor, verbal abuse, or graffiti.

### **C. Title IX**

Title IX of the Education Amendments of 1972 protects individuals from discrimination based on sex. Sexual harassment, which includes acts of sexual violence, is a form of sex discrimination prohibited by Title IX. For matters pursuant to Title IX, the complainant and accused are afforded certain rights and protections as part of any proceedings and outcomes. Additionally, the College appoints Title IX Coordinators to oversee complaints. The College

recognizes that individuals may be reluctant to report instances of sexual misconduct when their own actions are violations of College policy related to the use of drugs and alcohol. While the College does not condone violations of its policy, it will generally extend immunity for alcohol or substance abuse violations as part of reporting instances of sexual misconduct.

Additional information on Title IX, including resources and services to assist students and employees in addressing issues involving sex discrimination and sexual violence, can be found on the Title IX page of the College's website at <http://www.gaston.edu/student-resources/title-ix/> or by contacting Student Affairs or the Office of Human Resources.

#### **D. The Clery Act and Violence Against Women Act (VAWA)**

The Violence Against Women Act (VAWA) amendments to the Clery Act requires the College to maintain and report data related to sexual violence, including incidents of sexual assault, dating violence, domestic violence, and stalking as part of its Annual Security Report (ASR). The ASR also contains information such as definitions of sexual violence and consent; resources and prevention programs aimed to stop sexually violent crimes before they occur, including encouraging safe bystander intervention; guidance for reporting crimes of sexual violence; procedures for investigation; and rights of survivors and those accused of sexual violence, including the right to have an advisor present during proceedings and simultaneous notice of outcomes.

The College's Annual Security Report is available on its website at [www.gaston.edu](http://www.gaston.edu), or by contacting Gaston College's Campus Police and Security Department.

#### **E. Hostile Working or Learning Environment**

Other unlawful harassment or misconduct may consist of unwelcome, inappropriate verbal or physical conduct that denigrates or shows hostility toward an individual and that is sufficiently severe, persistent, and pervasive from both a subjective perspective (i.e., the recipient's view) and from an objective perspective (i.e., a reasonable person's view) that it creates an intimidating, hostile, or offensive working or learning environment; interferes unreasonably with an individual's work or academic performance; or otherwise unreasonable adversely affects an individual's employment or educational opportunities.

#### **F. Other Unlawful Harassment or Misconduct**

Other unlawful harassment or misconduct may include:

1. Threatening or intimidating conduct directed at another because of the individual's race, color, religion, sex, national origin, age, or any other legally protected status.
2. Jokes, name-calling, rumors, ethnic slurs, negative stereotypes, and hostile acts based on an individual's race, color, religion, sex, national origin, age, or any other legally protected status.

## **G. Reporting and Investigations**

1. Employees and students are encouraged to report matters related to sexual and other unlawful harassment or misconduct to a supervisor, instructor, or other College official or administrator, so that a prompt, fair, and impartial investigation into the circumstances of the alleged incident may be conducted. Individuals are encouraged, or may be requested, to place complaints in writing. If a complainant is reluctant to proceed with a complaint, the College may still be compelled to continue with an investigation and act accordingly. In this case, the complainant will be notified of the College's intentions in advance. All proceedings during an investigation will be conducted by trained College officials.
2. Retaliation is prohibited under this policy. Retaliation is defined as acts taken in response to good-faith reporting of sexual and other unlawful harassment or misconduct and participation in an investigation. The protection against retaliation applies to all parties and to all witnesses.
3. Reports of sexual and other unlawful harassment or misconduct are to be made in good faith. Any person who knowingly makes false accusations of sexual and other unlawful harassment or misconduct may be subject to disciplinary action up to and including dismissal or expulsion.
4. The College will make every reasonable effort to conduct all proceedings in a manner that will protect the confidentiality of all parties. However, in certain situations, it may be necessary to disclose information to others on a "need-to-know" basis, or when required to do so by law.
5. At the conclusion of an investigation, all information will be evaluated to determine if a policy or standard was violated. For matters covered by Title IX, a "preponderance of the evidence" standard will be used.
6. If it is determined that a policy or standard was violated, the appropriate action will be taken, which may include, but is not limited to, no-contact orders, removal from College property, restrictions on location, denial of access to College services or programs, class changes, and/or disciplinary actions up to and including dismissal or expulsion.
7. As appropriate or required, the outcome of an investigation will be shared with persons involved in the complaint.

Effective: 9/26/16  
Supersedes: 7/1/16

## **Additional Information on Sexual Harassment or Misconduct**

### Victim's Rights

Persons who report incidents related to a sexual crime or related offense have certain rights as follows:

- Confidential on- and off-campus counseling. See the following section for a listing of College and Community Resources.
- Notify or not notify appropriate campus and/or local law enforcement authorities. If requested, the College will assist with notifying appropriate agencies and authorities.

- When reasonably possible, a change in class assignment, a no-contact order, or a change in working environment to prevent unwanted contact or close proximity with the accused.
- Have a person present for support during various College proceedings.
- Notified of the outcome of an investigation and the procedures for appeal.
- Not be retaliated against for filing a complaint of a sexual crime or related offense, including sexual harassment.

College and Community Resources

The following on- and off-campus counseling services are available to you. Gaston College does not endorse a particular community agency over another.

| <b>Counseling</b>                                       |                              |
|---|------------------------------|
| Provider  | Telephone                    |
| Gaston College Counseling and Career Development Center | 704.922.6220 or 704.748.5209 |
| Carolina Center for Counseling                          | 704.861.2234                 |
| Family Services, Inc.                                   | 704.864.7704                 |
| Partners Behavior Health Management Referral Services   | 888.235.4673                 |
| Phoenix Counseling Center                               | 704.854.4830                 |
| Piedmont Psychological Associates                       | 704.861.0271                 |
| <b>Crisis Lines</b>                                     |                              |
| Provider  | Telephone                    |
| Rape Crisis Centers:                                    |                              |
| Gaston County   | 704.671.2607                 |
| Lincoln County  | 704.240.3441                 |
| 24-hour Crisis Hotline                                  | 704.864.0060                 |
| National Sexual Assault Hotline                         | 1.800.656.HOPE (4673)        |
| National Domestic Violence Hotline                      | 1.800.799.SAFE (7233)        |