

Martin Community College

Title IX Policy: Discrimination on the Basis of Sex & Sexual Misconduct

1. **Martin Community College** is committed to providing a learning and working environment that promotes personal integrity, civility and mutual respect in an environment free of discrimination on the basis of sex, which includes all forms of sexual misconduct. Sex discrimination violates an individual's fundamental rights and personal dignity. Martin Community College considers sex discrimination in all its forms to be a serious offense. This policy refers to all forms of sex discrimination, including but not limited to: sexual harassment, sexual assault, and sexual violence by employees, students, or third parties.
2. **Title IX of the Education Amendments of 1972** prohibits discrimination based on sex in educational programs and activities that receive federal financial assistance. To ensure compliance with Title IX and other federal and state civil rights laws, the College has developed policies and procedures that prohibit sex discrimination in all of its forms.
3. **Title IX Statement on Non-Discrimination:**
 - 3.1. Martin Community College does not discriminate on the basis of race, color, national origin, sex, disability, or age in its programs and activities. This policy extends to employment with and admission to the College. The following people are designated to handle inquiries regarding the non-discrimination policies:

Dr. Brian Busch, Director of Students Services/Counselor, Title IX Coordinator
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Williamston, NC 27892
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4. **Guidance on reporting**
 - 4.1. Martin Community College encourages those who have experienced any form of sex discrimination to report the incident promptly, to seek all available assistance, and to pursue College conduct charges and criminal prosecution of the offender. The College takes complaints very seriously and will work with victims to ensure their safety and to remedy the situation.

5. Whom to file a report or make a complaint to:

- 5.1. The College encourages those who have experienced sex discrimination to report these offenses to either the Title IX Coordinator or the Campus Safety & Security; those who want to make a complaint have the right, however, not to provide a statement to Campus Safety & Security.
- 5.2. Persons who wish to report any form of sex discrimination may contact the College's Title IX Coordinator. The Title IX Coordinator can assist with all aspects of the reporting procedure and will conduct an investigation into a complaint. Employees of the College can also make an initial report to their immediate supervisor who must report it to the Director of Human Resources.
- 5.3. Employees who believe they have either witnessed or been subjected to unlawful sex discrimination may also notify one of the following: the Dean of Administrative Services, the Dean of Academic Affairs & Student Services, the Director of Human Resources, the Director Student Services/Counselor, the Director of Continuing Education, the Assistant to the President for B & I, or the President of the College. Employees may report to any one of these individuals. If for any reason the employee is unable or unwilling to report the matter to any one of the individuals listed above, he/she may report the matter to the President of the College.

6. Guidance on taking immediate action.

- 6.1. Tell a trusted person about the incident. You may contact Martin Community College Title IX Coordinator at 252-789-0293 and/or the Campus Safety & Security. Other helpful resources are the REAL Crisis Center, <http://realcrisis.org/> at 252-758-4357, and the Center for Family Violence Prevention at 252-809-4290. Campus Safety and the Title IX Coordinator can provide immediate referral information, access to the College counseling, and/or investigation assistance.
- 6.2. In the event that a sexual assault or sexual violence occurred, do everything possible to preserve evidence by making certain that the crime scene is not disturbed. (The decision to press charges does not have to be made at this time. However, following these procedures will help preserve this option for the future.) Survivors should not bathe, urinate, douche, brush teeth, or drink liquids. Clothes should not be changed but if they are bring all the original clothing to the hospital in a paper bag. (Plastic bags damage evidence.)
- 6.3. When necessary seek immediate medical attention at an area hospital and take a full change of clothing, including shoes, for use after a medical examination.
- 6.4. A REAL Crisis Center or Center for Family Violence Prevention advocate can offer support at the hospital; however survivors must ask for the advocate at the hospital. (People under the age of eighteen should be aware that, as a minor, their parent(s) may have the right to obtain information from their medical records.)
- 6.5. Survivors may choose whether or not to speak to the police at the hospital. If they do, the option to choose whether to file charges against the accused still exists.
- 6.6. Private physicians are not required to notify the police. If a survivor desires police involvement, they may request this contact. Also, with a private physician, survivors may have to ask for a rape kit to be completed. Please keep in mind: having a rape exam does not mean that survivors are mandated to press charges. This action only keeps the survivor's options open.

7. Grievance Procedure

- 7.1. All incidents of sex discrimination, including sexual misconduct or retaliation, should be reported. The Title IX Coordinator will provide for the adequate, reliable, and impartial investigation of all complaints.
- 7.2. The College has developed both an informal and formal complaint and resolution procedure to respond to sex discrimination. The use of the informal complaint and resolution procedure is optional. In instances where parties involved do not wish to engage in the informal procedure, where informal resolution is not appropriate, or in situations where attempts at the informal procedure are unsuccessful, the formal procedure may be followed.

8. Informal Procedure

- 8.1. Some complaints of sex discrimination can be resolved through informal mediation between the parties.
- 8.2. Once a report of sex discrimination has been made, informal resolution procedures will be pursued within seven calendar days of the initial report.
- 8.3. Informal resolution procedures are optional and may be used when the College determines that it is appropriate. Informal procedures are never applied in cases involving violence or non-consensual sexual intercourse.
- 8.4. An investigation into the report shall be conducted by the Title IX Coordinator within seven days of the report being made. For reports involving allegations against College employees, the Title IX Coordinator and Director of Human Resources shall jointly conduct an investigation.
- 8.5. Once the informal resolution procedure is complete, written notification to all parties shall be given by the Title IX Coordinator within one day of the determinations of findings.
- 8.6. The College shall take reasonable steps to prevent the recurrence of sex discrimination in any form. If such recurrence takes place, those responsible for such behavior may be subject to actions under the Martin Community College Code of Student Conduct (online College Catalog) if they are a student, or they may be subject to actions under the Faculty and Staff Handbook if they are an employee or third party.
- 8.7. The College will take all necessary steps to protect or remedy the discriminatory effects on the victim(s) and others. These protections or remedies may include separating the parties, placing limitations on contact between the parties, suspension, or making alternative workplace arrangements. Examples of such victim sensitive remedies may include: order of no contact, adjustment of schedule, etc. These remedies may be applied to one, both, or multiple parties involved.
- 8.8. If the reporting party is unsatisfied with the outcome of the informal resolution procedure, the formal resolution procedure may be pursued.
- 8.9. Written notice of the outcome of this process shall be given to the parties involved by the Title IX Coordinator within one day of the outcome.

9. Formal Procedure

- 9.1. Once a complaint of sex discrimination is made, an investigation of the report shall be pursued within seven calendar days.
- 9.2. To ensure a prompt and thorough investigation, the complainant should provide as much of the following information as possible:

- 9.2.1. The name, department, and position of the person or persons allegedly causing the sex discrimination (which includes: sexual misconduct, sexual violence, and harassment) or retaliation.
 - 9.2.2. A description of the incident(s), including the date(s), location(s), and the presence of any witnesses.
 - 9.2.3. If the complainant is an employee: the alleged effect of the incident(s) on the complainant's position, salary, benefits, promotional opportunities, or other terms or conditions of employment.
 - 9.2.4. The names of other students or employees who might have been subject to the same or similar sex discrimination or retaliation.
 - 9.2.5. Any steps the complainant has taken to try to stop the sex discrimination or retaliation.
 - 9.2.6. Any other information the complainant believes to be relevant to the sex discrimination, harassment, or retaliation.
- 9.3. Investigation
- 9.3.1. An investigation into the report shall be conducted by the Title IX Coordinator. For reports involving College employees and/or third parties, the Title IX Coordinator and Director of Human Resources shall jointly conduct the investigation. The investigation shall be concluded as quickly as possible, typically within seven calendar days or within a reasonable amount of time required to complete the investigation. The investigation will be conducted in a manner so that it is adequate, reliable and impartial.
 - 9.3.2. The investigation may include any of the following: interviews of the parties involved, including witnesses, and the gathering of other relevant information.
 - 9.3.3. Parties to the complaint may present witnesses and other evidence.
 - 9.3.4. At any time during the investigation, the investigator may recommend that interim protections or remedies for the parties involved or witnesses be provided by appropriate College officials. These protections or remedies may include separating the parties, placing limitations on contact between the parties, suspension, or making alternative workplace arrangements. Failure to comply with the terms of interim protections may be considered a separate violation under the Martin Community College Code of Student Conduct if they are a student, or they may be subject to actions under the Faculty and Staff Handbook if they are an employee or third party.
- 9.4. Cooperation with Law Enforcement
- 9.4.1. The College will comply with law enforcement request for cooperation and such cooperation may require the College to temporarily suspend the fact-finding aspect of a Title IX investigation while the law enforcement agency is in the process of gathering evidence. The College will promptly resume its Title IX investigation as soon as notified by the law enforcement agency that it has completed the evidence gathering process, which typically takes three to ten calendar days, although the delay in the College's investigation may be longer in certain instances.
 - 9.4.2. The College will implement appropriate interim steps during the law enforcement agency's investigation period to provide for the safety of the victim(s) and the campus community and the avoidance of retaliation.
- 9.5. A resolution shall be determined at the conclusion of the investigation. Parties involved will be given notice of the outcome in writing within one day of the determination.
- 9.6. Parties to the complaint may appeal the findings of the investigation. All grounds for appeal shall be based on the emergence of new evidence that was previously unavailable, or based

on the grounds that some aspect of this policy or procedure was not adequately followed. All appeals will be conducted in an impartial manner by one of the persons in the following positions who did not conduct the initial investigation: the Dean of Administrative Services, the Dean of Academic Affairs & Student Services, the Director of Human Resources, the Director Student Services/Counselor, the Director of Continuing Education, the College President or designee.

- 9.7. The College shall take reasonable steps to prevent the recurrence of sex discrimination or retaliation in any form. If the reoccurrence takes place, those responsible for such behavior may be subject to disciplinary action under the under the Martin Community College Code of Student Conduct if they are a student, or they may be subject to actions under the Faculty and Staff Handbook if they are an employee or third party.
- 9.8. The College will take all necessary steps to remedy the discriminatory effects on the victim(s) and others. Examples of such remedies may include: order of no contact, classroom re-assignment, or other appropriate remedies.

10. Definitions and Examples

- 10.1. Sex Discrimination: behaviors and actions that deny or limit a person's ability to benefit from, and/or fully participate in the educational programs or activities or employment opportunities because of a person's sex.
 - 10.1.1. Examples of sex discrimination under Title IX include, but are not limited to, sexual harassment, failure to provide equal opportunity in education programs and co-curricular programs including athletics, discrimination based on pregnancy, and employment discrimination.
- 10.2. Sexual Harassment is unwanted sexual advances, requests for sexual favors, or visual, verbal, or physical conduct of a sexual nature when: (1) submission to such conduct is made a term or condition of employment or the educational relationship; (2) submission to or rejection of such conduct is used as a basis for employment or education decisions affecting the individual; or (3) such conduct has the effect of unreasonably interfering with a student's or employee's work performance or creating an intimidating, hostile, or offensive working, educational, or living environment. While sexual harassment encompasses a wide range of conduct, some examples of specifically prohibited conduct include:
 - 10.2.1. Promising, directly or indirectly, a student or employee a reward, if the student or employee complies with a sexually oriented request.
 - 10.2.2. Threatening, directly or indirectly, retaliation against a student or an employee, if the student or employee refuses to comply with a sexually oriented request.
 - 10.2.3. Denying, directly or indirectly, a student or employee an employment or education related opportunity, if the student or employee refuses to comply with a sexually oriented request. Engaging in sexually suggestive conversation or physical contact or touching another student or employee.
 - 10.2.4. Displaying pornographic or sexually oriented materials.
 - 10.2.5. Engaging in indecent exposure.
 - 10.2.6. Making sexual or romantic advances toward a student or employee and persisting despite the student or employee's rejection of the advances.
 - 10.2.7. Physical conduct such as assault, touching, or blocking normal movement.
 - 10.2.8. Retaliation for making harassment reports or threatening to report harassment.
 - 10.2.9. Sexual harassment can involve males or females being harassed by members of either sex. Although sexual harassment sometimes involves a person in a greater

position of authority as the harasser, individuals in positions of lesser or equal authority also can be found responsible for engaging in prohibited harassment.

10.2.10. Sexual harassment can be physical and/or psychological in nature. An aggregation of a series of incidents can constitute sexual harassment even if one of the incidents considered separately would not rise to the level of harassment.

10.3. Sexual Misconduct

10.3.1. Sexual Misconduct is a broad term encompassing any sexual behaviors that violate Martin Community College's Code of Conduct and/or Title IX Policy. In general, any nonconsensual physical contact of a sexual nature may constitute Sexual Misconduct. Sexual Misconduct may vary in its severity and consists of a range of behaviors or attempted behaviors that may be grounds for student conduct action under College policy. Prohibited conduct under this Sexual Misconduct Policy includes:

10.3.2. Non Consensual Sexual Contact

10.3.2.1. Non-Consensual Sexual Contact is any intentional sexual touching, however slight with any object or body part, by a man or a woman upon a man or a woman, without consent.

10.3.3. Non-Consensual Sexual Intercourse

10.3.3.1. Non-Consensual Sexual Intercourse is: any sexual intercourse (anal, oral, or vaginal), however slight, with any object or body part, by a man or woman upon a man or a woman, without consent.

10.3.4. Forced Sexual Intercourse

10.3.4.1. Unwilling or non-consensual sexual penetration (anal, vaginal or oral) with any object or body part that is committed either by force, threat, intimidation, or through exploitation of another's mental or physical condition of which the assailant was aware or should have been aware.

10.3.5. Sexual Activity includes: Intentional contact with the breasts, buttock, groin, or genitals, or touching another with any of these body parts, or making another touch you or themselves with or on any of these body parts; any intentional bodily contact in a sexual manner, though not involving contact with/of/by breasts, buttocks, groin, genitals, mouth or other orifice. Intercourse however slight, meaning vagina penetration by a penis, object, tongue or finger, anal penetration by a penis, object, tongue, or finger and oral copulation (mouth to genital contact or genital to mouth contact).

10.4. Sexual Exploitation

10.4.1. Occurs when a student takes non-consensual or abusive sexual advantage of another for his/her own advantage or benefit, or to benefit or advantage anyone other than the one being exploited, and that behavior does not otherwise constitute one of the other sexual misconduct offenses.

10.4.2. Examples of sexual exploitation include, but are not limited to: prostituting another student; non-consensual video or audio-taping of sexual activity; going beyond the boundaries of consent (such as letting your friends hide in the closet to watch you having consensual sex); engaging in Voyeurism; knowingly transmitting an STD or HIV to another.

10.5. Consent: Effective consent is the basis of the analysis applied to unwelcome sexual contact. Lack of consent is the critical factor in any incident of sexual misconduct.

- 10.5.1. Consent is informed, freely and actively given and requires clear communication between all persons involved in the sexual encounter.
 - 10.5.2. Consent is active, not passive. Consent can be communicated verbally or by actions. But in whatever way consent is communicated, it must be mutually understandable. Silence, in and of itself, cannot be interpreted as consent.
 - 10.5.3. It is the responsibility of the initiator of sexual contact to make sure they understand fully what the person with whom they are involved wants and does not want sexually.
 - 10.5.4. Consent to one form of sexual activity does not imply consent to other forms of sexual activity.
 - 10.5.5. Previous relationships or consent does not imply consent to future sexual acts.
 - 10.5.6. Consent cannot be procured by use of physical force, compelling threats, intimidating behavior, or coercion. Coercion is unreasonable pressure for sexual activity. Coercive behavior differs from seductive behavior based on the type of pressure someone uses to get consent from another.
 - 10.5.7. Effective consent cannot be given by minors, mentally disabled individuals or person's incapacitated as a result of drugs or alcohol.
 - 10.5.8. If you have sexual activity with someone you know to be--or should know to be--mentally or physically incapacitated (by alcohol or other drug use, unconsciousness or blackout), you are in violation of this policy.
 - 10.5.9. Incapacitation is a state where one cannot make a rational, reasonable decision because they lack the ability to understand the who, what, when, where, why or how of their sexual interaction.
 - 10.5.10. This policy also covers someone whose incapacity results from mental disability, sleep, involuntary physical restraint, or from the taking of a so-called "date-rape" drug. Possession, use and/or distribution of any of these substances, including Rohypnol, Ketomine, GHB, Burundanga, etc. is prohibited, and administering one of these drugs to another student for the purpose of inducing incapacity is a violation of this policy. More information on these drugs can be found at <http://www.911rape.org/>.
- 10.6. Use of alcohol or drugs will never function to excuse behavior that violates this policy.

11. Time Limitations

- 11.1. In order to pursue action through Martin Community College's grievance procedure, an aggrieved student or employee should meet with the Title IX Coordinator, or the Director of Human Resources, as the case may be, as soon as possible after the alleged act of sex discrimination, harassment, or retaliation occurs, to discuss the complaint. In any case, there is no time limit for students to make a report. Employees who have experienced conduct they believe is contrary to this policy have an obligation to make a report. An employee's failure to fulfill this obligation may affect his or her rights in pursuing legal action. Timely reporting is necessary for employees.

12. Support Services

- 12.1. There are various supportive measures available for those who have experienced sex discrimination. These support sources include:

- 12.1.1. **Title IX Coordinator:** The Title IX Coordinator serves as the central reference person for information about reporting and the investigative procedure, as well as available support services.
- 12.1.2. **Counseling:** Students who have experienced any form of sex discrimination, including sexual misconduct may receive confidential counseling at the Center for Family Violence Prevention 252-809-4290. Martin Community College employees may contact the Human Resources office or the Title IX Coordinator, or reference the Faculty and Staff Handbook for information regarding counseling options.
- 12.1.3. **Reassignments:** When the survivor and the accused student participate in the same courses, or participate in the same activities (i.e., sports teams) survivors may request that a fair and immediate way to reassign and/or move one of the persons be decided upon by the Dean of Academic Affairs & Student Services or a designee. The Dean of Academic Affairs & Student Services will consult with the appropriate program director or faculty in making a determination regarding an alternative classroom assignment(s) for the accused student and/or the survivor who has experienced a sex offense. When a student employee makes a report and the accused work in the same department or area, alternative work assignments may be made by the appropriate administrator upon request by the student employee filing the complaint.

13. Retaliation

- 13.1. Martin Community College strictly prohibits retaliation against any person for, in good faith, using this reporting procedure, or for filing, testifying, assisting or participating in any manner in any investigation or proceeding involving allegations of sex discrimination. Any person who violates this policy will be subject to discipline, up to and including termination if he/she is an employee, and/or dismissal if he/she is a student.
 - 13.1.1. Retaliation is any action by any person that is perceived as: intimidating, hostile, harassing, retribution, or violent that occurred in connection to the making and investigation of the report.

14. Confidentiality

- 14.1. Those who have experienced sex discrimination should know that all College employees (Campus Safety, staff members, etc.) must report known felonies to the police, either directly or through Campus Safety & Security. Only licensed mental health providers and clergy are not required to disclose knowledge of felonies reported to them except when necessary to prevent harm. Those who wish to discuss a situation in complete confidence should notify only licensed mental health providers and clergy.
- 14.2. If you would like to report an incident or speak to someone about something that happened and you desire that details of the incident be kept confidential, you should ask to speak with licensed mental health providers and clergy, or off-campus rape crisis resources, who will maintain confidentiality to the extent permitted by law.
- 14.3. All inquiries, complaints, and investigations are treated with discretion. Information is revealed as law and policy permit. However, the identity of the complainant is usually revealed to the person(s) accused of such conduct and any witnesses with consent of the complainant. Publicizing information about alleged sex discrimination or retaliation is strictly prohibited and may be considered a violation of College policy.

14.4. The Title IX Coordinator shall maintain all information in secure files pertaining to a complaint or investigation.

14.4.1. Federal Statistical Reporting Obligations:

Certain campus officials (campus Clery Act officials) have a duty to report violations of this policy for federal statistical reporting purposes. All personally identifiable information is kept private, but statistical information must be passed along to campus Clery Act officials regarding the type of incident and its general location (on or off-campus, in the surrounding area, but no addresses are given), for publication in the annual Campus Security Report. This report helps to provide the community with a clear picture of the extent and nature of campus crime, to ensure greater community safety.

14.4.2. Federal Timely Warning Reporting Obligations:

Victims of sex discrimination should also be aware that College administrators must issue timely warnings for certain types of incidents reported to them that pose a substantial threat of bodily harm or danger to members of the campus community under Federal “Clery” law. The College will make every effort to ensure that a victim’s name and other identifying information is not disclosed, while still providing enough information for community members to make safety decisions in light of the danger.

15. Intersection with the Student Conduct Process

15.1. For reports of violations of this policy, in which the complaint involves students, the complainant may also initiate charges through the Student Conduct process found in the College Catalog. As stated in that policy, any member of the College community may initiate charges against a student. In instances when a student conduct complaint is made, a conduct hearing shall be scheduled within seven calendar days of the conclusion of the investigation about the complaint. The purpose of the student conduct hearing is to determine responsibility for any alleged charges. This policy will be followed, in accordance with the Student Conduct process as it relates to the Title IX policy.

15.2. Standard for Determining Responsibility in a Student Conduct hearing:

15.2.1. The standard used to determine accountability will be whether it is more likely than not that the accused has violated the Student Code of Conduct policy (preponderance of evidence). All members of the College community found to have violated this policy will be sanctioned, up to dismissal from the College.

15.2.2. The Complainant’s Rights in a student conduct hearing:

15.2.2.1. An explanation of available options for redress,

15.2.2.2. Freedom from harassment by the accused (or the supporters),

15.2.2.3. Use of all available internal and external support services in dealing with the aftermath of the offense,

15.2.2.4. Ability to speak on their own behalf during the disciplinary proceedings, including making a “survivor impact” statement to a hearing board or College disciplinary panel,

15.2.2.5. The presence of an advisor from the College community and/or a support person during the disciplinary hearing,

15.2.2.6. The opportunity to present witnesses who can speak about the charges, character witnesses excluded,

15.2.2.7. Attend the entire disciplinary hearing except for the deliberation phase,

- 15.2.2.8. Testify on his/her own behalf,
- 15.2.2.9. Freedom from having irrelevant sexual history discussed during the disciplinary hearing,
- 15.2.2.10. Information about the outcome of the disciplinary hearing, and
- 15.2.2.11. Opportunity to appeal the outcome of the hearing.
- 15.2.3. The Rights of an Accused in a student conduct hearing - The College will treat an accused person with fairness throughout the disciplinary proceedings. Specifically, accused persons are entitled to:
 - 15.2.3.1. An explanation of the charge(s),
 - 15.2.3.2. Freedom from harassment by the complainant (or supporters),
 - 15.2.3.3. An explanation of the College discipline system,
 - 15.2.3.4. The presence of an advisor from the College community,
 - 15.2.3.5. Testify on his/her own behalf,
 - 15.2.3.6. Present witnesses who can speak about the charges, character witnesses excluded,
 - 15.2.3.7. Freedom from having irrelevant sexual history discussed during the disciplinary hearing,
 - 15.2.3.8. Information about the outcome of the disciplinary hearing, and
 - 15.2.3.9. Opportunity to Appeal the outcome of the hearing.
- 15.3. At the conclusion of the conduct hearing process, the College will provide written notification to the parties involved of the outcome and resolution of the hearing within seven calendar days.
- 15.4. Once written notification of the resolution has been received, the parties involved will have the opportunity to appeal the findings. The desire to appeal should be submitted in writing to the conduct officer within seven calendar days.
- 15.5. Appeals shall follow the appeal procedure found in the College Catalog or Faculty and Staff Handbook. The Appellate body may not be the Hearing Officer or member of the Conduct Board in the original hearing.
- 15.6. If there is any conflict between this Title IX policy and procedure and student conduct process this Title IX policy and procedure shall apply.

16. Consequences

- 16.1. The College reserves the right to take whatever measures it deems necessary in response to an allegation of sex discrimination in order to protect students' rights and personal safety.
- 16.2. Such measures may include , but are not limited to, separating the parties, placing limitations on contact between the parties, suspension, making alternative workplace or student housing arrangements, and reporting to the local police.
- 16.3. Not all forms of sexual misconduct will be deemed to be equally serious offenses, and the College reserves the right to impose differing sanctions, ranging from oral warning to expulsion, depending on the severity of the offense.

17. Special Provisions

- 17.1. Attempted violations
 - 17.1.1. In most circumstances, the College will treat attempts to commit any of the violations listed in this policy or in the Student Code of Conduct as if those attempts had been completed.
- 17.2. The College as Complainant

- 17.2.1.** As necessary, the College reserves the right to initiate a student conduct complaint, to serve as complainant, and to initiate conduct proceedings without a formal complaint by the victim or complainant.
- 17.3. False Reports**
- 17.3.1.** The College will not tolerate intentional false reporting of incidents. It is a violation of the Student Code of Conduct to make an intentionally false report of any policy violation, and it may also violate state criminal statutes and civil defamation laws. Violations will result in sanctions, ranging from oral warning to expulsion, depending on the severity of the offense.
- 17.4. Immunity for Victims**
- 17.4.1.** The College community encourages the reporting of sex discrimination and Code of Conduct violations. Sometimes, victims are hesitant to report to College officials because they fear that they themselves may be charged with policy violations, such as underage drinking at the time of the incident. It is in the best interest of this community that as many victims as possible choose to report to College officials. To encourage reporting, the College pursues a policy of offering victims of sex discrimination and sexual misconduct limited immunity from being charged with policy violations related to the particular incident. While violations to policy cannot be completely overlooked, the College will provide educational options rather than punishment, in such cases.
- 17.5. Good Samaritan**
- 17.5.1.** The welfare of students in our community is of paramount importance. At times, students on and off-campus may need assistance. The College encourages students to offer help and assistance to others in need. Sometimes, students are hesitant to offer assistance to others, for fear that they may get themselves in trouble (for example, as student who has been drinking underage might hesitate to help take a victim of sexual misconduct to the Campus Police). The College pursues a policy of limited immunity for students who offer help to others in need. While policy violations cannot be overlooked, the College will provide educational options, rather than punishment, to those who offer their assistance to others in need.
- 17.6. Parental Notification**
- 17.6.1.** The College reserves the right to notify parents/guardians of dependent students regarding any health or safety emergency, change in student status or conduct situation, particularly alcohol and other drug violations. The College may also notify parents/guardians of non-dependent students who are under age 21 of alcohol and/or drug policy violations. Where a student is non-dependent, the College will contact parents/guardians to inform them of situations in which there is a health and/or safety risk. The College also reserves the right to designate which College officials have a need to know about individual conduct complaints pursuant to the Family Educational Rights and Privacy Act.
- 17.7. Notification of Outcomes**
- 17.7.1.** The outcome of a Title IX investigation involving students is part of the education record of the student parties involved, and is protected from release under a federal law, FERPA. However, the College observes the legal exceptions that allow for notification of the parties involved and others whom the College determines to inform based on the law and this policy.

- 17.7.2. Students who bring any sort of sex discrimination complaint against faculty or staff may be informed of the outcome of the investigation and the resolution.
- 17.7.3. The College may release publicly the name, nature of the violation and the sanction for any student who is found in violation of a College policy that is a “crime of violence,” including: arson, burglary, robbery, criminal homicide, sex offenses, assault, destruction/damage/vandalism of property and kidnapping/abduction. The College will release this information to the complainant in any of these offenses regardless of the outcome.
- 17.8. Alternative Testimony Options for Student Conduct Hearings
 - 17.8.1. For student conduct complaints of a sensitive nature, whether the alleged victim is serving as the complainant or as a witness, alternative testimony options may be given, such as placing a privacy screen in the hearing room, or allowing the alleged victim to testify from another room via closed circuit. While these options are intended to help make the alleged victim more comfortable, they are not intended to work to the disadvantage of the accused student.
- 17.9. Past Sexual History/Character in Student Conduct Hearings
 - 17.9.1. The past sexual history or sexual character of a party will not be admissible in hearings unless such information is determined to be highly relevant by the Hearing Officer. All such information sought to be admitted will be presumed irrelevant, and any request to overcome this presumption by the parties must be included in the complaint/response or a subsequent written request, and must be reviewed in advance of the hearing by the Hearing Officer. While previous conduct violations by the accused student are not generally admissible as information about the present alleged violation, the Hearing Officer may supply previous complaint information to the conduct board, or may consider it him/herself if s/he is hearing the complaint, only if:
 - 17.9.1.1. The accused was previously found to be responsible in a conduct hearing;
 - 17.9.1.2. The previous incident was substantially similar to the present allegation;
 - 17.9.1.3. Information indicates a pattern of behavior and substantial conformity with that pattern by the accused student.

18. Sex Offense Educational Programming

- 18.1. Because Martin Community College recognizes sex discrimination as important issues, the College offers educational programming to a variety of groups such as: campus Resources (Campus Safety, Faculty, and staff); incoming students participating in orientation; and, members of student organizations.
- 18.2. Sex Discrimination educational programming may address matters such as: a definition of what constitutes sex discrimination, the causes of sex discrimination, myths involved with sex discrimination, the relationship between sex discrimination and alcohol use, what to do if you are assaulted, the nature of a rape examination, an explanation of the College sex discrimination policy, how to file charges within the College, its conduct system, and/or with the local police department, men’s issues and sexual assault, and campus community resources to assist both the survivor and the accused.