

Anti-Discrimination, Harassment, Sexual Misconduct Prevention Procedure

Anti-discrimination, Harassment, and Bullying Procedure

The College has Title IX Coordinators who are responsible for the prompt and impartial investigation of reports and allegations harassment or sexual misconduct. The Title IX Coordinators will conduct a fact-finding process and take steps to reasonably end any sexual misconduct, discrimination, or violence.

Lead Title IX Coordinator/Vice President of Student Affairs and Enrollment Management

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Co-Title IX Coordinator/Executive Director of Human Resources

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Assistance following an Incident of Sexual Misconduct

1. In the event a student or employee is in immediate danger, call 911
2. Medical Treatment and Evidence Preservation – Students and employees seeking medical treatment should go to the nearest hospital. For the preservation of evidence in the event of a sexual assault, the following guidelines are recommended:
 - Do not destroy the physical evidence that may be found in the vicinity of the crime. If the crime occurred in the victim’s home, the victim should not clean until the police have had an opportunity to collect evidence.
 - Tell someone all details remembered about the assault. Write down all details remembered as soon as possible.
 - Do not bathe or douche. Do not urinate, if possible.
 - Do not eat, drink liquids, smoke, or brush teeth if oral contact took place.
 - Keep clothes worn during the offense. If clothes are changed, place clothes in a paper bag (evidence deteriorates in plastic).
 - Get prompt medical attention at the nearest hospital.

3. Campus Resource:

Coordinator of Career and Counseling Services

Thomas Payton

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The Coordinator of Career and Counseling Services provides:

- Confidential student and employee consultation and education.
- Referrals to community agencies for support and guidance.

4. Employee Assistance Program (EAP) – services available to all employees:

Impact Solutions (EAP)

1-800-227-6007

www.myimpactsolution.com

The EAP provides:

- Confidential online resources.
- Confidential online and in-person counseling sessions.
- Advice and counseling from nurses and other medical professionals.

Links to other resources:

<http://www.oaesv.org>

<https://www.odh.ohio.gov/health/sadv/sadvwhlinks.aspx>

<http://www.odvn.org/>

<http://ohiohopes.org/resources/ywca-greater-cincinnati-2/>

<http://ohiohopes.org/resources/family-violence-prevention-center-of-greene-county-2/>

<https://www.ohiohealth.com/services/neuroscience/our-programs/behavioral-and-mental-health/sarnco>

Assessment/Investigation

The Lead Title IX Coordinator and/or the Co-Title IX Coordinator are responsible for the prompt and impartial investigation of allegations of discrimination, harassment, bullying, and sexual misconduct. The Title IX Coordinators identify and address any patterns or systemic problems that arise during the review of such complaints.

The following steps will be taken in an investigation:

- Notice will be provided to the grievant and accused that an investigation is in progress.
- Interim measures to prevent continued discrimination, harassment, or bullying will be considered and implemented during the investigation period, as deemed appropriate.

- Relevant witnesses, including the grievant, accused, and all first-hand witnesses will be identified and separately interviewed. The parties (grievant or accused) will have the opportunity to provide names of witnesses.
- Parties will be permitted to bring a support person, but the support person will not be able to participate directly in the investigation.
- Parties will be permitted to present relevant evidence to the investigator. It is the expectation of the investigator that parties are truthful or forthright with providing information and will not withhold or omit information.
- Confidentiality concerns and the College's prohibition on retaliation will be discussed with the grievant, accused, and all witnesses.
- The grievant, the accused, and all witnesses will be asked to put their statements in writing.
- Findings of fact will be made by the Title IX Coordinator or designee. The Title IX Coordinator or designee will complete a written report with a summary of the investigation and findings of fact based on the preponderance of the evidence. Specific recommendations may be provided as necessary. The summary of the findings will be provided to both parties.

Upon a complaint being filed, the College will work to complete its investigation in a timely matter, within a reasonable timeframe. A reasonable amount of time will be determined on a case-by-case basis, depending on factors such as the number of parties to be interviewed and their immediate availability to meet. In the event that the investigation is to exceed sixty (60) days, the investigator will contact the parties to inform them of the delay.

For the purposes of review, evidence provided (i.e. copies of e-mails, social media printouts, audio recordings, video recordings, etc., if supplied) will remain with the working notes maintained by the Lead and/or Co-Title IX Coordinator. The documents will be in a secure location and will be maintained as required by the records retention procedures.

The investigator(s) is a neutral party who examines the facts as presented as a part of the investigatory process. No illegal bias will occur in the evaluation of information. All parties and witnesses are obligated to timely provide the investigator(s) with all of the information and documentation available, to help the College in conducting the investigations. Failure to comply honestly when providing information or to omit information will be addressed through appropriate discipline.

Confidentiality and Amnesty

Confidentiality – A grievant may request confidentiality. The College takes such requests seriously and will endeavor to protect the privacy of the parties involved, however, such requests may limit the College's ability to investigate and take reasonable action in response to a report. In such cases, the Title IX Coordinator will evaluate the request for confidentiality in the context of the College's commitment to provide a reasonably safe and non-discriminatory environment. If a grievant requests that his or her

name or other identifiable information not be disclosed to the accused, or that no action be taken against the accused, he or she will be advised of the College's limited ability to respond to the report.

Amnesty – The College grants amnesty to students who may have violated alcohol and/or drug provisions of the College's Student Code of Conduct at the same time of the incident when he or she became a victim of sexual assault. Therefore, no alcohol or drug charges are applied to a student who reports that he or she was under the influence of alcohol or drugs at the time of the sexual assault.

Adjudication – The written summary of factual findings by the Title IX investigator will be forwarded to the appropriate department for further adjudication based on the preponderance of the evidence:

- For findings regarding a student, the Vice President of Student Affairs and Enrollment Management will review the investigator's findings and will determine whether conduct is actionable and/or an appropriate sanction is warranted in accordance with the Student Code of Conduct.
- For findings regarding an employee, the Executive Director of Human Resources and the employee's direct supervisor will review the investigator's findings to determine whether conduct is actionable and/or an appropriate sanction is warranted according to College policies and/or applicable collective bargaining agreement.
- For findings regarding a vendor, contractor, subcontractor, or others doing business with the College, the Vice President of Business and Finance will review in accordance with the third party contract and all applicable College policies and procedures to determine whether conduct is actionable and/or an appropriate sanction is warranted.

Sanctions

Student Sanctions – Sanctions for violations of the College's Anti-discrimination, Harassment, and Bullying Policy and this associated procedure by a student will be imposed in accordance with the College's Student Code of Conduct. If during a student conduct hearing, the alleged student is found responsible, the extent of sanctions will be determined by the Vice President of Student Affairs and Enrollment Management or a disciplinary panel.

Employee Sanctions – Sanctions for violations of the College's Anti-discrimination, Harassment, and Bullying Policy and this associated procedure by an employee will be imposed in accordance with the College's policies and/or applicable collective bargaining agreement. Whether sanctions will be imposed, and to what extent, will be determined by the Executive Director of Human Resources and the direct supervisor.

Third-Party Sanctions – Sanctions for violations of the College's Anti-discrimination, Harassment, and Bullying Policy and this associated procedure by a third party may be imposed following review by the Vice President of Business and Finance.

Potential Types of Sanctions – Sanctions that could be imposed for violations of the College's Anti-discrimination, Harassment, and Bullying Policy and this associated procedure include, but are not

limited to, probation, loss of privileges, verbal warning, written warning, suspension (employment or academic), and expulsion (academic) or termination (employment/third party contract).

Remedies/accommodations for the grievant may include, but are not limited to:

- Changing academic or work schedules
- Moving the grievant or accused to another section/course/office
- Providing an escort for moving between classes/activities
- Referrals for counseling and/or medical services
- Academic support services, such as tutoring

Additional remedies for the campus community to remedy the effects may include, but are not limited to:

- Referrals to counseling or other victim services to all students or employees affected
- Enhanced prevention-based programming
- Focused training sessions
- Developing and distributing materials on sexual misconduct, violence, and bullying
- Ensuring communication between Title IX Coordinator and campus safety officer or law enforcement
- Conducting campus climate assessment to assess effectiveness of efforts

Notification

If, based on a preponderance of the evidence, it is found that a violation of the College's Anti-discrimination, Harassment, and Bullying Policy and this associated procedure has occurred, the parties will be immediately and simultaneously notified of finding in writing.

Notification of a determination can be expected within sixty (60) calendar days of the report. If circumstances require more time for completion of the investigation and review, the parties will be notified of the reason for the delay and advised of subsequent timeframes for completion of the investigation and review.

The simultaneous written notice to both parties of the outcome of the complaint will include a notice of and option to appeal.

Rights of Parties

Both the grievant and the accused shall be afforded:

- The right to be provided with written notification as to the standard of evidence used during institutional conduct proceedings
- The right to timely notification in writing, of the outcome of any administrative or student conduct board hearing decision and any sanction(s) that may have been assigned
- The right to be granted, if reasonably available, a change in academic arrangement, or other steps necessary to prevent unnecessary or unwanted contact
- The right to appeal the decision of a hearing or conference.

The grievant/alleged victim of a violation of the College's Anti-discrimination, Harassment, and Bullying Policy and this associated procedure shall be afforded:

- The right to decide whether or not to notify local law enforcement authorities and/or to make a student conduct report to the Vice President of Student Affairs and Enrollment Management
- The right to answer questions posed by the accused outside of the physical presence of the accused
- The right to remain present throughout the entire hearing (except during deliberations)
- The right to not have his/her past behavioral history discussed during the hearing (the hearing chair shall determine the relevance of each question)
- The right to be granted a reasonable change in academic arrangement or other steps necessary to prevent unnecessary or unwanted contact
- The right to be provided with written notification as to:
 - Any available assistance for changing academic and working situations, if requested by the victim
 - Information concerning the victim's option to decline to notify law enforcement and/or campus authorities
 - The victim's rights and the College's responsibilities regarding protection orders, no contact orders, restraining orders, or similar lawful orders
 - Information concerning victim advocacy, student mental health services, or other available community resources

- How to report retaliation or harassment as a result of reporting violations of the College's Anti-discrimination, Harassment, and Bullying Policy and this associated procedure

Appeal Procedures

Student (Grievant or Accused) – Any student who has reasonable basis as outlined in the Student Code of Conduct to appeal the determination, may exercise rights under the Student Code of Conduct.

Employees (Grievant or Accused)

- Non-bargaining employees – Any employee grievant who has reasonable basis may file an appeal as to the determination through the Office of the President.
- Bargaining member employees – Any employee who has reasonable basis may file a grievance as to the determination in accordance with the applicable collective bargaining agreement.

Prevention and Education

The College provides educational programs to promote the awareness of sexual assault, domestic violence, dating violence, stalking, and bullying, which include primary prevention and awareness programs for incoming students and new employees, as well as ongoing prevention and awareness programs for students and employees. The programming will include information regarding the College's prohibition of those offenses, its current policy and procedures, a definition of the offenses, and a definition of consent. Safe and positive options for bystander intervention will also be presented as well as recognition of signs of abusive behavior and steps to minimize individual risk. The College will continue its prevention and awareness campaign by offering ongoing programs to students and employees regarding the above mentioned information. Student ongoing education will be offered at various times throughout the fall and spring semesters. Ongoing education will also focus on Title IX obligations including reporting responsibility and procedures.

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