

CAROLINAS COLLEGE OF HEALTH SCIENCES POLICY AND PROCEDURE

Section I - Administration

SUBJECT: Discrimination, Harassment, Assault, Retaliation, and Sexual Misconduct

REVIEWER(S): Dean of Student Affairs and Enrollment Management
Title IX Coordinator

Related Policies To Consult:

CCHS Policies: [Accommodating Special Needs \(Sec. II\)](#)
[Discrimination, Harassment, Retaliation, and Accommodations Policy \(Board Policy\)](#)
[Termination, Involuntary \(Sec. IV\)](#)
[Student Complaint/Grievance/Appeal Process \(Sec. II\)](#)
[Student Disciplinary Hearings \(Sec. II\)](#)
[Grievance Resolution – Personnel \(Sec. IV\)](#)

CHS Policy: [HR 5.07 Protection from Discrimination, Harassment and Retaliation](#)

I. POLICY

Carolinas College of Health Sciences (CCHS) does not tolerate discrimination, harassment, assault, retaliation, nor sexual misconduct in those or any other forms and will endeavor to protect students and teammates from those inappropriate actions by others inside or outside the college community. Allegations of any of the aforementioned behaviors, including sexual misconduct will be taken seriously. Where there is reason to believe that a crime has been committed or college policies have been violated, the College will pursue charges and disciplinary action, as appropriate.

The College complies with Title IX of the Education Amendments of 1972, and its implementing regulations, which prohibit discrimination (including sexual harassment and sexual violence) based on sex in the college's educational programs and activities. Title IX also prohibits retaliation for asserting claims of sex discrimination.

II. PROCEDURE

A. Definitions

1. **Discrimination:** Unfair treatment of a person or group on the basis of prejudice or real or perceived differences. Discrimination includes but is not limited to deliberate actions causing unfair or unfavorable treatment based on [race, color, age, religion, gender, sexual orientation, gender identity, national origin, veteran status, disability, genetic information indicating predisposition to chronic diseases], or any other basis prohibited by law.
2. **Harassment:** Unwanted attention perceived as demeaning, intimidating, or bothersome.
 - Sexual harassment includes but is not limited to any unwelcome sexual advance or proposition, sexual violence, sexual flirtation, or request for sexual favor; derogatory, vulgar, or graphic written or oral statements regarding one's sexuality, gender identity, sexual orientation, or sexual experience; unnecessary touching or attention to an individual's body; unwanted sexual compliment, innuendos, suggestions, or jokes; or the wearing or display of sexually suggestive clothing, pictures, or objects.
 - Stalking is engaging in conduct directed at a specific individual that would cause a reasonable person to fear for the person's safety or the safety of others or suffer substantial emotional distress.
 - Other prohibited harassment is conduct that unreasonably interferes with one's work or educational performance or creates an intimidating or hostile environment. This includes but is not limited to comments, jokes, or threats based on race, color, religion, sex, age, national origin, disability, military status, or any other basis prohibited by law.

3. Assault: An intentional and voluntary act resulting from non-consensual sexual contact, non-consensual sexual intercourse, or other offensive actions.
 - Sexual assault includes but is not limited to rape, fondling, incest, or statutory rape.
 - Other forms of assault may include fighting, attacking someone physically or emotionally, or threats of bodily harm.
 4. Violence: Unwanted controlling, abusive, sexual, and aggressive behavior that occurs in romantic, family or other close relationships.
 - Dating violence is committed by a person who is, or has been, in a social relationship of an intimate or romantic nature. Dating violence includes, but is not limited to, sexual or physical abuse, or the threat of such abuse.
 - Domestic violence is committed by a current or former spouse or intimate partner, by persons sharing a child, or by cohabitating partners. Domestic violence includes, but is not limited to, sexual or physical abuse, or the threat of such abuse.
 5. Retaliation: Taking adverse action against a student, *teammate*, or co-worker based on their having reported an assault, harassment, discriminatory action, or other disciplinary-related action. Retaliation of any kind is prohibited. Examples of inappropriate retaliation include but are not limited to intimidation, disciplining when not merited; moving one to a less favorable schedule, or other action intended to harm the complaining party.
 6. Consent: Voluntary agreement to engage in sexual activity. Someone who is incapacitated due to the use of drugs or alcohol, level of consciousness, or intellectual or other mental ability cannot provide consent. Previous relationships, history of sexual activity or past consent does not imply future consent. Silence or absence of resistance does not imply consent. Coercion, force, or threat invalidates consent. Consent can be withdrawn at any time.
- B. Student and Teammate Responsibilities
1. The College is committed to providing equal opportunities for all persons and does not discriminate or permit discrimination by any member of its community against an individual on the basis of race, color, age, religion, gender, sexual orientation, gender identity, national origin, veteran status, disability, genetic information indicating predisposition to chronic diseases, source of payment, or any other basis prohibited by law.
 2. Harassment, whether verbal, physical, or visual, that is based on any of these protected categories is a form of discrimination. This includes harassing conduct affecting tangible job benefits, interfering unreasonably with an individual's academic or work performance, or creating what a reasonable person would perceive is an intimidating, hostile, or offensive environment.
 3. Prohibited sex discrimination includes sexual harassment and sexual violence.
 - Sexual harassment is contrary to the values of the College, and preventing sexual harassment is the responsibility of all members of the college community. Prohibited sexual harassment includes unwelcome sexual advances, requests for sexual favors, and other verbal or physical or other non-verbal conduct of a sexual nature when (i) submission to or rejection of such conduct is made either explicitly or implicitly a term or condition of any educational program, activity or employment; (ii) submission to or rejection of such conduct by an individual is used as a basis for any education or employment decision affecting such individual; or (iii) such conduct has the purpose or effect of unreasonably interfering with an individual's education or work performance or creating an intimidating or hostile learning or working environment.
 - Sexual violence is a prohibited form of sexual harassment. Sexual violence includes physical sexual acts perpetrated against a person's will or where a person is incapable of giving consent due to use of drugs and/or alcohol or to an intellectual or other disability. Some examples of sexual violence may include rape, sexual assault, sexual battery, and sexual coercion.

4. This policy covers teammates, students, applicants for employment or admission, contractors, vendors, visitors, guests, and participants in college-sponsored programs or activities. A non-student or non-teammate who subjects a student or teammate to discrimination in the college or clinical area will be informed of the Title IX policy; other action may be taken as appropriate.

C. Management Responsibilities

1. The College has designated the following individual as the Title IX coordinator, to coordinate the college's compliance with, education of, and response to inquiries concerning Title IX as well as to receive reports and investigate incidents of alleged Title IX violations, as well as violations of this policy: Nancy Watkins, student success coordinator, 704.355.4025, nancy.watkins@CarolinasCollege.edu
2. It is important to report to the Title IX coordinator if: (i) you believe you have been subjected to conduct that may violate these policies; (ii) you believe you have been retaliated against in violation of these policies; or (iii) you are an administrator or faculty member of the college and have been told about or witnessed conduct that may violate these policies.
3. All persons are advised that, regardless of whether they make a report pursuant to this policy, they have the right to file a complaint with law enforcement officials with respect to any conduct that may constitute a crime. A person may also file a report with the Department of Education's Office of Civil Rights regarding alleged violation of Title IX by visiting www2.ed.gov/about/offices/list/ocr/complaintintro.html or calling 1-800-421-3481.
4. Students and teammates are informed of this policy via the college catalog and an annual disclosure email. Each manager and supervisor is responsible for making sure that all teammates within his/her area of responsibility are aware of this policy, for ensuring that student assignments and employment actions are in accordance with this policy, and for initiating corrective actions when improper behavior is observed or reported.
5. Managers and supervisors are responsible for ensuring adherence to the following statement: "There will be no retaliation or adverse action taken against any student or teammate for submitting a complaint, grievance, or appeal, nor for reporting harassment, assault, discrimination or retaliation, or participating in an investigation."
6. Students and others are likely to report incidents of sexual misconduct to teammates who are most available to them such as faculty members, student services staff and others whose work makes them visible on campus. As such, all teammates scheduled to work 24-hours per week or more will be trained on identifying and reporting incidents of sexual misconduct. Annual in-service will assure timely awareness and updates to this policy. Students will be trained on identifying and reporting incidents of sexual misconduct as well as by-stander intervention during new student orientation. Annual self-defense classes will be offered to all students and teammates for on-going training and prevention of sexual misconduct.
7. CCHS recognizes that the question of whether a particular action or incident is a purely personal, social relationship without a discriminatory employment effect requires a factual determination based on all the evidence received. Given the nature of this type of discrimination, CCHS recognizes also that false accusations of harassment can have serious effects on innocent men and women. We trust that all students and teammates will continue to act in a responsible and professional manner to establish and maintain a pleasant learning and working environment free from discrimination. We encourage any student or teammate to raise questions regarding harassment, discrimination, assault, or retaliation with the Title IX coordinator.

8. Due to the sensitive nature of sexual misconduct charges, every attempt will be made to protect the confidentiality of all concerned individuals. However, requests of confidentiality may hinder the investigation.

D. Investigations and Sanctions

1. Any student or teammate who feels that he/she has been subjected to sexual misconduct or any conduct prohibited by Title IX, or that the College has failed to meet its obligations under Title IX, should bring the matter to the attention of the Title IX coordinator. A report should be made as soon as possible after the perceived inappropriate conduct. There is no statute of limitations for college complaints, but potential complainants are reminded that the College's ability to effectively investigate complaints can be impaired or negated as time passes. Serious assault should also be reported directly to the local law enforcement agency.
2. The Title IX coordinator has the authority to investigate allegations of sexual misconduct and conduct prohibited by Title IX even absent the filing of a formal grievance or its subsequent withdrawal. While the Title IX coordinator welcomes an informal presentation of such allegations, and is available to address concerns through counseling, advice, and informal resolution, the Title IX coordinator is fully prepared to receive and address such allegations through formal grievance procedures. Inquiries and/or complaints will be investigated immediately, regardless of other concurrent investigations. In addition, the Title IX coordinator may proceed with investigating a formal or informal grievance or complaint even if a complainant requests that the matter not be pursued.
3. Investigations into allegations of sexual misconduct or conduct prohibited by Title IX will begin immediately upon notification to the Title IX coordinator. Every effort will be to resolve these complaints in a reasonable amount of time. Should an investigation require an extended time, all parties will be notified via e-mail of the reason for the extension and an estimated date of conclusion.
4. The investigation refers to the process used to resolve allegations of sexual misconduct and conduct prohibited by Title IX. This includes the fact-finding investigation and any hearing and decision making process used to determine whether or not the misconduct occurred. The investigation may include the following:
 - Conducting interviews of the complainant, the alleged perpetrator, and any witnesses. Throughout the investigation, the parties must have an equal opportunity to present relevant witnesses and other evidence.
 - Reviewing law enforcement investigation documents, if applicable. But, even if a criminal investigation is ongoing, the College must still conduct its own Title IX investigation.
 - Reviewing student and personnel files.
 - Notifying the complainant of his or her Title IX rights and any available resources, such as victim advocacy, housing assistance, academic support, counseling, disability services, health and mental health services, and legal assistance, and the right to report a crime to campus or local law enforcement.
 - Gathering and examining other relevant documents or evidence. The College will use a preponderance-of-the-evidence (i.e., more likely than not) standard in any Title IX proceedings, including any fact-finding and hearings.
 - During the investigation phase, it may become necessary to take steps to ensure equal access to education programs and activities and protect the complainant as necessary, including taking interim measures before the final outcome of an investigation. Such measures may include:
 1. Providing support services to the complainant.
 2. Changing living arrangements or course schedules, assignments, or tests.
 3. Issue no contact orders to the alleged perpetrator.
 4. Providing increased monitoring, supervision, or security on campus and at the locations where the misconduct occurred.

5. Any student determined by impartial investigation to have violated the sexual misconduct policy will be subject to appropriate disciplinary actions. The complaint will be referred to the admission, progression, and graduation (APG) committee with a recommendation for disciplinary action from the Title IX coordinator. The APG committee will conduct a hearing following the “*Student Disciplinary Hearings*” policy (Sec. 2) to confirm a violation has occurred and to determine the final disciplinary actions, sanctions, or other remedies to be imposed. This includes the actions taken by the College to end the discriminatory behavior, eliminate the hostile environment and prevent its recurrence, and sanctions imposed on the perpetrator, such as:
 - Disciplinary counseling: This sanction assures the opportunity for constructive counseling with qualified professionals suggested by the dean of student affairs.
 - Action plan: This sanction defines corrective measures and a timeframe for meeting the measures.
 - Dismissal/termination: This sanction separates the student or teammate from the college permanently or for a specified time frame. Students may reapply for admission, as eligible, at the conclusion of this time period.
 - In the most serious situations, legal action may be taken at the discretion of the complainant and law enforcement.
 - In addition to disciplinary actions against the complainant, remedies for the complainant and for the broader campus community may include:
 1. Providing an escort to ensure safe movement on campus.
 2. Ensuring the perpetrator and the complainant do not share classes or participate in the same extracurricular activities.
 3. Reviewing the training provided to college teammates and students on addressing allegations of discrimination and other violations of Title IX.

6. Any teammate determined by impartial investigation to have violated the sexual misconduct policy will be subject to appropriate disciplinary actions. All disciplinary action taken will follow the procedures outlined in the “Termination, Involuntary” policy (Sec. 4).

7. In all cases, the rights of the accused are equal to those of the complainant. All parties will be via simultaneous e-mail of the outcomes, followed by written notification of the outcomes, disciplinary actions and other remedies. Appropriate notification will occur during all stages of the investigation and sanctioning process. Generally, the complaints will be resolved as quickly as possible with every consideration to do so within 60 days of first being made aware of the complaint. All parties may appeal the disciplinary actions and other sanctions imposed as outlined in the “Student Complaint/Grievance/Appeal Process” policy (Sec. 2) and the “Grievance Resolution – Personnel” policy (Sec. 4).

- E. The Discrimination, Harassment, Assault, Retaliation, and Sexual Misconduct policy and procedure will be reviewed bi-annually.

III. APPROVAL

Name: _____ Title: President Date: _____