



Anti-Harassment and Assault Policy

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, including 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.

Stalking is defined as repeated behavior that causes other persons significant mental suffering or distress, or to reasonably fear:

- For their own safety or the safety of a family member, pet, or a current or former household member, or romantic or sexual partner
- Their property will be damaged

Stalking behavior includes:

- repeatedly following or spying on another person
- monitoring someone's Internet or wireless activity
- making verbal, written, or other express or implied threats
- communicating, more than once, through email or electronic communication directed at a specific person without authorization or a legitimate purpose



Title IX

Title IX prohibits discrimination based on sex or gender stereotyping if it interferes with a student's ability to participate in or benefit from school programs or activities. It prohibits discrimination based on sex or gender regardless of the student's sex, gender identity, or sexual orientation, and no matter where it occurs or whether the perpetrator is a student, an employee, or a third party.

Title IX also prohibits excluding students from an education program or academic activity based on pregnancy or related conditions.

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

Responsibilities and Reporting

The Title IX Coordinator is responsible for SCNM's compliance with Title IX and the grievance process to investigate complaints and determine whether an individual accused of sexual misconduct violated SCNM's Sexual Harassment and Student Code of Conduct policies. Currently, that person is the Director of Human Resources. Additionally, the Dean of Students has been granted the authority, as Title IX Deputy Coordinator, to take corrective measures on behalf of the school to address all types of sexual harassment, including providing supportive measures and initiation of investigations involving sexual harassment complaints. 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.



When the Title IX Coordinator or Deputy Coordinator receives a report of a potential violation, they will provide information to the student regarding:

- Available services, such as counseling and healthcare
- Accommodations for working or study situations
- Zero Tolerance Policy on retaliation
- Information about SCNM's responsibilities regarding an order of protection, including no-contact orders and restraining orders
- Information on SCNM's Privacy Policy regarding confidentiality of all parties involved in the incident, all records utilized in the grievance, and subsequent investigation.

Additionally, in the case of medical and other licensed professionals on campus, students have the right to report the incident, if they chose so, to the appropriate credentialing body.

SCNM Employee Reporting Responsibilities

All SCNM employees that have been made aware of any harassment or misconduct offenses are required to report all details to the Title IX Coordinator and must make students aware of their reporting obligations. Additionally, they must make the student aware of the extent to which they may be able to maintain a student's privacy. If requested, a complainant's identity will remain private unless disclosure is necessary for campus safety reasons.

Right to a Confidential Employee

Students are also encouraged to report Title IX violations to other individuals on campus that have a professional duty to maintain confidentiality including the licensed Mental Health Counselors and Doctors in the Medical Center and Neil Riordan Pain Relief Center. They are not required to report the incident without your explicit permission. You may also utilize the online anonymous and confidential Sexual Violence/Assault Reporting Form on MySCNM.

Definition of Sexual Harassment and Sexual Assault/Rape

Sexual harassment is defined as unwelcome sexual advances, requests for sexual favors, and other verbal, digital, 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, digital format or on clothing;
- 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, if 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 choose fully, and knowingly, 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 result 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. College staff must also immediately honor any orders of protection issued by the court, including no-contact orders and restraining orders.
9. The right to receive simultaneous notification of the results of the proceedings and any sanctions imposed on the respondents(s).
10. Access to at least one level of appeal of a determination.
11. 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.
12. Be protected from retaliation by the institution, any student, the respondent, and/or their friends, family, and acquaintances within the jurisdiction of the institution.
13. Exercise civil rights and practice of religion without interference by the investigative, criminal justice, or conduct process of SCNM.
14. The right to have all information about the student, any proceedings, and resulting actions, remain confidential and available to campus administration only on a restricted need-to-know basis to implement any requirement of adjudication or court order. All information will be managed by the Dean of Students' office and will not be made part of any academic record or public available records.

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. 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
- Printed or digital materials that show hostility towards any legally protected basis

Harassment is defined to include any verbal, digital, 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.

Harassment is conduct that seriously alarms or annoys another person, including:

- Following or spying on someone in a public place after being asked to stop
- Anonymously or otherwise contacting or communicating with them
- Making false reports to law enforcement, or a credit or social service agency
- Interfering with their utility services.

It is also a crime to use electronic communications (e.g., cell phone, text message, instant message, or email) to terrify or intimidate someone by making:

- Lewd or lascivious suggestions or using offensive language
- Threats of physical harm
- Repeated anonymous or unwanted contact

Any reported incidents are published in the Annual Security Report available on MySCNM.

Harassment Disciplinary Procedure Rights

If a formal complaint is filed by a person alleging sexual harassment or signed by the Title IX Coordinator or Deputy Coordinator, SCNM will initiate an investigation. The investigation will:

- Include a reasonably prompt, fair, and impartial process
- Be conducted by officials who are trained in investigating and resolving these issues
- Provide both the complainant and the respondent equal opportunities to:
 1. Access information that will be used at formal and informal meetings or hearings, and review any evidence obtained during the investigation
 2. Present witnesses and other evidence
 3. Have an advisor (who may be an attorney), or another support person present during the investigative process
 4. Allow advisors to cross-examine witnesses and parties
 5. Allow either party to request that they be in separate rooms with technology enabling them to see and hear witness or party questions

Additionally, both parties may agree to a temporary delay of the formal hearing to participate in an informal resolution process, except when the allegations involve an employee sexually harassing a student.

The complaint and respondent will receive simultaneous notification of:

- A statement of, and rationale for, the result of the proceeding and any disciplinary sanction imposed against the respondent



- Information on how to exercise the right to appeal the result
- Any change to the result
- When the result becomes final

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, if a faculty or staff member is involved.

The Director of Human Resources 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. 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, they are 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.