Title IX

Sexual Harassment / Sexual Violence
What is Title IX?

Title IX is more than equality in college sports.

Sexual harassment is a form of sex discrimination that is prohibited by Title IX. It creates a hostile environment that is inappropriate for an environment conducive to learning and working. Haywood Community College takes this very seriously. We are dedicated to providing a safe environment for students and employees and will respond immediately, effectively, and fairly to all complaints.

Title IX Compliance Officers

Haywood Community College has two Title IX Compliance Officers who are responsible for the following:

- Overseeing all Title IX complaints and investigations to provide prompt, fair, and equitable resolutions
- Identifying and addressing any patterns or systemic problems that arise
- Being available to meet with students or employees, to provide support, and to answer questions
- Working with other college officials
- Coordinating training, education, and communication related to Title IX
- Not having other job duties that may create a conflict of interest
- Being available to assist school law enforcement regarding how to respond appropriately to reports of sexual violence
- Ensuring that Haywood Community College adheres to Title IX responsibilities

Haywood Community College encourages students and employees to report sexual harassment/sexual violence to an HCC employee who can connect him/her with the Title IX Compliance Officers.

Compliance Officers

FOR STUDENTS
Vice President of Student Services
185 Freedlander Drive
Clyde, NC 28721
Office 1525A 8am-4pm
P 828.565.4220
F 828.627.4513

FOR EMPLOYEES
Director of Human Resources
185 Freedlander Drive
Clyde, NC 28721
Office 105 8am-4pm
P 828.627.4529
F 828.627.3606
Haywood Community College does not and shall not discriminate on the basis of race, religion, ethnicity, national origin, gender, gender identity, sex, age, disability, genetic information and veteran status.

**Title IX of the Education Amendments of 1972 states that:**

*No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving federal financial assistance.*

**Web Links**

For more information on Title IX not contained within this document, please visit the following links:

http://www2.ed.gov/about/offices/list/ocr/docs/tix_dis.html

http://www.haywood.edu/title-ix

**Policies and Disciplinary Procedures**

Haywood Community College has policies and procedures in place to protect its students and employees.

For information regarding Haywood Community College’s Student Discipline Policy and Procedures, visit:

- **Policy 5.3.1**  Overview of Student Rights
- **Policy 5.3.2**  Student Code of Conduct
- **Policy 5.3.2.2**  Discipline and Appeal for Non-Academic Violations
- **Policy 5.3.4**  Discrimination & Harassment
- **Policy 5.4.2**  Campus Security Reporting - Clery Act
Sexual Harassment

Sexual harassment includes behavior that is sexual in nature, unwelcome, and denies or limits a student’s or employee’s ability to participate in or benefit from a school’s education program.

Sexual harassment can vary depending upon the harasser. The harassment may be physical, verbal, or non-verbal. Males and females may be the victim or perpetrator of sexual harassment. Sexual harassment may occur between individuals of the same sex. Sexual harassment may occur between students, employees, or third parties on campus. Sexual harassment may occur in any program, on-campus, or off-campus during school-sponsored activities.

Quid Pro Quo

Quid pro quo is a type of sexual harassment in which a supervisor, instructor, or someone who has more power requests sexual favors from a person with less power in exchange for employment or academic benefits.

Hostile Environment

When harassing conduct is sufficiently severe or pervasive so as to impair the educational or employment benefits offered by educational institutions, it can be classified as hostile environment sexual harassment. A hostile environment may be created by sexually related pictures, jokes, e-mails, or other inappropriate behavior. Typically, a one-time occurrence of the conduct is not sufficient to create a hostile environment. Unlike quid pro quo harassment, a power relationship need not exist in order to create a hostile environment.

Sexual Violence

Sexual violence is a form of sexual harassment prohibited by Title IX. It includes criminal conduct.

According to the Dear Colleague Letter dated April 4, 2011, sexual violence is defined as:

Physical sexual acts perpetrated against a person’s will or where a person is incapable of giving consent due to the victim’s use of drugs or alcohol. An individual also may be unable to give consent due to an intellectual or other disability. A number of different acts fall into the category of sexual violence, including rape, sexual assault, sexual battery, and sexual coercion. All such acts of sexual violence are forms of sexual harassment covered under Title IX.

This definition includes rape, sexual assault, sexual battery, sexual coercion, unwanted touching, dating violence, and sexually motivated stalking.

After a Sexual Assault

8 Steps

1 Go to a safe place.

2 If you want to report the crime, notify the police or sheriff immediately. Reporting the crime can help you regain a sense of personal power and control.

3 Call a friend, a family member, or someone else you trust who can be with you and give you support.

4 Preserve all physical evidence of the assault. Do not shower, bathe, douche, eat, drink, wash your hands, or brush your teeth until after you have had a medical examination. Save all of the clothing you were wearing at the time of the assault. Place each item of clothing in a separate paper bag. Do not use plastic bags. Do not clean or disturb anything in the area where the assault occurred.

5 Get medical care as soon as possible. Go to a hospital emergency department or a specialized forensic clinic that provides treatment for sexual assault victims. Even if you think that you do not have any physical injuries, you should still have a medical examination and discuss with a health care provider the risk of exposure to sexually transmitted infections and the possibility of pregnancy resulting from the sexual assault. Having a medical exam is also a way for you to preserve physical evidence of a sexual assault.

6 If you suspect that you may have been given a “rape drug,” ask the hospital or clinic where you receive medical care to take a urine sample. Drugs such as Rohypnol and GHB are more likely to be detected in urine than in blood.

7 Write down as much as you can remember about the circumstances of the assault, including a description of the assailant.

8 Get information whenever you have questions or concerns. After a sexual assault, you have a lot of choices and decisions to make - getting medical care, making a police report, and telling other people. You may have concerns about the impact of the assault and the reactions of friends and family members. You can get information by calling a rape crisis center, a hotline, or other victim assistance agencies.

Talk with a counselor who is trained to assist rape victims. Counseling can help you learn how to cope with the emotional and physical impacts of the assault. You can find a counselor by contacting a local rape crisis center, a hotline, a counseling service, or other victim assistance agencies.
Sexual Coercion

By definition, sexual coercion is “the act of using pressure, alcohol, drugs, or force to have sexual contact with someone against his or her will. Postrefusal sexual persistence is defined as persistent attempts to have sexual contact with someone who has already refused.”

Pressure comes in various forms: emotional, physical and verbal. If your partner uses any of the following to get you to become physical, he or she could be pressuring you:

Lying  Blackmailing
Guiltling  Threatening
Holding you down  Yelling
Badgering  Name-calling

Source: http://www.911rape.org/getting-help/what-to-do-if-you-are-raped

Think of sexual coercion as a spectrum or a range. It can vary from someone making verbal requests for sexual contact to forced contact against his or her will. Rape is the most severe form of sexual coercion. Not all sexual coercion is that extreme. By this definition, “sexual contact” can include kissing, caressing, petting, etc.

Source: http://www.loveisrespect.org/if-you-don%E2%80%99t-want-you-don%E2%80%99t-have-info-about-sexual-coercion

What happens if I report Sexual Harassment or Sexual Violence?

Haywood Community College commits to investigating reports of sexual harassment and sexual violence in a prompt, fair, and equitable manner. Haywood Community College will provide appropriate accommodations in order to minimize a hostile environment, prevent the recurrence of a sexual harassment/violence incident, and address its effects. Accommodations may include but are not limited to the following:

• Schedule change so that the victim and alleged perpetrator are not in the same class(es)
• Counseling
• Sexual assault response team advocates (REACH)
• Academic support services
• Withdrawal from a course without penalty
• Assistance with absence or grade appeal process
• Providing guidance in filing a complaint with law enforcement and assistance from campus personnel to do so
• Security escort to and from class/work
The reporting person or individual who reports sexual harassment/sexual violence, has the right:

- To present his/her case, which includes the right to an adequate, reliable, and impartial investigation of complaints, the right to have an equal opportunity to present witnesses and other evidence, and the right to the same appeal process for both parties

- To be notified of the time frame in which Haywood Community College will conduct a full investigation of the complaint, the parties will be notified of the outcome of the complaint and the parties may file an appeal, if applicable

- To have his/her complaint decided using a preponderance of the evidence standard, i.e., it’s more likely than not that sexual harassment or violence occurred

- To be notified in writing of the outcome of the complaint

- To the information about the sanction imposed on the perpetrator when the sanction directly relates to the complainant

- To know that the reporting person can end the informal process at any time and begin the formal stage of the complaint process

Haywood Community College cannot require reporting persons to abide by a non-disclosure agreement, in writing or otherwise, because the Clery Act requires that both parties be informed of the outcome, including sanction information, of any institutional proceeding alleging a sex offense.

Individuals who wish to learn more about reporting person’s rights or if one believes the College is violating federal law, contact the U.S. Department of Education, Office for Civil Rights, at ocr@ed.gov or 1.800.421.3481. A complaint form can also be completed online at:

http://www2.ed.gov/about/offices/list/ocr/complaintintro.html
Adhering to confidentiality is extremely important at Haywood Community College. Haywood Community College will take all necessary steps to protect the identity of the reporting person. There may be some incidents or information that cannot be kept confidential. The staff of Haywood Community College will notify the reporting person when information cannot be kept confidential.

If the reporting person requests confidentiality and decides not to file charges in a sexual violence case, an anonymous report of the incident must be made in order to comply with the Clery Act (campus crime reporting).

The on-campus counselor can talk with the reporting person in confidence.

If the safety of others in the community could be at risk, the good of the whole may need to be weighed against one student’s confidentiality request.

Reporting persons have the option of avoiding contact with the alleged perpetrator. The staff of Haywood Community College will discuss options with the reporting person.

Haywood Community College will support those who report sexual harassment/sexual violence by:

- Providing College and community resources
- Making referrals, as appropriate
- Accompanying the reporting person to the hospital and/or law enforcement office, if desired
- Helping with filing a complaint, report, and/or grievance
- Providing information on obtaining a protective order
- Assisting with other appropriate accommodations, such as schedule changes
- Assisting with academic and attendance concerns
- Assisting with preparation for disciplinary proceedings, if requested
- Providing follow-up, as needed
The health and safety of every student at Haywood Community College is of utmost importance. The College recognizes that students who have been drinking and/or using drugs (whether such use is voluntary or involuntary) at the time that violence, including but not limited to domestic violence, dating violence, stalking, or sexual assault occurs may be hesitant to report such incidents due to fear of potential consequences for their own conduct. The College strongly encourages students to report domestic violence, dating violence, stalking, or sexual assault to College officials. The College may also offer amnesty or leniency to the alleged victim or reporting witness with respect to other violations of College policy which may be disclosed as a result of such reports, depending on the circumstances involved. A bystander acting in good faith or a reporting individual acting in good faith that discloses any incident of domestic violence, dating violence, stalking, or sexual assault to Haywood Community College officials or law enforcement will not be subject to Haywood Community College’s Code of Conduct action for violations of alcohol and/or drug use policies occurring at or near the time of the commission of the domestic violence, dating violence, stalking, or sexual assault.

Retaliation

Retaliation for reporting sexual harassment/sexual violence is prohibited by Title IX. Retaliation of any type should be reported to the Title IX Compliance Officer immediately. The Title IX Compliance Officer will take prompt and immediate action to stop the retaliation and/or new cases of harassment.
How to Help

Sometimes those who experience sexual harassment/sexual violence are hesitant to report the incident. Anyone who is aware of such incidences are encouraged to listen to the victim and direct him/her to the appropriate campus and/or community resources. Getting professional help for a friend is the best way to help.

Bystanders

There are usually bystanders who inadvertently support sexual harassment/sexual violence. They do so by not intervening when they see inappropriate interactions. By not intervening, they are condoning the behavior.

What Bystanders Can Do

In order to stand up against sexual harassment/sexual violence, one can:

- Believe violence is unacceptable and say so
- Treat all people with respect
- Say something when someone blames the victim
- Talk with friends about confronting violence
- Encourage friends to trust their instincts
- Be aware of campus and community resources
- Don’t laugh at sexist or racist jokes
- Look out for friends at parties and bars
- Educate themselves and friends
- Use campus resources
- Attend awareness events
- Empower victims to tell their stories

In addition, one can:

- Call the campus Armed Resource Office (ARO) at 828.593.8477
- Report the incident to a school official immediately
- Ask a friend in a potentially dangerous situation if he/she wants to leave
- Make sure the friend gets home safely
- Ask the victim what he/she needs
- Provide the victim with options
- Call the campus counselor, community counseling agency, or community crisis center for support
In compliance with Title IX, Haywood Community College does not deny or limit any student or employee the ability to participate in or benefit from any program offered by the institution on the basis of sex or gender.

For more information regarding student and employee rights under Title IX, visit: www.haywood.edu/title-ix

How to File a Title IX Complaint

- Complete the online form at https://publicdocs.maxient.com/incidentreport.php?HaywoodCC
- File in person with the Title IX Compliance Officer

Compliance Officers

FOR STUDENTS
Vice President of Student Services
185 Freedlander Drive
Clyde, NC 28721
**Office** 1525A 8am - 4pm
**P** 828.565.4220
**F** 828.627.4513

FOR EMPLOYEES
Director of Human Resources
185 Freedlander Drive
Clyde, NC 28721
**Office** 105 8am - 4pm
**P** 828.627.4529
**F** 828.627.3606

Additional Community Resources

Haywood Community College
Armed Resource Officer
828.593.8477

Haywood Community College Counselor
HCC-Counselor@haywood.edu
828.627.4504
Office 1532

REACH of Haywood County – Domestic Violence and Sexual Assault Agency
828.456.7898

Haywood County Sheriff’s Office
828.452.6666

Criminal Magistrate
828.456.8191

WNC Legal Services
828.586.8931

Meridian - Counseling
828.456.8604

Appalachian Community Services Counseling
Haywood County Location
1482 Russ Avenue
Waynesville, NC 28786
828.452.1395

IF YOU ARE IN IMMEDIATE DANGER, CALL 911