

SEXUAL MISCONDUCT

Casper College is committed to and seeks to maintain a safe academic and work environment. The college prohibits sexual misconduct including sexual harassment, sexual violence, domestic violence, dating violence, and stalking. The college has a duty to prevent and redress sexual misconduct under federal law including Title IX of the Education Amendment of 1972, Violence Against Women Act, and the Violence Against Women Reauthorization Act of 2013. The full policy is available in the policy manual.

Reporting

Anyone who believes they have been the recipient of sexual misconduct is encouraged to report the incident as soon as possible to any of the following offices or agencies:

- Title IX coordinator 307-268-2667
- Director of human resources 307-268-2025
- Campus Security (24 hours a day) 307-268-2688
- Casper Police Department (24 hours a day) 307-235-8278 or 911
- Counseling Services 307-268-2267
- Student Health 307-268-2263
- Office of the vice president for student services 307-268-2201

The Denver Regional Office of the Department of Education or the Equal Employment Opportunity Commission Office in Denver is also available to address harassment issues. Confidentiality will be maintained for all parties involved, insofar as possible.

Any college employee who receives a complaint of sexual misconduct must immediately notify the Title IX coordinator at 307-268-2667. College policy explicitly prohibits retaliation against individuals for bringing harassment complaints. Individuals found responsible for harassment are subject to disciplinary action.

The reporting party may decline to notify law enforcement or Campus Security. In such cases, college employees are required to provide the director of security with the type, date, time, and location of the offense for Clery Act reporting purposes only. Campus Security will contact law enforcement if the victim is under age 18; requires medical attention; is intoxicated or impaired and may be incapable of making an informed decision, or is too distraught to make wishes known; the alleged perpetrator is still on the scene; or there is an immediate danger to the college community or the community at large.

Definitions

Sexual misconduct is an umbrella term used to encompass sexual harassment, sexual violence, domestic violence, dating violence, and stalking.

Sexual harassment includes unwelcome sexual advances, requests for sexual acts or favors, and other verbal or physical conduct of a sexual nature when: 1) submission to such conduct is made explicitly or implicitly as a term or condition of an

individual's employment, academic advancement, evaluation, or grades; 2) submission to or rejection of such conduct by an individual is used as a basis for employment, academic advancement, evaluation, or grading decisions affecting that individual; or 3) such conduct has the purpose or effect of unreasonably interfering with an individual's work or academic performance or creating an intimidating, hostile, or offensive work or academic environment. Sexual harassment does not include verbal expressions or written material that is relevant and appropriately related to course subject matter or curriculum, and this policy shall not abridge academic freedom or the college's educational mission.

Sexual violence includes any sexual act perpetuated against a person's will or where the person is incapable of giving consent due to the use of drugs, alcohol, or an intellectual or other disability. Sexual violence includes, but is not limited to, rape, sexual assault, sexual battery, and sexual coercion.

Domestic violence includes felony or misdemeanor crimes of violence committed by a current or former spouse, intimate partner, or someone who lives with or shares a child with the victim.

Dating violence is violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. Existence of such a relationship will be determined by consideration of the length of the relationship, relationship type, and frequency of interaction between the persons involved.

Stalking includes nonconsensual communication or contact, harassment by the stalker or through a third party, threatening gestures, pursuing or following, surveillance or other types of observation, and trespassing that would cause a reasonable person to fear for his or her safety or the safety of others or to suffer substantial emotional distress.

Consent occurs when all persons knowingly agree to engage in a sexual activity. Consent must be voluntary and may be withdrawn at any time. Agreeing to one activity does not mean agreeing to other activities nor does agreeing once mean agreeing to future occasions. Consent cannot be given when a person feels threatened, pressured, coerced, or is mentally or physically incapacitated, under the influence of drugs or alcohol, or under the age of legal consent.

Confidentiality

The college will make all reasonable efforts to maintain the confidentiality of the parties involved in an investigation or hearing to the extent permissible by law. Confidential discussions about sexual misconduct may be available from people who, by law, have special professional status, such as the counselors in the Counseling Services Office. They can be reached at 307-268-2366 during business hours or Campus Security can contact them for the student after hours. Other resources include The Self-Help Center of Casper (307-235-2814) and the Natrona County Victim and Witness Services Office (307-235-9282).

Resources and Support

The college's immediate priority is the well-being and safety of the reporting party. The college will provide the reporting party with information about appropriate college or local resources, including law enforcement, legal, medical, counseling, and victim advocacy services. Reporting parties will be informed of options for changing academic, living, and working situations, if requested and reasonably available. Reporting parties will be advised of the importance of preserving evidence.

Interim Actions

The college will take necessary actions in response to an allegation to protect an individual's rights and safety and the safety of the college community. Interim actions may include, but are not limited to, suspension, changes in academic or work situations or schedules, a no contact order, and restrictions to access of the campus.

Due Process

The reporting party and the responding party will be given due process, will receive written notification of their rights, and are entitled to have an advisor of their choosing present during any meetings or proceedings related to an investigation as long as the advisor is not disruptive to the proceedings.

Investigating a Complaint

The college will conduct a prompt, fair, and impartial investigation into complaints of sexual misconduct, whether or not a law enforcement investigation occurs. College representatives trained on sexual misconduct and Title IX issues will investigate complaints. The college will protect the confidentiality of those involved to the extent possible under the law.

The college may enforce its policies whether or not legal proceedings occur. If there is sufficient evidence, the Title IX coordinator will issue sanctions and notify both parties of the decision. If either party disagrees with the outcome, they may request an appeal in accordance with the Student Conduct and Discipline Policy or the Employee Grievance Policy. If an appeal is granted, both parties will be notified of the outcome.

Sanctions and Protective Actions

Upon a finding of sexual misconduct, disciplinary action will take into account the nature and severity of the violation. Disciplinary actions include, but are not limited to, written warning, probation, suspension, expulsion, removal from college housing, restriction of privileges, community service, mandatory education, or termination of employment. In addition, the college may take protective measures as appropriate, such as no-contact orders or trespass notices. The college will assist the reporting party in changing academic, work, transportation, or living situations if requested and reasonably available. Local law enforcement is responsible for enforcing legal actions. Sanctions issued by the college will stand regardless of the outcome of legal proceedings.

Educational Programs to Promote Awareness

The college provides information on sexual misconduct including defining sexual misconduct, identifying reporting procedures and available campus and community resources for reporting parties, ways to minimize risk, and security services available.

ADDRESSING SEXUAL MISCONDUCT

