

## **Sexual Harassment and Sexual Violence**

### **Purpose**

The purpose of this policy is to clearly establish that Treasure Valley Community College (hereinafter “TVCC” or the “College”) has a zero tolerance policy and is committed to providing an environment free from unlawful sexual harassment and violence.

Members of the TVCC community, guests, and visitors have the right to be free from sexual harassment and violence. The College hereby expressly prohibits sexual harassment and sexual violence. When an allegation of sexual harassment or sexual violence is brought to an employee of the College, the allegation will be handled in accordance with all state and federal laws and serious sanctions may be used to ensure the College is free from such future conduct. In addition, victims of sexual violence will be encouraged to contact law enforcement officials immediately after an assault.

Alleged sexual harassment situations can arise from a “dating” or other personal relationship between employees of the same employer or between students and faculty, especially where one of the individuals has some supervisory or instructional responsibility over the other individual, or where both individuals work in the same department or work area. Personal relationships can create morale problems among other students or employees (such as concerns about favoritism) and also can cause very substantial work or learning related problems if there is a “break up” in the relationship. While such relationships are not forbidden, they are discouraged and no interference with work or learning at the College will be tolerated.

### **DEFINITIONS**

#### **Sexual Harassment**

“Sexual harassment” is defined as unwelcome sexual advances, request for sexual favors, Quid Pro Quo harassment or conduct of a sexual nature (verbal, physical or visual). It can also include harassment that is not sexual in nature but is generally related. Sexual harassment includes the harassment of same or of the opposite sex. Sexual harassment includes, but is not necessarily limited to, conduct or communication which has the purpose or effect of demanding sexual favors in exchange for benefits, submission to or rejection of conduct or communication that is used as the basis for educational decisions affecting a student or the employment or assignment of staff, communication which is so severe, persistent or pervasive that it has the effect or purpose of unreasonable interfering with a student’s educational performance or with an employee’s ability to perform his or her job, or creates an intimidating, offense of hostile environment.

Sexual harassment includes the harassment of or by students, staff, faculty, Board members, volunteers and third parties. Third parties include parents, visitors, service contractors or others engaged in TVCC business, such as employees of business organizations participating in cooperative programs with TVCC

and others not directly subject to TVCC control at athletic competitions or other events. This policy extends to the campus of TVCC, the TVCC facilities, TVCC premises and non-college property if the student or employee is at any TVCC sponsored, approved or related activity or function where students are under the control of TVCC or where the employee is engaged in TVCC business.

### **Quid Pro Quo**

Where submission to unlawful harassment is used as the basis for academic or employment decisions.

### **Hostile Environment**

Where the unlawful harassment creates an offensive and unpleasant work environment or the alleged conduct is sufficiently serious to limit or deny a student's ability to participate in or benefit for the schools' education program. A hostile environment can be created by anyone in the work or school environment and consists of sexual language, unwelcome sexual materials or unwelcome physical conduct as a regular part of the work or school environment. A hostile environment can be created by a single or isolated incident of sexual violence.

### **Sexual Violence**

Physical sexual acts perpetrated against a person's will or where a person is incapable of giving consent. Sexual violence includes rape, sexual assault, sexual battery, sexual abuse and sexual coercion. Sexual violence can be carried out by TVCC employees, other students or third parties.

### **REPORTING PROCEDURES**

Students who have complaints of sexual harassment or sexual violence shall contact the Title IX Coordinator and submit a Title IX report form.

Responsible employees or third parties who have complaints of sexual harassment or sexual violence shall contact the director of legal and human resources and submit a Title IX report form. A "responsible employee" is any employee, supervisor or manager, except persons designated as a confidential advisor in certain situations, who is made aware of an alleged incident of sexual harassment or sexual violence. The responsible employee shall take immediate action to bring the matter to the attention of the Title IX coordinator or the director of legal and human resources.

The Title IX coordinator and/or the director of legal and human resources shall be charged with investigating allegations of sexual harassment and sexual violence. An investigation shall be promptly initiated. All parties shall have the right to an advocate, submit evidence and witness statements/testimony. All findings shall be reduced to writing. The College shall make all reasonable attempts to complete the investigation within 60 days. Upon completion, the complainant and the respondent shall be notified of the results. The complete investigation, along with a recommendation for or against disciplinary action, shall then be submitted to the appropriate administrator and if merited the findings may be placed in the employee file.

The Title IX Grievance Process for complaints that are student-to-employee, employee-to-employee and employee-to-student is the same process as outlined by Board policy JFCF/GBNA-AR - Hazing/ Harassment/Intimidation/Menacing Complaint Procedures. All grievances will remain confidential.

The Title IX Grievance Process for complaints that are student-to-student is outlined in the student conduct process within the *TVCC Student Rights, Freedoms and Responsibilities*. All grievances will remain confidential.

END OF POLICY

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**Legal Reference(s):**

[ORS 341.290\(2\)](#)

[ORS 659.850](#)

[ORS 659A.006](#)

[ORS 659A.029](#)

[ORS 659A.030](#)

[OAR 589-010-0100](#)

Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d (2006).

Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e (2006).

Title IX of the Education Amendments of 1972, 20 U.S.C. §§ 1681-1683 (2006).

Bartsch v. Elkton School District, FDA-13-011 (March 27, 2014).