

Student Sexual Harassment Policy

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| POLICY: Sexual Harassment | | | |
| POLICY NUMBER: | 700.11 | CUSTODIAN: | Human Resources Technician |
| APV'D DATE: | 7/30/2019 | | |
| EFFECTIVE DATE: | 7/30/2019 | REVIEW DATE: | June 2019 |
| REFERENCES: November 1990 EEOC Guidelines on Sexual harassment, Student Handbook, Student Code of Conduct, Title IX | | | |

Part 1. Policy Background and Purpose

White Earth Tribal and Community College (WETCC) is committed to establishing and maintaining an environment that is free from all forms of discrimination and harassment. This policy was created to prohibit sexual harassment in any college education program or activity, which means all academic, educational, extracurricular and other programs.

Part 2. Definitions

Sexual harassment can include unwelcome sexual advances, requests for sexual favors, sexually motivated physical conduct, and other verbal or physical conduct of a sexual nature when:

- a. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or education, evaluation of a student's academic performance, or term or condition of participation in student activities or in other events or activities sanctioned by the college; or
- b. Submission to such rejection of such conduct by an individual is used as the basis for employment or academic decisions or other decisions about participation in student activities or other events or activities sanctioned by the college; or
- c. Such conduct has the purpose or effect of threatening an individual's academic progress; interfering with an individual's work or academic performance; or creating an intimidating, hostile, or offensive work or educational environment. Sexual harassment may occur in a variety of relationships, including faculty and student, supervisor and employee, student-to-student, employee to employee, and others. Sexual harassment may occur when it is directed at members of the opposite gender or when it is directed at members of the same gender.

Though sexual harassment encompasses a wide range of conduct, some examples of specifically prohibited conduct include:

- a. Unwelcome verbal harassment or abuse;
- b. Unwelcome pressure for sexual activity;
- c. Unwelcome sexuality motivated, or inappropriate patting, pinching or any contact, other than necessary restraint of student(s) by faculty, administrators, or other institution personnel to avoid physical harm to persons or property;

- d. Unwelcome sexual behavior or words, including demands for sexual favors, accompanied by implied or over promises of preferential treatment regarding an individual's employment or educational status;
- e. Unwelcome behavior or words directed at an individual because of gender.
- f. Preferential treatment or promises of preferential treatment to another for submitting to sexual conduct, including soliciting or attempting to solicit another to engage in sexual activity for compensation or reward.
- g. Subjecting or threats of subjecting, someone to unwelcome sexual attention or conduct.

Title IX of the Educational Amendments of 1972 (Title IX) is a federal civil rights law that prohibits discrimination based on sex in any education program or activity that receives federal funding. Under Title IX, discrimination based on sex can include sexual harassment, rape, and sexual assault. A post-secondary institution that receives federal financial funds may be held legally responsible when it knows about and ignores sexual harassment or assault in its programs or activities, whether the harassment is committed by a faculty member, staff, administrator, or a student.

Part 3. Responsibility

All staff, faculty, and administrators are responsible to communicate complaints to appropriate administrators and Campus Security.

Title IX Coordinator has been delegated to the Special Projects Director. The Title IX Coordinator is responsible to coordinate compliance under Title IX of the Education Amendments which prohibit sex discrimination in educational programs and activities.

The U.S. Department of Education Office for Civil Rights (OCR) is the division of the federal government charged with enforcing compliance with Title IX.

Part 4. Rights

Every complainant has a right to present their case, including the following:

- The right to adequate, reliable, and impartial investigation;
- The right to have an equal opportunity to present witnesses and other evidence;
- The right to the same appeal processes, for both parties.

Every complainant has the right to be notified of the time frame of the following:

- WETCC will conduct a full investigation of the complaint;
- The parties will be notified of the outcome of the complaint;
- The parties may file an appeal regarding the outcome.

Complainant has the right for the complaint to be decided using a preponderance of the evidence standard (i.e. it is more likely than not that sexual harassment or violence occurred).

To learn more about your rights, or if you believe a school district, college, or university is violating Federal law, you may contact the U.S. Department of Education at 1-800-421-3481 or visit their website at: <https://ww2.ed.gov/about/offices/list/ocr/index.html>

Part 5. Policy

WETCC commitment to equal opportunity includes an assurance to its students that they will not be subjected to sexual harassment, and such conduct is prohibited at WETCC.

A complaint of sexual harassment is taken seriously and will be investigated by the Title IX Coordinator promptly.

The Title IX Coordinator will look at the record and at the totality of the circumstances, such as the nature of the sexual conduct and the context in which the alleged incidents occurred.

Any disciplinary actions deemed necessary will be administered to students through the Associate Dean of Student Services.

Retaliation for the reporting of sexual harassment is strictly prohibited.

Sexual Harassment and Violence as Sexual Abuse: Under certain circumstances, sexual harassment or violence may constitute sexual abuse according to Minnesota law. Nothing in this policy will prohibit the system office or any college or university from taking immediate action to protect victims of alleged sexual abuse.

Grievance

Students concerned about violations of this policy may request assistance from the Title IX Coordinator.

The grievance procedure shall be available for a person who wishes to file a complaint alleging a violation of this policy. Formal grievances will be documented in a complaint log. WETCC reserves the right to implement restrictions to protect victims and to take disciplinary sanctions per the Student Code of Conduct.

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