



## **Harassment and Assault**

### **Policies**

SCNM takes the health and wellness of our students very seriously. To that end, and in compliance with the Clery Act, Title IX, and the Violence Against Women Act, Student Affairs maintains regular efforts to examine SCNM's policies, protocol and programming as it relates to reducing sexual assault, harassment, dating abuse, and stalking, as well as substance abuse education.

### **Harassment Prohibitions – Sexual, Domestic or Dating Violence, and Stalking**

Conduct constituting sexual harassment, as defined herein, toward another person of the same or opposite sex is prohibited by this policy. The College explicitly prohibits harassment of any kind, whether sexually based or not, and include offences of dating violence, domestic violence and stalking. It is a violation of policy for any student to engage in any act or behavior constituting harassment toward any student, employee, vendor, customer, consultant, or any other individual or group of individuals with whom the institution interacts or does business.

Domestic Violence is defined as a felony or misdemeanor crime of violence committed by a current or former spouse or intimate partner, a cohabitating partner, or another person with whom the victim shares a child;

While compliance with the law is everyone's responsibility at SCNM, listed below are the staff members who have primary responsibility for Title IX compliance.

#### **Title IX Coordinator**

Director of Human Resources  
480-222-9292

#### **Title IX Deputy Coordinator**

Dean of Students  
480-222-9237

### **Duties and Responsibilities**



The Title IX Coordinator is responsible for monitoring and oversight of overall implementation of Title IX compliance at SCNM including coordination of training, education, communications, and administration of grievance procedures for faculty, staff, and administration. If you have a grievance against an SCNM faculty member, administrator, staff member, or visitor for sexual harassment, sex discrimination, or sexual assault, you should contact the Title IX Coordinator. The Title IX Deputy Coordinator receives inquiries or grievances against SCNM students for sexual discrimination, sexual harassment (including stalking), sexual misconduct (including sexual assault), or retaliation. Upon receiving an inquiry or grievance, the Dean shall notify the chief academic officer of the allegations. The chief academic officer will determine whether further investigation is necessary or request that a disciplinary process be initiated.

## **Definition of Sexual Harassment and Sexual Assault/Rape**

Sexual harassment is defined as unwelcome sexual advances, requests for sexual favors, and other verbal and 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 a student's standing; or
- Submission to or rejection of such conduct by an individual is used as the basis of employment or school decisions affecting such individual; or
- Such conduct has the purpose or effect of unreasonably interfering with an individual's work or school performance or creating an intimidating, hostile, or offensive working or school environment.

Sexual harassment or abuse takes many forms; examples of conduct which might be considered sexual harassment under this policy include but are not limited to:

- Sexual exploitation of a relationship between individuals of unequal power and authority;
- Sexual exploitation of a relationship between peers and students that could affect the workplace or educational environment;
- Repeated and unwanted requests for dates, sexual flirtations, or propositions of a sexual nature;
- Subtle pressure for a sexual relationship;
- Sexist remarks about a person's clothing, body, or sexual activities;
- Unnecessary touching, patting, hugging, or brushing against a person's body;
- Direct or implied threats that submission to sexual advances will affect or be a condition of employment, work status, or academic standing;
- Physical assault;



- Conduct of a sexual nature that causes humiliation or discomfort, such as use of inappropriate terms of address;
- Sexually explicit or sexist comments, questions, or jokes, in writing or on t-shirts;
- Conduct of a sexual nature that creates a hostile work or educational environment

Sexual abuse takes many forms; examples of conduct which might be considered under this policy include but are not limited to:

- Dating Violence: violence, whether physical, sexual, or the threat thereof, committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim.
- Sexual Assault/Rape: an offense that meets the definition of rape, sodomy, sexual assault with an object, fondling, incest, or statutory rape as used in the FBI's UCR program;

## **Definition of Consent**

Affirmative consent is a knowing, voluntary, and mutual decision among all participants to engage in sexual activity. Consent can be given by words or actions, as long as those words or actions create clear permission regarding willingness to engage in the sexual activity. Silence or lack of resistance, in and of itself, does not demonstrate consent. The definition of consent does not vary based upon a participant's sex, sexual orientation, gender identity, or gender expression. Consent may be initially given but withdrawn at any time. When consent is withdrawn or cannot be given, sexual activity must stop. Consent cannot be given when a person is incapacitated. Incapacitation occurs when an individual lacks the ability to fully, knowingly choose to participate in sexual activity. Incapacitation includes impairment due to drugs or alcohol (whether such use is voluntary or involuntary), the lack of consciousness or being asleep, being involuntarily restrained, if any of the parties are under the age of 17, or if an individual otherwise cannot consent. Consent cannot be given when it is the results of any coercion, intimidation, force, or threat of harm.

## **Campus Sexual Assault Complainant's Bill of Rights**

In accordance with the Campus Sexual Assault Victim's Bill of Rights (1992) and section 485 of the Higher Education Act of 1965 (revised 2010), SCNM has implemented the following bill of rights that shall be afforded to all complainants of reported campus-related sexual assaults. These rights have been adapted for SCNM from the language used in the Higher Education Act and are described in more detail throughout this section.



1. The right to have any and all disclosures of domestic violence, dating violence, stalking, and sexual assault against them treated with seriousness and receive, from the institution, courteous, fair, and respectful health care and counseling services, where available
2. The right to have sexual assaults committed against them investigated and adjudicated by the duly constituted criminal and civil authorities of the governmental entity in which the crimes occurred, if the victim so chooses, including make a report to local law enforcement and/or the state police; and the right to the full and prompt cooperation and assistance of College staff in notifying the proper authorities. The foregoing shall be in addition to any campus disciplinary proceedings.
3. The right to be free from any kind of pressure from College staff that complainants: a. not report crimes committed against them to civil and criminal authorities or to campus safety or b. report crimes as lesser offenses than the complainants perceive them to be.
4. The right to be free from any kind of suggestion that sexual assault complainants not report, or under-report, crimes because: a. complainants are somehow 'responsible' for the commission of crimes against them; b. complainants were negligent or assumed the risk of being assaulted; or c. by reporting crimes they would incur unwanted personal publicity.
5. The right to participate in a process that is fair, impartial, and provides adequate notice and a meaningful opportunity to be heard and in so doing, to describe the incident to as few institution representatives as practicable and not be required to unnecessarily repeat a description of the incident;
6. The same right to legal assistance, or ability to have others present, including an advisor of their choice, in any campus disciplinary proceeding that the institution permits to the respondent; and the right to be notified of the outcome of such proceeding.
7. The right to counseling services from any mental health services previously established by the institution, or by other complainant-service entities, or by complainant themselves.
8. After campus sexual assaults have been reported, the complainants of such crimes shall have the right to require that appropriate College staff take the necessary steps or actions reasonably feasible to prevent any unnecessary or unwanted contact or proximity with alleged assailants, including immediate transfer of classes if requested by the complainant.
9. Access to at least one level of appeal of a determination;
10. The right to report any inappropriate action, or lack thereof, in the handling of a reported sexual assault on the part of the College as a Title IX grievance.



11. Be protected from retaliation by the institution, any student, the respondent, and/or their friends, family, and acquaintances within the jurisdiction of the institution;

12. Exercise civil rights and practice of religion without interference by the investigative, criminal justice, or conduct process of SCNM

## **Definition of Other Harassment**

Harassment based on, but not limited to, race, color, age, sex, sexual orientation, gender, religion, national origin, citizenship, marital status, physical or mental disability, or any other protected or minority status is a violation of federal and state law. Harassment is defined to include verbal or physical conduct that creates an intimidating, hostile, or offensive work or school environment or that unreasonably interferes with an individual's work or school performance. Examples of conduct that may constitute harassment based on a legally protected class include, but are not limited to:

- The use of slurs based toward any protected group;
- Epithets or negative stereotyping;
- The use of socially unacceptable words at the workplace, even between employees or students of the same protected basis;
- Hazing
- Written materials that show hostility towards any legally protected basis.

Details published in the Annual Security Report available on MySCNM.

## **Discipline and Consequences**

Any student who permits, does not report, or engages in sexual or other prohibited harassment will be subject to disciplinary action, including dismissal. Legal action is also possible in addition to academic consequences. Any person who is a victim of or knows someone who is the victim of such harassment behavior must immediately contact the Dean of Students and/or the Senior Human Resources Generalist, if a faculty or staff member is involved.

Upon notice, the Senior Human Resources Generalist and/or Dean of Students will promptly investigate each grievance of harassment as thoroughly and as confidentially as possible and will take appropriate corrective action on all confirmed violations of this policy.

The Senior Human Resources Generalist and/or Dean of Students will put the findings in writing and forward a copy to Vice President of Student Affairs, and the President, if a faculty or staff member is involved, at the end of the investigation. The findings of the grievance and the action to be taken will be



reported to the complainant and the alleged harasser as expeditiously as possible. Results may be indeterminate. If so, the matter will be recorded as unresolved, and record of the investigation will be maintained in a separate file apart from any personnel or student file. If an individual is found to have engaged in sexual or other harassment, he/ she is subject to all disciplinary action for violation of this policy up to and including suspension and/or dismissal as is consistent with existing policies and procedures. This policy explicitly prohibits retaliation against an individual who in good faith makes a formal grievance of sexual or other harassment. SCNM will not allow any reprisal in any form against any complaining party or corroborating witness. By the same token, irresponsible and frivolous grievances or accusations will not be tolerated, and may be subject to a Code of Conduct investigation.