

Vance-Granville Community College's Policy on Sexual Misconduct

Vance-Granville Community College (VGCC) is committed to providing a learning and working environment that promotes respect, responsibility, communication, collaboration, critical thinking, and accountability in an environment free of sexual misconduct and discrimination. Sexual discrimination violates an individual's fundamental rights and personal dignity.

Notice of Nondiscrimination

As a recipient of federal funds, VGCC is required to comply with Title IX of the Higher Education Amendments of 1972, 20 U.S.C. § 1681 et seq. ("Title IX"), which prohibits discrimination on the basis of sex in educational programs or activities, admission, and employment. The College does not discriminate on the basis of sex in its educational programs or activities, including in the context of admission or employment.

Vance-Granville Community College considers sexual discrimination in all its forms to be a serious offense. This policy refers to all forms of sexual discrimination, including: discrimination against pregnant and parenting students, sexual harassment, sexual assault, and sexual violence or other forms of intimate partner violence by employees, students, or third parties. (Title 20 U.S.C. Sections 1681-1688)

Inquiries concerning the application of Title IX may be referred to VGCC's Title IX Coordinator(s)* or to the U.S. Department of Education's Office for Civil Rights. If you feel you have been subjected to sexual harassment or discrimination, you should seek assistance as soon as possible. You have the right to raise concerns, to ask questions about policies prohibiting sex or gender discrimination, and to participate in investigations without fear of retaliation. A complaint may also be submitted about retaliatory acts under Title IX. It shall be a violation of this policy to knowingly make false claims or statements regarding sexual misconduct.

*The College's Title IX Coordinators are the Dean of Student Support Services and the Director of Human Resources. The Title IX offices are located on the Main Campus or can be reached by email titleixcorrespondence@vgcc.edu. These individuals are responsible for implementing and monitoring Vance-Granville Community College's Title IX compliance.

When concerns are brought to the Title IX Coordinators' attention or when they suspect that sexual or gender discrimination may be present, they are bound to initiate and oversee timely investigations and provide updates to the accuser and the accused. Initial complaints must be completed within 30 days from the date of the report; therefore all faculty and staff are required to cooperate fully, truthfully, and expediently with investigations.

In the event an allegation of sexual misconduct is made, VGCC shall:

- Inform the alleged victim of options and assistance which may be available to them;
- Maintain confidentiality to the fullest extent permitted by law;
- Thoroughly and impartially investigate the allegation;
- When reasonably necessary, provide interim remedy(ies) pending a final resolution;
- Provide all parties involved in the allegation a prompt and equitable determination of the merits of the claim;
- Decide whether the allegations are more likely than not to have occurred (preponderance of the evidence standard); and,
- If it is more likely than not that the allegations occurred, resolve the allegations in a manner designed to end the discrimination, prevent its reoccurrence, remedy the effects upon the victim and the community, and impose reasonable sanctions on any party found to have engaged in behavior prohibited by this policy.

Policy Statements and Overview of Procedures

VGCC is committed to maintaining and strengthening an environment founded on civility and respect. The College is committed to providing programs, activities, and an educational environment free from sex discrimination. To that end, the College prohibits Sexual Misconduct, as that term is defined below. The College also is committed to fostering a

community that promotes prompt reporting of all types of Sexual Misconduct and timely and fair resolution of Sexual Misconduct allegations. The College has appointed at least one Title IX Coordinator, who is responsible for the establishment and education of the grievance procedures for the handling of allegations of sexual misconduct.

This Policy applies to any allegation of sexual misconduct made by or against a student or an employee of the College or a third party, regardless of where the alleged sexual misconduct occurred, if the conduct giving rise to the Complaint is related to the College's academic, educational, or extracurricular programs or activities. The College's disciplinary authority, however, may not extend to third parties who are not students or employees of the College.

Definitions used in this policy are as follows:

Sexual Misconduct means any unwelcome conduct of a sexual nature, including any conduct or act of a sexual nature perpetrated against an individual without Consent. Sexual misconduct can occur between strangers or acquaintances, including people involved in an intimate or sexual relationship. Sexual misconduct can be committed by men or by women,

and it can occur between people of the same or different sex. Sexual misconduct also includes complicity in sexual misconduct. VGCC encourages reporting of all sexual misconduct. Sexual Misconduct includes but is not limited to the following: Dating Violence; Domestic Violence; Non-forcible Sex Acts; Sexual Assault; Sexual Exploitation; Sexual Harassment; and Stalking.

Illegal discrimination must be severe, pervasive and objectively offensive and shall be defined as:

- The failure or refusal to hire or to discharge any individual, or otherwise to discriminate against any individual with respect to his compensation, terms, conditions, or privileges of employment, because of such individual's race, color, religion, sex, gender, disability, age, national origin, or political affiliation;
- The limiting, desegregating, or classification of any employee in any way which would deprive or tend to deprive any individual of employment opportunities or otherwise adversely affect his status as an employee, because of such individual's race, color, religion, sex, gender, disability, age, national origin, or political affiliation;
- The denial, deprivation, limitation, or any other discrimination against an individual to any educational service or program of the College when the denial, deprivation, limitation, or other discrimination is because of such individual's race, color, religion, sex, gender, disability, age, national origin, or political affiliation;
- Any other action of the College, its personnel, working in their official employment capacity, which is based on an individual's race, color, religion, sex, gender, disability, age, national origin, or political affiliation.

Hostile Environment shall be defined as unwelcomed conduct, which is severe or pervasive enough to create a work or educational environment that a reasonable person would consider intimidating, hostile, or abusive when such unwelcomed conduct is the result of some Illegal discrimination. Offensive conduct may include, but is not limited to: offensive jokes, slurs, epithets, name calling, physical assaults, threats, intimidation, ridicule, mockery, insults, offensive objects or pictures, and interference with work performance or education. Petty slights, annoyances, isolated instances, or environments created by something other than illegal discrimination shall not rise to the level of a Hostile Environment.

Preponderance of the Evidence shall be defined as a finding that a claim or allegation is more likely than not to be true. This term does not refer to the quantity of evidence but rather to the quality of the evidence. It means that the fact finder must be persuaded, considering all the evidence, that the necessary facts to establish the allegation are more likely than not to exist.

Sex/Gender Discrimination shall be defined as Illegal Discrimination and includes the exclusion of a person from participation in or the denial of a person from the benefits of

any VGCC employment, education program, or VGCC activity based upon their sex or gender. Without limiting the definition of Sex/Gender Discrimination, the following are defined as acts of Sex/Gender Discrimination.

Sexual Harassment: A request for sexual favors, and other unwelcomed verbal or physical conduct of a sexual nature by an employee or student, constitutes sexual harassment when:

- Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment, or
- Submission to or rejection of such conduct by an individual is used as the basis for an employment decision affecting that individual, or
- Submission to or rejection of such conduct by a student is made the basis for decisions concerning a student's grade, academic achievement or progress, or participation in any program, curriculum or activity of the College, or
- Such conduct has the purpose or effect of unreasonably interfering with an individual's performance, or creating an intimidating, hostile or offensive environment.

Sexual Violence: Refers to a type of sex/gender discrimination involving physical sexual acts perpetrated against a person's will or where a person is incapable of giving consent (e.g., due to the student's age or use of drugs or alcohol, or because an intellectual or other disability prevents the person from having the capacity to give consent). A number of different acts, as defined below fall into the category of Sexual Violence including: dating violence, domestic violence, rape, sexual assault, sexual battery, sexual coercion, and stalking. Sexual Violence can be carried out by school employees, other students, or third parties. All such acts of sexual violence are forms of sex/gender discrimination prohibited by Title IX, the Board of Trustees, and College Administration.

Dating Violence is defined as violence by a person who has been in a romantic or intimate relationship with the victim. Whether there was such a relationship will be gauged by its length, type, and frequency of interaction.

Domestic Violence is defined as asserted violent misdemeanor and felony offenses committed by the victim's current or former spouse, current or former co-inhabitant, persons similarly situated under a domestic or family violence law, or anyone else protected under domestic or family law.

Rape is defined as non-consensual sexual intercourse, however slight, with any object, by one person upon another person that is without consent and/or done by force.

Sexual Assault is defined as any involuntary sexual act in which a person is threatened, coerced, or forced to engage against their will, or any sexual touching of a person who has

not consented. This includes rape (such as forced vaginal, anal, oral penetration), groping, forced kissing, child sexual abuse, or the torture of a victim in a sexual manner.

Sexual Battery shall be defined as an unwanted form of contact with an intimate part of the body that is made for purposes of sexual arousal, sexual gratification, or sexual abuse. Sexual battery may occur whether the victim is clothed or not.

Sexual Coercion shall be defined as any act of persuading or coercing a person into engaging in an unwanted sexual activity through physical force, the threat of physical force, or emotional manipulation. It may also include substance coercion. Coercive situations may occur along a continuum and may not be obvious, even to the coerced individual.

Stalking is defined as a course of conduct directed at a specific person that would cause a reasonable person to fear for her, his, or other's safety, or to suffer substantial emotional distress. Please see section 14-277.3A of the General Statutes for North Carolina's definition of stalking.

Consent must be received prior to engaging in sexual activity and shall be defined as affirmative action through clear words or actions that creates the mutual understandable permission of all parties to willingly engage in sexual activity and the conditions of such activity. Consent can only be given by one who has the mental and physical capacity to make such a decision, and it must be clear, knowing, and voluntary. Consent to engage in one form of sexual activity cannot automatically imply to consent to engage in any other form of sexual activity. Previous relationships or prior consent cannot imply consent to future sex acts. Consent can be withdrawn at any time. Consent may not be granted by a person known to be, or by one who should be known to be, mentally or physically incapacitated. It should be recognized that the lack of protest or resistance is not, in and of itself, consent and persons who are asleep, unconscious, or unable to communicate due to a mental or physical condition are not capable of granting consent.

TIMELY WARNING

In accordance with the Clery Act, Vance-Granville Community College (VGCC) will keep the campus community informed by providing timely warning of crimes occurring on or near campus that represent a serious or continued threat to students and employees, once such crimes are reported to VGCC Police or Security. All members of the College community are encouraged to report any crime or hazard to the VGCC Police department as soon as possible. Timely warnings may be made about any serious crimes whether reportable under the provisions of the Clery Act or not.

Under the direction of the President, the Vice President of Employee and Public Relations shall ensure compliance with this policy. The Police Chief or a designee shall implement the policy in compliance with the College Emergency Management Plan.

Definitions used in this policy are as follows:

Clery Act: Federal law with associated regulations administered by the U.S. Department of Education which requires that institutions of higher education provide students, employees and requesting applicants with an Annual Security Report. The Annual Security Report must contain crime statistics concerning specified reportable offenses and other security related information.

“Campus Security Authority” (“CSA”) are individuals at the college who, because of their function for the college, have an obligation under the Clery Act to notify the college of alleged Clery Crimes that are reported to them in good faith or alleged Clery Crimes that they may personally witness.

For the purposes of this policy, **“crimes”** means offenses enumerated in the Clery Act and associated regulations, which have been reported to Vance Granville Community College or a local police agency, and which occur on or near campus.

Clery Act reportable crimes are defined by the Clery Act as any of the following:

- Criminal Homicide
- Aggravated Assault
- Sex Offense, Forcible
- Sex Offense, Non-forcible
- Burglary ▪ Robbery
- Motor Vehicle Theft
- Arson
- Hate Crimes, including Larceny-Theft, Simple Assault, Intimidation, or Destruction/Damage/Vandalism of Property if the victim was intentionally selected because of the victim’s actual or perceived race, gender, religion, sexual orientation, ethnicity or disability
- Dating Violence
- Domestic Violence
- Stalking
- Illegal weapons possession
- Drug abuse violations
- Liquor law violations