Davidson County Community College
Policy Statements Regarding Harassment and Sexual Violence

Sexual Harassment

Sexual harassment (whether opposite-sex or same-sex) is strictly prohibited. Examples of the types of behavior that are considered sexual harassment in violation of this policy include:

• Sexually offensive jokes or comments.

• Physical assaults or other touching that is sexual in nature.

• Promising favorable treatment or threatening unfavorable treatment based on the student’s or employee’s response to sexual demands.

• Displays of sexually oriented reading materials or pictures, including electronic material.

• Punishing a student or employee for complaining of sexual harassment.

Harassment Based on Race, Sex, Gender Identity, National Origin, Age, Disability, or Religion

Harassment based on these other traits deserves special mention and is also strictly prohibited. Examples of the types of behavior that will be considered based on these characteristics include:

• Jokes or negative comments about these characteristics.

• Displays of reading materials or pictures containing negative material about these characteristics including electronic materials.

• Vandalism or “pranks” based on these characteristics.

• Name-calling based on these characteristics.

• Punishing a student or an employee for complaining of these types of harassment.
**Consensual Relationship Policy**

Consensual relationships are not absolutely prohibited by the no-harassment policy; however, because of the potential for misuses or the perception of misuse of authority, certain consensual relationships are prohibited. Anyone who violates this policy will be subject to discipline up to and including immediate termination of employment. All faculty and staff members are prohibited from having an intimate amorous relationship with any student who is under the academic supervision of that faculty or staff member. Both the fact and the appearance of such a relationship must be avoided. Academic supervision includes supervising, tutoring, providing guidance to or working with a student in any capacity, either directly or indirectly in the classroom, outside the classroom, or as a work-study student. Academic supervision also includes counseling, advising a student or student group, in a formal or informal capacity, and participating in award, grant, or scholarship decisions. An intimate amorous relationship includes a romantic and/or sexual relationship between members of the same sex or members of the opposite sex. A relationship that is not consensual is governed by the College’s no-harassment policy. Under no circumstances may a faculty or staff member have an intimate amorous relationship with any student who is a minor. This prohibition applies whether or not the relationship is consensual and whether or not the student is under the academic supervision of the faculty or staff member. A minor is anyone under the age of eighteen. A faculty or staff member who is aware that he or she is violating this policy or who is aware that he or she may appear to be violating this policy is encouraged to consult immediately with the appropriate supervisor to discuss a means of resolution.
The Campus Sexual Violence Elimination (SaVE) Act Policy

This Act creates the following criteria by which DCCC will respond to acts of dating violence, domestic violence, sexual assault and stalking:

1. Transparency

SaVE requires that incidents of domestic violence, dating violence, sexual assault, and stalking be disclosed in annual campus crime statistic reports. Additionally, students or employees reporting victimization will be assisted in the following ways:

- Be assisted by campus authorities if reporting a crime to law enforcement.
- Changing academic, living, transportation, or working situations to avoid a hostile environment.
- Obtaining or enforcing a no contact directive or restraining order.
- Receiving contact information about existing counseling, health, mental health, victim advocacy, legal assistance, and other services available both on-campus and in the community.

2. Accountability

SaVE clarifies minimum standards for institutional disciplinary procedures covering domestic violence, dating violence, sexual assault, and stalking to ensure that:

Any student or employee who is a victim of domestic violence, dating violence, sexual assault or stalking may report these actions to the appropriate representative of DCCC or law enforcement. DCCC is committed to promptly and fully investigating any allegations of misconduct and will proceed to investigate all claims as follows:

ESTABLISHING TIME FRAMES FOR THE REVIEW PROCESS

The College will conduct a timely review of all complaints of domestic violence, dating violence, and/or stalking. Absent extenuating circumstances:

- Review and resolution is expected to take place within 60 calendar days from receipt of the complaint.
- The preliminary review of all complaints, including any necessary interviews to be conducted and any necessary interim measures to be put in place, will usually be completed within 10 days of receipt of the complaint.
• The subsequent, comprehensive review and investigation of the complaint, including interviews with all involved parties and gathering of evidence, is usually completed within 20 days of receipt of the complaint.

• Results of the complaint, via either a formal hearing or waiver of hearing are typically issued within 60 days of receipt of the complaint.

• An appeal of the results must be submitted within 7 days of receipt of the written result.

• Absent extenuating circumstances, decisions on appeals are typically issued within 30 days of submission of the appeal.

PARTIES’ RIGHTS TO ADVISORS

The respondent and complainant may be assisted during disciplinary hearings and related meetings, by an advisor of their choice. The respondent and complainant may present witnesses and may produce other evidence for consideration by the hearing officer. The respondent and complainant are responsible for presenting evidence on their own behalf. Advisors may speak privately to their advisee, respondent or complainant, during the proceeding. Either party may request a brief recess to consult with their advisor, which will be granted at the discretion of the hearing officer. Advisors for the respondent and complainant may not present evidence or question witnesses.

NOTIFICATION OF FINDINGS

Within 5 class days after the adjournment of the hearing, the hearing officer shall submit written findings of fact, conclusions regarding the charge(s), and imposition of a sanction, if any, to the respondent and any College official who is determined by the Director of Campus Safety and Community Standards to have a legitimate interest in the result. In the case of sexual misconduct and violations involving dating violence, domestic violence, sexual assault, or stalking, both the complainant and respondent shall also receive simultaneous notice of the results and sanctions imposed (and the rationale for the result and sanctions), as well as notice of the appellate procedures available.

SANCTIONS

DCCC considers dating violence, domestic violence, sexual assault, and stalking as extremely serious violations and subject to punishment up to SUSPENSION and/or EXPULSION from DCCC. This is separate and distinct from any criminal charges that may be brought from such actions.
EVIDENCE

Evidence to be presented by complainant(s) and respondent(s) during any hearing on the charges must be shared with the opposing party at least 2 business days in advance of the scheduled hearing. The College Official presiding at and/or hearing the case may exclude evidence that has not been shared or adjourn the hearing to afford all parties the opportunity to review evidence to be presented during the hearing. The DCCC Official presiding at and/or hearing the case will make the final decision relating to the admissibility of all evidence.

BURDEN OF PROOF

The burden of proof in all cases is “the preponderance of the evidence” – whether it is “more likely than not” that the sex discrimination, dating violence, domestic violence, sexual assault, or stalking occurred. If the evidence presented meets this standard, then the respondent must be found responsible. This standard does not necessarily apply to any corresponding criminal or civil proceedings based on the actions in question.

EXTENSIONS

All deadlines and time requirements in the Code may be extended for good cause as determined by the DCCC Official presiding over the case. Both the respondent and the complainant will be notified in writing of the delay, the reason for delay, and provided the date of the new deadline or event. Extensions requested by one party will not be longer than 5 business/school days.

3. Education

As part of DCCC’s SaVE compliance DCCC is committed to providing programming for students and employees addressing the issues of domestic violence, dating violence, sexual assault and stalking. DCCC has implemented education programs to address these topics; such programs are outlined and defined below:

PRIMARY PREVENTION PROGRAMS

DCCC expressly prohibits the offenses of domestic violence, dating violence, sexual assault and stalking. DCCC is committed to provide programming, initiatives and strategies informed by research or assessed for value, effectiveness, or outcome that are intended to stop dating violence, domestic violence, sexual assault, and stalking before they occur through the promotion of positive and healthy behaviors that foster healthy, mutually respectful relationships and sexuality, encourage safe bystander intervention, and seek to change behavior and social norms in healthy and safe directions.
ONGOING PREVENTION AND AWARENESS PROGRAMS

Programming, initiatives and strategies that are sustained over time and focus on increasing understanding of topics relevant to and skills for addressing dating violence, domestic violence, sexual assault, and stalking using a range of strategies with audiences throughout the institution.

AWARENESS PROGRAMS

Community wide or audience specific programming, initiatives, and strategies that increase audience knowledge and share information and resources to prevent violence, promote safety and reduce perpetration.

Bystander Intervention Programs

Programs and training that offer safe and positive options that may be carried out by an individual or individuals to prevent harm or intervene when there is a risk of dating violence, domestic violence, sexual assault or stalking. They include recognizing situations of potential harm, understanding institutional structures and cultural conditions that facilitate violence, overcoming barriers to intervening, identifying safe and effective intervention options, and taking action to intervene.

Risk Reduction

Options designed to decrease perpetration and bystander inaction, and to increase empowerment for victims in order to promote safety and to help individuals and communities address conditions that facilitate violence.

4. Collaboration

SaVE establishes collaboration between the U.S. Departments of Justice, Education, and Health and Human Services to collect and disseminate best practices for preventing, responding to and reporting acts of domestic violence, dating violence, sexual assault, and stalking. DCCC is committed to compliance with SaVE provisions and undertakes numerous training opportunities for faculty, staff and students to best be prepared to prevent and respond to acts of domestic violence, dating violence, sexual assault and stalking. DCCC makes a continued effort to maintain required disclosure of all acts of domestic violence, dating violence, sexual assault and stalking.
Reporting Procedures

The College cannot resolve matters that it does not know about. Every student and employee has a duty to immediately report harassment, sexual crimes (dating violence, domestic violence, stalking, sexual assault) or violations of the consensual relationship policy so that the College can try to resolve the situation. Harassment or violations of the consensual relationship policy should be reported when:

- An individual feels that he/she has been harassed, is a victim of a sexual crime or subject to a violation of the consensual relationship policy.

- An individual has knowledge of someone else being harassed, is a victim of a sexual crime or being subjected to a violation of the consensual relationship policy.

This is true in cases whether the alleged is a student, faculty, staff, or even a non-employee, such as a customer or vendor with whom the College does business.

To report harassment, sexual crimes or violations of the consensual relationship policy:

- Students must contact the Vice President, Student Affairs, at 336.249.8186, extension 6328; room 210, J. Bryan Brooks Student Center.

- Employees must contact Human Resources at 336.249.8186, extension 4662; room 223, J. Bryan Brooks Student Center.

These individuals have been trained to respond appropriately to such reports. Once a report has been received, the College will:

- Conduct a prompt and thorough investigation (for sexual crimes the process of investigation of described in full detail under the SaVE Act Policy).

- Contact law enforcement officials if necessary to ensure the safety of the complaining student or employee.

- Make appropriate referrals to Family Services of Davidson County for victim assistance services.

- Evaluate and/or implement changes to the victim’s academic or work environment to ensure safety.

- Discuss the results with the complaining student or employee and, where appropriate, the action to be taken.
• Keep the investigation and results as confidential as possible.

• If the complaint is verified, take appropriate corrective action, up through and including dismissal from the College or termination of employment.

No student or employee will be punished for bringing information to the College’s attention or for cooperating in an investigation; however, a person who self-reports a violation of the College policy is still subject to investigation and appropriate actions.

DCCC will protect the confidentiality of victims, including redacting names of victims, as permitted by law on publicly available recordkeeping.