

Sexual Harassment Policy, Prevention and Response

BCC Sexual Harassment Policy

Blackfeet Community College is determined to provide an educational environment free from all forms of harassment to the College community. Harassment based on sex, race, religion, disability, age, or other protected characteristics is a violation of Title VII or the Civil Rights Act of 1964 and will not be tolerated with the college environment. Members of the college community who are subject to or witness such an act should report it immediately to the Human Resources Office. Person(s) reporting a violation shall be protected from all acts of retaliation and information shall be regarded as highly confidential. The Human Resources Office shall be responsible for the investigation of any reports of sexual harassment.

a) Definitions:

1) Gender-based misconduct – comprises a broad range of behaviors focused on sex and/or gender discrimination that may or may not be sexual in nature

- Pressure for a date or a romantic or intimate relationship
- Unwelcome touching, kissing, hugging, or massaging
- Use of coercion, threat, intimidation, or force to engage in sexual activity
- Continuing sexual activity after consent has been withdrawn
- Unnecessary and unwelcome references to various parts of the body
- Belittling remarks about a person's gender or sexual orientation based on gender stereotyping
- Inappropriate sexual innuendoes or humor
- Videotaping and photographing activity of a sexual or personal nature without consent of those being recorded
- Obscene gestures of a sexual or gender-based nature
- Offensive sexual graffiti, pictures, or posters
- Sexually explicit profanity
- Use of email, the Internet, or other forms of digital media to facilitate any of the above referenced behaviors

Sexual violence is a form of sexual harassment and services are available to students, faculty, and staff who experience sexual violence, domestic violence, dating violence, and instances of stalking.

BCC attempts to foster a safe learning and working environment for all members of the campus community. To accomplish this, BCC considers the educational programming that addresses all aspects of domestic violence, dating violence, sexual assault, and stalking (safety precautions and prevention, crisis management, reporting, medical and counseling services, the BCC discipline systems, academic schedules, etc.).

BCC has partnered with EVERFI to combat violence on campus and address student safety needs while satisfying VAWA, Clery Act, and Title IX requirements through online training for all staff, faculty, and students. Staff, faculty, and students are required to register for the Sexual Assault Prevention for Community Colleges course. The course educates on Clery Act

crimes/requirements and how to be an active bystander and who to report to on campus. The EVERFI training portfolio provides meaningful online training opportunities to address campus prevention education topics such as Drug and Alcohol Prevention.

Blackfeet Community College will not tolerate harassment, domestic violence, dating violence, sexual assault, stalking, or other forms of sexual misconduct. Offenders may be subject to appropriate campus adjudication processes, disciplinary action, and/or criminal proceedings. BCC utilizes procedures that provide prompt, fair, and impartial investigation and resolution in cases involving domestic violence, dating violence, sexual assault, and stalking. These procedures are carried out by designated Title IX Coordinator and Security Patrol Officer.

Reporting

- a. Any report of alleged gender-based misconduct by a student, faculty/staff member, or administration of the College or a person who is not a member of the College community can be filed with the Human Resources Office. All employees of the college are mandatory reporters of any gender-based misconduct, under the definitions in Part M, Sections a and b. Reports of gender-based misconduct must be filed within thirty (30) working days after the incident outlined in the complaint.
- b. The Title IX Coordinator or other designated contact within Human Resources Office is responsible for addressing each report of gender-based misconduct. All members of the college community are encouraged to consult with the Human Resource Office if they are unsure about how or what information to report. The designated Title IX Coordinator is obligated to act on any report of alleged gender-based misconduct, to ensure measures are taken to stop adverse behavior and prevent its recurrence, as appropriate. It is important to note, however that not every report leads to a disciplinary process. Each report is reviewed individually and within ten (10) working days of the receipt of the report the complainant, the accused and any witness will be asked to submit their own report concerning the alleged gender-based misconduct, additional reports or evidence shall not be accepted after this period of time has lapsed. Information concerning gender-based misconduct can be shared via forms which include the initial sexual harassment complaint form (filled out by the complainant), sexual harassment accused report, sexual harassment witness report (if applicable), and the sexual harassment investigation/finding form. These forms can be picked up in the Human Resources Office.
- c. In cases where the gender-based misconduct is reported anonymously by an observer/concerned individual to the designated Title IX Coordinator, the individual who is reported as being subjected to gender-based misconduct will be notified by the designated Title IX Coordinator that a report has been received. The designated Title IX Coordinator will meet with the complainant to discuss his/her options and available resources at the College and in the community. The Complainant has a right to withdraw involvement or file a complaint, however, in some circumstances,

the College nevertheless may need to investigate, such as where it is necessary to ensure the safety of the College community. In such instances where the complainant withdraws the complaint or from involvement in the process, the College may proceed and serve as a complainant on any matter.

Investigation

b. Inquiry

a. Promptly following the receipt of a report, information will be reviewed by the designated Title IX Coordinator to determine if there may be reason to believe that a policy may have been violated. An initial inquiry will be undertaken by the designated Title IX Coordinator, if necessary, to determine whether a formal investigation must commence. Initially, the immediate supervisor of the Respondent and respective Vice President will be notified of the complaint. The Respondent will then be contacted and asked to respond to the allegation. If further information is necessary, it may involve prompt discussions with the Complainant and others, as appropriate. The Complainant/Respondent may be accompanied by an advisor of their choice to all meetings. An advisor may attend, but not participate in, all meetings and interviews. The Complainant may be offered reasonable accommodations and will be offered resources, as appropriate, regardless of whether or not there is reason to proceed with an investigation. If the findings of the initial inquiry indicate there is not sufficient reason to believe a violation may have occurred, the Complainant will receive prompt notice of this outcome and rationale, and will be afforded the opportunity to appeal the decision to commence a formal investigation. Inquiry is a prompt process that should not take longer than five to ten (5-10) working days. If a formal investigation is to commence, the Respondent will be notified that a report has been filed. In cases of investigation of an employee as Respondent, the employee's immediate supervisor and respective Vice President will be notified of the investigation prior to the Respondent receiving notification of a complaint.

b. Witnesses identified by the Complainant/Respondent (if any) will receive a request from the Human Resource Office to fill out a Witness form to aid in the inquiry or pending investigation. BCC employees who witness gender-based misconduct are mandatory reporters.

c. Vendors or other agencies in contract with the College will be promptly notified if any of their employees are alleged to have violated the College's Title IX policy, and such employees may be banned from any or all college properties and may also be subject to action deemed appropriate by their respective employer. Restrictions regarding access to College property or events may also be imposed.

d. The Respondent and Complainant, with their respective advisor of choice, will be given the opportunity to meet separately with the designated Title IX Coordinator (or designee) to review the Policy and procedure, as well as related rights.

c. Formal Investigation

- a. Reports of alleged gender-based misconduct will be equitably investigated in a fair, impartial, thorough and prompt fashion, providing a meaningful opportunity for participants to be heard. Investigation (including the inquiry) will be conducted by individuals without a conflict of interest or bias for or against either party. Every effort (including the inquiry) will be made to resolve every complaint within sixty (60) calendar days of the receipt of the complaint. The formal investigation process may take longer depending upon the nature and complexity of the case, the time of year, and availability of parties.
- b. The formal investigation will include information from the following: Complainant form, Respondent form, Witness forms, and any other information collected by the Human Resource Office concerning each individual complaint. Anonymous reports will only prompt an inquiry, and will not be included in the investigation or forms will not be provided to the parties involved in the investigation.
- c. Both the Complainant/Respondent have the option of responding to any responses provided by all parties involved during the formal investigation. All additional responses will be included in the formal investigation.
- d. The Investigator will prepare a sexual harassment investigation/finding form investigative report that will include all relevant evidence and information of each interview conducted in each individual complaint. The investigator will then provide all relevant documents to the BCC Personnel Committee if the Respondent is an employee of the College. If the respondent is a student, then all relevant documents will be provided to the Vice President of Student Services and their Respective Vice President. Disciplinary actions for employees are defined in the BCC Employee Policy and Procedures manual. Disciplinary actions for students is defined in the BCC Student Handbook.
- e. The immediate supervisor or respective Administrator in the case that the Respondent is an employee of the college, can in extreme circumstances, such as more than one complaint filed, can impose a suspension (for what the disciplinary policy allows) or limits on activities that would restrict their coming into contact with the Complainant throughout the duration of the inquiry and investigation.
- f. Upon the closure of the formal investigation, both the Complainant/ Respondent will be provided with the decision and disciplinary actions issued on each individual complaint in accordance to the BCC Employee Policy and Procedures Manual and the BCC Student Handbook.

In these situations, BCC is committed to providing crisis intervention measures for students, faculty, and staff, as well as appropriate administrative response for the complainant and respondent; referring individuals to criminal authorities; and educating and promoting discussion on interpersonal abuse and violence issues. The college process does not preclude adjudication under state law.

Blackfeet Community College prohibits retaliation by its officers, employees, students, or agents against a person who exercises his or her rights or responsibilities under any provision federal or state law, including Title IX and the Violence Against Women Reauthorization Act (VAWA), or this policy.