

## **Section 8-4                   SEXUAL HARASSMENT POLICY**

- A. CASC is committed to providing students, employees, and visitors educational and working environments free from Sexual Harassment, both in and out of the classroom. CASC does not tolerate sexual harassment in any form. Through enforcement of this policy, CASC seeks to prevent, correct and discipline behavior that violates this policy. CASC strongly encourages students, visitors and employees to promptly report any Sexual Harassment.

Schools are required by the Title IX regulations to have grievance procedures through which individuals can complain of alleged sex discrimination, including sexual harassment. As outlined in this guidance, a grievance procedure also provides schools with an excellent mechanism to be used in their efforts to prevent sexual harassment before it occurs.

### **B. DEFINITIONS**

1. The "Complainant" is an employee, student, or visitor who informs the CASC Human Resources Office that the employee, student, or visitor believes he or she has been subjected to Sexual Harassment.  
Complainant does not include a CASC supervisor, administrator, employee or official who reports Sexual Harassment that he or she has observed or a complaint he or she received involving other persons.
2. The "Respondent" is the employee, student, or visitor who allegedly sexually harassed another person in violation of this policy.
3. "Retaliation" means any action or failure to act with respect to an individual based on that individual's making a complaint, participating in the investigation of a complaint, or participating in the process under this policy, where such action or failure to act could have the effect of dissuading a reasonable person from participating or assisting with this policy.

The Department of Education defines sexual harassment under Title IX of the Education Amendments of 1972 as consisting of "verbal or physical conduct of a sexual nature, imposed on the basis of sex, by an employee or agent of a recipient that denies, limits, provides different, or conditions the provision of aid, benefits, services, or treatment protected under Title IX."

This policy is in keeping with the spirit and intent of various local, state and federal guidelines, which address the issue of fair employment procedures. It is further understood that false accusations of sexual harassment will not be condoned. Accusations of sexual harassment are indeed grievous and can have serious and far-reaching effects upon the careers and lives of individuals.

4. For purposes of this policy, Sexual Harassment is a form of gender discrimination as outlined by state and/or federal laws, which may consist of unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature when; Submission to such conduct is made either explicitly or implicitly a term or condition of a person's employment, education, or participation in a CASC program or event; Submission to or rejection of such conduct by an individual is used as the basis for decisions affecting an individual's employment or academic standing, or participation in a CASC program or event; or Such conduct has the purpose or effect of unreasonably interfering with a person's work or academic performance or creating an intimidating, hostile or offensive work or social environment.
  - a. No specific intent to sexually harass an individual need be present for Sexual Harassment to occur; however, the verbal or physical conduct of a sexual nature must be unwelcome.
  - b. Examples of verbal or physical conduct prohibited by this policy include, but are not limited to, the following: Persistent unwelcome flirtation, advances, sexual or romantic attention, and/or

propositions of a sexual nature; Repeated insults, humor, jokes, and/or anecdotes that belittle or demean an individual's or a group's gender, sexuality or sex; Gratuitous and unwelcome comments of a sexual nature about an individual's body or clothing or other lewd or sexually suggestive comments; Repeated remarks about sexual activity and/or speculation about sexual experiences; Unwarranted displays of sexually suggestive or sexually explicit objects or pictures, including but not limited to, email, text-messages, websites, videos, downloads, screensavers, greeting cards, articles, books, magazines, catalogs, graffiti, or cartoons; Intentional unnecessary touching, such as patting, pinching, hugging, or repeated brushing against an individual's body; Suggestions that submission to or rejection of sexual advances will affect decisions regarding such matters as an individual's employment, work assignments or status, salary, academic standing, grades, receipt of financial aid, or letters of recommendation; and

- c. Sexual assault. Verbal or physical conduct may violate this policy regardless of the level of authority and gender of the individuals involved.
  - (i) Incidents involving sexual assault of CASC students are addressed under Campus Procedures for Sexual Assaults Involving a CASC Student (Student Handbook).
- d. The individual who is sexually harassed and the harasser may be female or male and may be of the same sex or of opposite sexes;
- e. The harasser may be the supervisor of the individual who is sexually harassed, a supervisor in another area, a co-worker, a subordinate, a faculty member, a student, or a non-employee;
- f. The Complainant does not have to be the specific person to whom the sexually harassing conduct is directed, but must be a person who was affected by the offensive conduct of the harasser.
- g. Conduct may constitute Sexual Harassment in violation of this policy even in the absence of economic injury to, academic injury to, or discharge of the individual who is sexually harassed.

C. INITIATING A COMPLAINT:

- 1. Employees, students, or visitors who believe they (or someone they have witnessed), have been subjected to Sexual Harassment in violation of this policy must report the incident to the CASC Human Resources Office using the Campus Concern/Grievance Form. The Campus Concern/Grievance Form includes the Complainant's name and contact information, identify the complained-of individual, and describe the complained-of conduct, including but not limited to dates, times, places, and witnesses, if any, along with the Complainant's preferred outcome for resolving the matter.
- 2. The complaint should be turned into the CASC Human Resources Office no later than one hundred eighty (180) calendar days after the last complained-of incident.
- 3. Any CASC supervisor, administrator, or employee who receives a complaint or otherwise becomes aware of conduct he or she believes to be Sexual Harassment in violation of this policy must notify the Human Resources Office as soon as possible, but no later than ten (10) Working Days after the supervisor, administrator, or employee learns of the conduct.
- 4. The CASC supervisor, administrator, or official must also inform the individual making the Sexual Harassment complaint of this policy and refer them to the Human Resources Office.

D. COMPLAINT RESOLUTION: The Human Resources Department will determine, whether a complaint of Sexual Harassment will be resolved by formal or informal means.

- 1. INFORMAL RESOLUTION: The informal resolution process is appropriate where the complained-of conduct is not sufficiently serious or repetitive to rise to the level of unlawful Sexual Harassment. No formal investigation is conducted. Neither the Complainant nor the Respondent may have an attorney or representative present during the informal resolution process. The Complainant and/or Respondent is responsible for presenting their own case.

- a. The Human Resources Office shall attempt to resolve the Sexual Harassment complaint using the informal resolution process, within 30 days after the complaint has been submitted. When needed, the Human Resources Office shall conduct an investigation and attempt to resolve the matter informally.
  - b. At any time during the Informal Resolution process, the Human Resources Office or the Complainant may request a formal resolution process.
2. FORMAL RESOLUTION: The formal resolution is appropriate where the complainant alleges a serious or repetitive violation of this policy, or where no resolution is reached through the informal resolution process. Neither the Complainant nor the Respondent may have an attorney or representative present during the formal resolution process. The Complainant and/or Respondent is responsible for presenting his/her own case.
  - a. Initiating the Formal Resolution Process: The Complainant must have previously submitted to the Human Resources Office a signed written statement (Campus Concern/Grievance Form)
  - b. The Formal Resolution Process shall be completed within 45 days from the date of the Complainant's signed written statement is received. Additional time may be required based on unusual circumstances, including but not limited to the unavailability of the Complainant, Respondent, information or witnesses.
  - c. The President shall appoint an investigator(s) to examine all written complaints of Sexual Harassment against employees, students, and visitors. The investigator(s) may or may not be CASC employees.
  - d. In the course of the investigation, a copy of the written complaint will be given to the Respondent. The Respondent shall have ten (10) Working Days in which to submit a signed, written response to the complaint.
  - e. The investigator(s) interviews separately the Complainant and the Respondent as soon as reasonably possible after receipt of the written complaint and written response, if any.
  - f. The Respondent will not take any action against the Complainant or any witnesses or other persons, in retaliation for their initiation of or participation in the complaint process. Retaliation is a separate violation of this policy and may result in discipline even where the original complaint of Sexual Harassment is unfounded.
  - g. The investigator(s) may interview any other persons considered to have information relevant to the complaint.
  - h. The investigator(s) may receive, gather, and review any documents and physical evidence related to the complaint.
  - i. Where necessary, the investigator(s) may recommend to the President temporary adjustments to the Complainant's class schedule or work environment pending conclusion of the investigation.
  - j. The investigation of complaints against visitors may differ from the investigation described herein based on the circumstances.
3. Investigator(s) Report and Recommendations: Within 10 days after completing the investigation, the investigator prepares a written report and provides Complainant and Respondent, by hand delivery or other traceable means of delivery, a copy of the written report.
  - a. The President shall appoint a three-person committee to review the Report and Recommendations. Committee members will be appointed on a case-by-case basis.
  - b. The Complainant and Respondent shall have ten (10) working days to submit a "written reply" regarding the investigation report to the Human Resources Office. The Human Resources Office shall provide the Committee with a copy of the Complainants and Respondent's "written reply," if any.

- c. Within twenty (20) days after receiving the written investigation report, the Committee shall review the written report, and review the Complainants and Respondent's "written reply" to the investigation report, if any.
  4. The committee shall make one of the following determinations:
    - a. Return the written investigation report to the investigator(s) for additional investigation.
    - b. Dismiss the complaint on finding that the complained-of conduct did not occur or that the complained-of conduct did not violate this policy and notify the Complainant and Respondent of the determination.
    - c. Find that the conduct did occur and constituted a violation of this policy.
  5. If it is determined that this policy was violated, the committee will recommend appropriate discipline action against the Respondent including but not limited to expulsion or termination.
- E. APPEALS: If either the Complainant or the Respondent is dissatisfied with the determination reached in the formal resolution process, he or she may appeal that determination as follows:
  1. The appeal must be in writing, directed to the President and must state the grounds for the appeal. The written appeal must be received within ten (10) Working Days of the date of delivery of the written determination.  
The appeal may be made on substantive and/or procedural grounds.
  2. The President shall thoroughly review the matter and issue a written decision within twenty (20) Working Days of the appeal receipt date. The President may accept or reject the committees' investigation report and may accept, modify or reject any discipline imposed.  
The President's decision on appeal shall be the final institutional decision.
- F. CONFIDENTIALITY: Complaints of Sexual Harassment and investigations into Sexual Harassment allegations are kept confidential to the extent possible consistent with the need to investigate the complaint and come to a thorough and effective resolution.
- G. RETALIATION PROHIBITED: Any employee, student, or visitor who retaliates in any way against an individual who has initiated or participated in the resolution of a good faith complaint of Sexual Harassment is subject to discipline, up to and including termination of employment, suspension, or expulsion from CASC, even if no Harassment is found.
- H. FILING OF FALSE COMPLAINTS AND STATEMENTS: Anyone who knowingly or intentionally files a false complaint or false statement under this policy is subject to discipline, up to and including termination of employment, suspension or expulsion from CASC.
- I. EFFECT ON PENDING DISCIPLINARY ACTIONS: Filing a Sexual Harassment or retaliation complaint will not prevent, delay or affect any non-retaliatory evaluation or discipline of the Complainant for conduct, performance, or academic deficiencies or for violation of CASC policies and procedures.
- J. Policy on Relations between faculty, staff, or any other CASC employee or representative and Students. See section 4-52 Consensual Relationships.