

STOP RELATIONSHIP VIOLENCE AND DESTRUCTIVE BEHAVIOR PROCLAMATION

Whereas SCC is committed to ensuring the safety and security of all those teaching and learning at our institution;

Whereas SCC has zero tolerance for destructive behaviors and relationship violence which creates a negative impact on our college community (high risk drinking, illegal drug use, prescription drug abuse, sexual assault, stalking, relationship violence, hazing, hate crimes);

Whereas SCC has published policies and procedures to coordinate efforts to encourage campus reporting, and to promote confidence in the investigative, disciplinary and communication process;

Whereas SCC recognizes everyone can play a role in securing a safe campus if SCC provides training opportunities and reasonable means to report destructive and/or violent behaviors;

Whereas SCC offers Title IX primary training and on-going awareness campaign events;

Whereas, I, as a member of this institution, recognize I can enhance the safety and security at SCC by actively participating in trainings, exploring campus resources and reporting procedures, and using my voice when appropriate;

Whereas SCC has a statement against retaliation against any individual who raises concerns or reports allegations of destructive behavior and/or relationship violence; and SCC recognizes such acts of retaliation as a violation of college policy;

Therefore, I (as an active member of SCC's learning and teaching community) do hereby proclaim on this date _____, that I will engage in activities and conversations which promote a safe and secure campus community; and having been provided training opportunities will use this knowledge to encourage others to do the same. By signing below, I show my commitment to a safe and secure SCC.

TITLE IX RESOURCES

In compliance with Title IX, Southwestern 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 on Title IX not contained within this document visit www2.ed.gov/about/offices/list/ocr/docs/tix_dis.html

SUPPORTING HEALTHY RELATIONSHIPS & BEHAVIORS



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For comprehensive SCC policies and procedures:

Students visit:
www.southwesterncc.edu/sites/default/files/TitleIX/6.03.03.pdf

Employees visit:
www.southwesterncc.edu/sites/default/files/TitleIX/4.03.05.pdf



www.southwesterncc.edu/sexual-harassment-and-title-ix

SEXUAL DISCRIMINATION/HARASSMENT & TITLE IX

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.

Sexual harassment is a form of sex discrimination that is prohibited by Title IX. It creates a hostile and inappropriate environment that is not conducive to learning and working. As a student or employee of our college community, you are fully protected under all Title IX classes and SCC prohibits all offenses as defined by Title IX.

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

Sexual harassment can vary depending upon the harasser. The harassment may be physical, verbal, or non-verbal. Males and females may be the reporter or respondent 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.

"Sexual Harassment" means conduct on the basis of sex that satisfies one or more of the following:

- (1) an employee of SCC conditioning the provision of an aid, benefit or service on an individual's participation in unwelcome sexual conduct. (Commonly referred to quid pro quo harassment);
- (2) unwelcome conduct determined by a reasonable person to be so severe, pervasive and objectively offensive that it effectively denies a person equal access to SCC's Education Program or Activity;
- (3) **"Sexual Assault,"** as defined in 20 U.S.C. § 1092(f)(6)(A)(v): an offense classified as a forcible or non-forcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation;

"Dating Violence," as defined in 34 U.S.C. § 12291(a)(10): violence committed by a person - (A) who is or has been in a social relationship of a romantic or intimate nature with the victim; and (B) where the existence of such a relationship shall be determined based on a consideration of the following factors: (i) the length of the relationship; (ii) the type of relationship; and (iii) the frequency of interaction between the persons involved in the relationship;

"Domestic Violence," as defined in 34 U.S.C. § 12291(a)(8): felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabited with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction; or

"Stalking," as defined in 34 U.S.C. § 12291(a)(30): engaging in a course of conduct directed at a specific person that would cause a reasonable person to (A) fear for their safety or the safety of others; or (B) suffer substantial emotional distress.

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 a hostile environment and sexual harassment. **A hostile environment may be created by sexually related pictures, jokes, e-mails or other inappropriate behavior. Unlike quid pro quo harassment, a power relationship need not exist in order to create a hostile environment.**

Consent

"Consent" is informed, freely and actively given, mutually understandable words or actions that indicate a willingness and readiness to participate in mutually agreed upon sexual activity. Consent is mutually understandable when a reasonable person would consider the words or actions of the parties to have manifested a clear and unambiguous agreement between them to engage in certain conduct with each other. Consent cannot be gained by ignoring or acting in spite of the objections of another or by the silence of another.

Consent cannot be inferred from: silence, passivity, or lack of resistance alone; a current or previous dating or sexual relationship alone (or the existence of such a relationship with anyone else); attire; the buying of dinner or the spending of money on a date; or Consent previously given (i.e., consenting to one sexual act does not imply consent to another sexual act).

Consent is not effective if it is obtained through the use of physical force, violence, duress, deception, intimidation, coercion, or the threat, expressed or implied, of bodily injury. Whether a party used any of these means to obtain Consent will be determined by reference to the perception of a reasonable person found in the same or similar circumstances.

Consent may never be given by the following individuals: minors, even if the other participant did not know the minor's age; mentally disabled persons, if their disability was reasonably knowable to a person who is not mentally disabled; or persons who are Incapacitated. The use of alcohol or drugs does not diminish one's responsibility to obtain consent and does not excuse conduct that constitutes sexual harassment.

TITLE IX ADMINISTRATORS

Students file complaints with:
Mark Ellison
Dean of Students
Balsam Center, Room 116
m_ellison@southwesterncc.edu
828.339.4229

Employees file complaints with:
Bryan Singleton
Director of Human Resources
Balsam Center, Room 181
b_singleton@southwesterncc.edu
828.339.4280

Southwestern Community College Title IX Administrators:

- Oversee all Title IX complaints and investigations to provide prompt, fair and equitable resolutions;
- Identify and address any patterns or systemic problems that arise;
- Meet with students or employees, to provide support and to answer questions;
- Coordinate training, education and communication related to Title IX;
- Refrain from other job duties that may create a conflict of interest;
- Work with college officials, including college resource officers, to promote a culture of healthy relationships;
- Ensure that Southwestern Community College adheres to Title IX responsibilities.



HOW TO FILE A TITLE IX COMPLAINT

Reporting and Period of Limitations

Southwestern Community College encourages students and employees to report sexual harassment/discrimination.

Any person (whether or not alleged to be the victim) may report sexual harassment/discrimination in person, by mail, by telephone or by electronic mail, using the contact information for the Title IX Coordinator listed in Exhibit A, or by any other means that results in the Title IX Coordinator receiving the person's verbal or written report. Such a report may be made at any time (including during non-business hours). SCC strongly encourages all employees and other members of the SCC community to promptly report concerns regarding suspected or known harassment/discrimination on the basis of sex to the Title IX Coordinator.

In addition to Title IX Coordinators, SCC believes all college employees hold a responsibility and duty to report Title IX related information when such knowledge is obtained (with the exception of designated Confidential Employees listed below). Accordingly, all SCC employees are expected to report harassment/discrimination on the basis of sex to the appropriate Title IX Coordinator.

SCC has designated the following employees as confidential resources for students:

Sheila Davis, College Counselor - 339.4243

Crystal Rhynes, Human Services Technology Program Coordinator - 339.4397

Ed Nagy, Macon Campus Student Services Director - 306.7017

Information about sex discrimination or harassment shared with these confidential resources typically will not be reported to other SCC personnel (including the Title IX Coordinator), to the Respondent, or to others, unless the disclosing individual gives their consent to the disclosure or the law requires it (as may be the case with abuse involving a minor or under conditions involving imminent physical harm, for example). (Confidential resources may report non-identifying statistical information to the Title IX Coordinator for record keeping and compliance purposes.)

SCC will address allegations of sexual harassment/discrimination appropriately no matter the length of time that has passed since the alleged conduct. However, SCC strongly encourages prompt reporting to preserve evidence for a potential legal or disciplinary proceeding. Delay may compromise the ability to investigate, particularly if the individuals involved in the alleged conduct are no longer SCC students or employees.

What happens when sexual harassment/discrimination is reported?

Southwestern Community College is committed to investigating reports of sexual harassment/discrimination in a prompt, fair and equitable manner.

Southwestern Community College will provide **supportive measures**

in order to minimize a hostile environment, prevent the recurrence of sexual harassment/discrimination, and address its effects.

Supportive measures may include but are not limited to the following:

- Schedule changes so that the reporter and respondent are not in the same class(es) or work environment
- 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
- Employee Assistance Program Referral

TITLE IX GRIEVANCE PROCEDURE

Grievance Procedures apply to allegations of sexual harassment/discrimination in SCC's Education Program or Activity (and to related Retaliation, at the discretion of the Title IX Coordinator). SCC treats Complainants and Respondents equitably by providing remedies to a Complainant where SCC makes a determination of responsibility for sexual harassment against a Respondent under these Grievance Procedures and also by following these Grievance Procedures before imposing any disciplinary sanctions against a Respondent for Sexual Harassment. **For a comprehensive review of the grievance process please visit 6.03.03.01.**

CONFIDENTIALITY

Adhering to confidentiality is of the utmost importance at Southwestern Community College. SCC will take all necessary steps to protect the identity of the complainant. There may be some incidents or information that cannot be kept confidential. The staff of SCC will notify a complainant when information cannot be kept confidential.

If a complainant 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).

SCC's on-campus counselor can talk with the complainant 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. The staff of Southwestern Community College will discuss supportive measure options with the complainant.

DISMISSAL

SCC will investigate the allegations in a Formal Complaint; however, SCC will dismiss a Formal Complaint or a portion of the allegations therein if (1) the conduct alleged in the Formal Complaint, even if substantiated, would not constitute Sexual Harassment; (2) at the time of filing the Formal Complaint the Complainant was not participating in or attempting to participate in SCC's Education Program or Activity; (3) the conduct alleged in the Formal Complaint did not occur in SCC's Education Program or Activity; or (4) the conduct alleged in the Formal Complaint did not occur against an individual in the United States. Such a dismissal may take place at the conclusion of the investigation or at any time prior to the conclusion of the investigation.

RETALIATION

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

HOW TO HELP SOMEONE WHO EXPERIENCES SEXUAL HARASSMENT/SEXUAL VIOLENCE

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

SOMEONE SEXUALLY ASSAULTED SHOULD:

1. Go to a safe place.
2. Report the crime, notify the police or sheriff immediately. Reporting the crime can help in regaining a sense of personal power and control.
3. Call a friend, family member or someone trusted for support.
4. Preserve all physical evidence of the assault, Do not shower, bathe, douche, eat, drink, wash hands or brush teeth, until after having a medical examination. Save all clothing worn at the time of the assault. Place each item 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 that provides treatment for sexual assault victims. Even if physical injuries are not apparent, they should 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 to preserve physical evidence of a sexual assault.
6. If it is suspected that someone may have been given a "rape drug," ask the hospital or clinic administrators 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 they can remember about the circumstances of the assault, including a description of the assailant.
8. Get information whenever they have questions or concerns. After a sexual assault, they have a lot of choices and decisions to make - getting medical care, making a police report, and telling other people. The victim may have concerns about the impact of the assault and the reactions of friends and family members. Victims can get information by calling a rape crisis center, a hotline, or other victim assistance agencies.
9. Talk with a counselor. Counseling can help victims learn how to cope with the emotional and physical impacts of the assault.

Safe & Positive Options for Bystanders/Witnesses & Friends

There are usually bystanders who inadvertently support sexual discrimination or harassment. 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 discrimination/harassment, one can:

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

In addition, one can:

- 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

EXHIBIT A

If you have experienced Sexual Harassment, SCC's first priority is to help you take steps to address your safety, medical needs and emotional well-being. You are encouraged to take the following actions, as applicable, regardless of whether you have made a decision about whether to pursue a criminal or SCC complaint.

1. Ensure Your Physical Safety.

You may seek help from local law enforcement agencies or by contacting an SCC Resource Office who can assist you with contacting local law enforcement. SCC Resource Officers are on duty during normal SCC business hours and can be reached at 339.4294 (Jackson) and 306.7015 (Macon).

2. Seek Medical Assistance and Treatment.

It is crucial that you obtain medical attention as soon as possible after a sexual assault, for example, to determine the extent of physical injury and to prevent or treat sexually transmitted diseases (such as HIV). Medical facilities can also screen for the presence of sedative drugs such as Rohypnol or GHB (date-rape drugs).

If you choose to have an evidence collection kit (or "rape kit") completed, it is important to do so within 120 hours.

Even if you have not decided whether to file charges, it is advisable to have the evidence collection kit completed so that you can better preserve the options of obtaining a protective order and/or filing criminal charges at a later date.

It is advisable to avoid showering, bathing, going to the bathroom, or brushing your teeth before an evidence collection kit is completed. You should also wear (or take with you in a paper – not plastic – bag) to the hospital the same clothing that you were wearing during the assault. An evidence collection kit can still be completed even if you have showered or bathed.

3. Obtain Emotional Support

SCC Counselors can help students sort through their feelings and begin the recovery process. The professional counselors are trained to provide crisis intervention on short-term and emergency issues. The counselor can also provide referral services for outside providers and law enforcement. Counseling is free of charge to all students. In some instances, the law may require the disclosure of information shared by students with counselor. However, absent a legal mandate to the contrary, counseling services are strictly confidential, are not part of students' records, and will not be reported to other SCC personnel.

4. Obtain Information/Report Misconduct

You are encouraged to report incidents of sexual assault to SCC's Title IX Coordinator (even if you have filed a report directly with law enforcement). The Title IX Coordinator can help you access resources and can provide you with support and information, including information on SCC's procedures for investigating and addressing instances of sexual assault.

NON-DISCRIMINATION

Southwestern Community College does not and shall not discriminate in any of its activities or operations, on the basis of race, color, religion (creed), gender, gender expression, age, national origin (ancestry), disability, marital status, sexual orientation, or military status.

Title IX & Coordinators

Mark Ellison (students)
828.339.4229
m_ellison@southwesterncc.edu

Bryan Singleton (employees)
828.339.4280
b_singleton@southwesterncc.edu

Campus Resource Office
Jackson - 828.339.4294
Macon - 828.306.7015

Counseling Office
Sheila Davis 828.339.4243
sm_davis@southwesterncc.edu

The Student Assistance Program can be accessed directly 24/7 by calling 800.633.3353.

For non-emergency contact only: www.mygroup.com/portal/student/request-sap-appointment/

Community Resources for Parties

REACH hotlines:
Macon County - 369.5544
Jackson County - 526.8969
Swain/Qualla - 488.6809
Eastern Band of Cherokee – 488.5572

Harris Regional Hospital - 586.7000
Angel Medical Center - 524.8411
Highlands-Cashiers Hospital - 526.1200
Swain Community Hospital - 488.2155

Employees may contact the Employee Assistance Program (EAP) to obtain emotional support at: MYgroup.com or 1.800.633.3353.

ADDITIONAL RESOURCES

Western North Carolina Legal Services: 828.586.8931

Meridian Health Services (Counseling): 828.631.3973
After hours: 828.226.4818

Blue Ridge Health: 828.477.4334