Sexual Misconduct Policy

In addition to prohibiting discrimination and harassment on a broader scale, Columbia College also believes that sex discrimination has no place in the educational and work environment. This prohibition of sex discrimination includes all acts of sexual misconduct, whether verbal, nonverbal or physical acts and whether those acts are intentional or unintentional.

Columbia College is committed to addressing the issue of sexual misconduct in the educational and workplace landscape and will continue to modify policies, procedures and prevention efforts as needed.

Scope of Policy

This policy covers on-campus, off-campus and online conduct, as described below.

- **On-Campus Violations** - This policy forbids acts of discrimination or harassment anywhere on campus. "Campus" includes college-owned or leased property, streets and pathways contiguous to college property, or in the immediate vicinity of campus. It also includes the property, facilities and leased premises of organizations affiliated with the college.

- **Off-Campus or Online Violations** - Off-Campus or Online behavior violations that affect a clear and distinct interest of the college are subject to disciplinary sanctions. For example, discrimination and harassment by a student in an off-campus or online setting is within the college's interests when the behavior:
  - Involves conduct directed at a college student or other member of the college community.
  - Occurs during college sponsored events (e.g., field trips, social or educational functions, college related travel, student recruitment activities, internships and service learning experiences).
  - Occurs during the events of organizations affiliated with the college, including the events of student organizations, or
  - Poses a disruption or threat to the college community.

All individuals associated with the college, including all students, faculty, staff or third parties working under the purview of the college, are covered under this policy, regardless of sexual orientation or gender identity.

The college encourages victims of sexual misconduct to talk to somebody about what happened so that they are able to get the support they need and so the college can respond in an appropriate manner. It is important that individuals wishing to talk to somebody understand that different employees on campus have different abilities to maintain a victim's confidentiality under Title IX.

Those who wish to speak confidentially about their options for reporting and support should contact Counseling Services at (573) 875-7423. Counseling Services are confidential, except under limited circumstances. Most offices and employees of Columbia College can provide privacy, but not confidentiality. In order to create a safe campus environment, all faculty and staff (except for the Counseling Services staff) are mandated reporters and required to report instances of sexual assault, harassment and discrimination to the Title IX Coordinator or Investigators.

Options for Assistance Following an Incident of Sexual Misconduct

- **In the case of an emergency, always call 911.**
- Columbia College On-Campus Resources:
  - [Columbia College Campus Safety](#) at (573) 875-7315
- **Columbia College Counseling Center** at (573) 875-7423
- **Columbia College Health Services** at (573) 875-7432
- Columbia College Title IX Hotline at (573) 875-7877
- Title IX Coordinator (interim) - responsible for monitoring and overseeing overall implementation of Title IX compliance at Columbia College, including coordinating training, education, communications and initiating the grievance procedures for faculty, staff, students, and other members of the College community, as well as visitors to the College.
  - Kathryn Gleich, Assistant Director of Human Resources - (573) 875-7708
- Title IX Investigators
  - Dave Roberts, Associate Dean for Student Affairs - (573) 875-7690
  - Molly Borgmeyer, Coordinator of Student Conduct - (573) 875-7877
  - Patty Fischer, Executive Director of Human Resources - (573) 875-7260
- Community Resources:
  - Rainy Abuse & Incest National Network (RAINN) Hotline at 1-800-656-HOPE
  - True North of Columbia, a Columbia, MO Emergency Shelter and/or counseling service for victims of domestic and sexual violence. 24-hour-crisis line at (573) 875-1379 or 1-800-548-2480
  - Boone Hospital - (573) 815-8000
  - University of Missouri Hospital - (573) 882-4141
  - City/County Health Department - (573) 874-7356
  - Columbia Police Department - (573) 442-6131
- **Academic Options and Support:** Survivors of sexual harassment or assault may request assistance with academic matters. To the extent these requests are reasonable and can be accommodated, every effort will be made to provide the appropriate assistance. More information on academic options and resources can be obtained by contacting the Title IX Coordinator.
- **Emotional Support and Medical Care:** ALL students can seek support through RAINN (Rape, Abuse & Incest National Network) Hotline at 1-800-656-HOPE or by seeking out survivor support services in their local area. Day students can seek emotional support through Columbia College Counseling Services (*Counseling Services are confidential, except under limited circumstances*). ALL students may choose to receive medical support at local hospitals or other medical facilities. Day students can also choose to receive medical attention through Columbia College Student Health Services.

**Definitions Associated with the Sexual Misconduct Policy:**
- **DISCRIMINATION** - includes, but is not limited to, treating individuals differently because of their protected status, in connection with the terms and conditions of employment or educational opportunities. Discrimination does not occur, however, when an individual is treated differently than another individual for legitimate reasons.
- **HARASSMENT** - includes verbal or physical conduct that is unwelcome and which would make a reasonable person experiencing such conduct uncomfortable in the work or learning environment or which could interfere with the individual's job performance or educational opportunities. *Examples of conduct which may constitute sexual harassment include, but are not limited to:*
  - Repeated unwelcome sexual propositions, teasing, joking or flirting
  - Persistent unwelcomed efforts to develop a romantic or sexual relationship
  - Graphic comments about a person's body
  - Sexually suggestive objects or pictures in the workplace or classroom
  - Sexually degrading words to describe a person
  - Derogatory or sexually explicit statements about an actual or supposed sexual relationship
- Unwelcome touching, patting, pinching or leering
- Derogatory gender-based humor

- SEXUAL VIOLENCE - includes any physical act which is committed by force or without the full and informed consent of all persons involved. Sexual violence may include, but is not limited to, rape, sexual assault, sexual battery, sexual coercion and sexual exploitation. Sexual violence can occur between strangers or acquaintances, including people involved in an intimate or sexual relationship. Sexual violence can be committed by men or women, and it can occur between people of the same or different sex.

Sexual violence is a broad term and includes various forms of sexual misconduct, including, but not limited to:

- The deliberate touching of a person’s intimate parts (including genitalia, groin, breast or buttocks, or clothing covering any of those areas)
- Using force to cause a person to touch his or her own or another person's intimate parts; penetration (anal, oral or vaginal) by a penis, tongue, finger, or an inanimate object
- Taking sexual advantage of another person without consent, including causing or attempting to cause the incapacitation of another person
- Causing the prostitution of another person
- Allowing third parties to observe sexual acts
- Engaging in voyeurism
- Distributing intimate or sexual information about another person
- Knowingly transmitting a sexually transmitted infection, including HIV, to another person
- Capturing or transmitting intimate or sexual utterances, sounds or images of another person

- SEXUAL ASSAULT - an offense that meets the definition of rape, fondling, incest or statutory rape as used in the FBI’s UCR program.

- DATING VIOLENCE - violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship would be determined based on the reporting party's statement and with consideration of the length of the relationship, the type of relationship and the frequency of interaction between the persons involved in the relationship.

For the purpose of this definition:

- Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse
- Dating violence does not include acts covered under the definition of domestic violence

- DOMESTIC VIOLENCE - a felony or misdemeanor crime of violence committed by any of the following:

- A current or former spouse or intimate partner of the victim;
- A person with whom the victim shares a child in common;
- A person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner;
- A person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred, or
- 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 in which the crime of violence occurred.

- STALKING - engaging in a course of conduct directed at a specific person that would cause a reasonable person to:

- Fear for his or her safety or the safety of others; or
- Suffer substantial emotional distress
For the purposes of this definition:

- **Course of conduct** means two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by an action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property.
- **Substantial emotional distress** means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.
- **Reasonable person** means a reasonable person under similar circumstances and with similar identities to the victim.

- **CONSENT** - the affirmative, unambiguous and voluntary agreement to engage in a specific sexual activity during a sexual encounter. Under this definition, an individual who was asleep, or mentally or physically incapacitated, either through the effect of drugs or alcohol or for any other reason, or who was under duress, threat, coercion, or force, would not have been able to give consent. Further, one would not be able to infer consent under circumstances in which consent was not clear, including, but not limited to the absence of "no" or "stop," or the existence of a prior or current relationship or sexual activity.

**Reporting Policies and Protocols:**

Every individual covered by this policy has a duty to immediately report discrimination, harassment, or sexual misconduct in a timely manner so that Columbia College can attempt to resolve the situation. This should be reported whenever you believe that you or someone else has been or is being harmed. This is true regardless of the individual's standing as a member of the educational community.

Complaints should be reported to one of the following members of the campus community or via one of the given formats:

- Columbia College Title IX Hotline at (573) 875-7877
- Title IX Coordinator (interim)
  - Kathryn Gleich, Assistant Director of Human Resources - (573) 875-7708
- Title IX Investigators
  - Dave Roberts, Associate Dean for Student Affairs - (573) 875-7690
  - Molly Borgmeyer, Coordinator of Student Conduct - (573) 875-7877
  - Patty Fischer, Executive Director of Human Resources - (573) 875-7260

*If the appropriate administrator is involved in the harassment or discrimination allegations the complainant should direct the complaint to one of the other administrators listed above.*

The report, which need not be in writing, should include the following whenever possible:

- All relevant details about the alleged sexual violence that the student or another person has shared
- All relevant details that the school will need to determine what occurred
- All relevant details that might be needed to resolve the situation
- The above includes, name(s) of the alleged perpetrator(s) (if known), the student(s) who experienced the alleged sexual violence, any other students involved in the alleged sexual violence and any other relevant facts (including the date, time and location)

Most offices and employees of Columbia College can provide privacy, but not confidentiality. In order to create a safe campus environment, all faculty and staff (except for the Counseling Services staff) are
mandated reporters and required to report instances of sexual assault, harassment and discrimination to the Title IX Coordinator or Investigators.

Any individual who receives any report or complaint of sexual misconduct - whether informal or formal - must immediately report it through one of the above individuals or formats, even if the person making the report has asked that no action be taken on the report or complaint.

**Reporting Confidently** - if you wish that your identity and the details of an incident be kept confidential, you may find it helpful to speak with on-campus mental health counselors, campus health service providers, or off-campus rape crisis resources or clergy members who can maintain confidentiality. For day students, Columbia College Counseling Services are available free of charge and can be seen on an emergency basis.

*You may wish to consider this option if you:*
- Would like to know about support and assistance, but are not sure if you want to pursue formal action against the individual, or
- Have questions or would like to process what happened with someone without involving police or campus disciplinary procedures, or
- Do not want the perpetrator to know that you are seeking help or support

*NOTE: Please be aware that even confidential resources have some obligations to report, such as in situations of imminent danger and/or sexual abuse of a minor.*

**Retaliation** - individuals may raise concerns and make good faith reports about discrimination, harassment or sexual misconduct without fear of reprisal. Retaliation against a person make a good faith report or participating in an investigation is absolutely prohibited and will result in disciplinary action. Any person who believes he/she may have been subjected to retaliation should immediately notify his/her supervisor, one of the individuals listed above (i.e. Title IX Coordinator or Title IX Investigators) or the Executive Director of Human Resources.

Knowingly making a false complaint of fact is also prohibited and may result in disciplinary action imposed by the College after conclusion of the investigation.

**Investigation Procedures and Protocols:**
All complaints of discrimination, harassment or sexual misconduct will be promptly and thoroughly investigated by a trained Title IX Investigator. Investigations should be conducted and concluded within 60 days of the complaint being filed. The situation may be investigated by interviewing the complainant, the alleged perpetrator and other persons where appropriate. Each party to the investigation must cooperate in the investigation.

Columbia College will endeavor to maintain confidentiality during the investigation and will exercise discretion in the disclosure of evidence it deems necessary for the investigation. To enable confidentiality, each party to the investigation must maintain in complete confidence any interviews, questions, or other matters with respect to any such investigation.

Once an investigation is completed, a report of the findings and/or recommendations will be released to all parties involved.

**Grievance Procedures:**
It is the intent of the college to create an environment in which students can grow and develop as free from problems as possible. However, it is recognized that legitimate concerns, complaints and/or grievances may occur. All reports brought to the attention of the Title IX Coordinator will be evaluated and investigated. Anyone who is found to have engaged in unlawful discrimination, harassment, sexual misconduct or retaliation will be subject to disciplinary action, up to and including termination of employment, exclusion from the campus community or expulsion.

The student conduct process is not a court of law and therefore does not use the same evidentiary standard for disciplinary proceedings. The preponderance of evidence standard will be used in all student conduct cases (including those related to sexual misconduct) to determine what most likely happened.

However, it should be noted that students may file both a criminal complaint and/or grievance/complaint to campus officials for investigation simultaneously. The criminal process and the student conduct process are considered to be two separate processes. Student conduct investigations may be conducted and disciplinary action may be taken regardless of the existence of any criminal proceedings that may be pending.

**Potential Remedies** - Columbia College will take immediate action to eliminate a hostile environment, prevent reoccurrence and address any effects on the community at large through the following, non-inclusive actions:

- Prohibiting the alleged perpetrator from having any contact with the complainant.
- Informing both the complainant and the alleged perpetrator of their rights under Title IX, available resources and their right to file a criminal complaint with local law enforcement.
- Columbia College will work with the student, Campus Safety and other local resources to protect all parties from retaliatory harassment including information about how to report any subsequent problems.
- Columbia College will continue to assess efforts being utilized to educate students about responsible and appropriate behavior as well as the resources and support provided for affected students.

Other remedies for the complainant might include, but are not limited to:

- Campus escort
- Insuring that the complainant and alleged perpetrator do not attend the same classes if possible given the available resources
- Potentially moving one or both parties to a different residence hall
- Counseling Services
- Student Health Services
- Academic support
- Review of disciplinary actions

**Notice of Potential Sanctions for Perpetrator** - the following is not meant to be an inclusive list of potential sanctions, but is provided as an outline for possible actions that might be taken:

- **DISCIPLINARY WARNING** - written and/or verbal notice to a student for violate of a campus rule or regulation.
- **DISCIPLINARY LIMITATION** - in some cases a violation of the Student Code of Conduct could result in a student being restricted from participating in certain campus events, student organizations or entering certain campus facilities.
• DISCIPLINARY PROBATION - a student is placed on disciplinary probation for a specified time period. Students holding leadership positions within the campus community who are placed on disciplinary probation may also be removed from that position if recommended by the sanctioning body/conduct officer. Disciplinary probation may carry over into subsequent semesters and academic years. As a part of the probationary status, conditions to a student's probation may be established (i.e. restitution, community service, required assessments, etc.). A student who violates additional campus policies while on disciplinary probation will likely appear before a conduct officer/Campus Review Board and will face a full range of disciplinary actions including suspension or dismissal.

• DISCIPLINARY SUSPENSION - results in the separation of a student from the college for a specified time period, usually no more than two years. Other conditions can also be stipulated for a student's readmission. Suspension applies to all programs, unless otherwise noted. After the suspension period has been served, the student should contact the Dean for Student Affairs for directions regarding the possibility of re-enrollment. A student returning from a disciplinary suspension is placed on disciplinary probation for one year.

• DISCIPLINARY DISMISSAL - results in the permanent separation of a student from the college. Dismissal applies to all programs and campuses.

• INTERIM SUSPENSION - the Dean for Student Affairs or designee may suspend a student for an interim period pending the outcome of disciplinary proceedings or resolution of health-related concerns. An interim suspension will become immediately effective without prior notice whenever there is evidence that the continued presence of the student in the college community poses a substantial threat to others or the stability and continuance of normal college functioning. A student suspended on an interim basis shall be given an opportunity to appear before the Dean for Student Affairs or designee within two working days from the effective date of the interim suspension in order to discuss the following issues:
  ○ The reliability of the information concerning the student's conduct and/or condition.
  ○ Whether the conduct and surrounding circumstances reasonably indicate that the continued presence of the student in the college community poses a substantial threat to him or herself or others or the stability and continuance of normal college functions.

An interim suspension period can last until final adjudication of the matter through the normal college disciplinary procedures.

• EDUCATIONAL SANCTIONS - these sanctions could be an activity, meeting, writing assignment, community service project, letter of apology or other experiential educational activity that a student may be assigned to complete as part of the adjudication of a violation of the Student Code of Conduct. Conditions may be specific for the completion of the assignment and will be assigned by the conduct officer.

• RESTITUTION - reimbursement for actual damage or loss caused by violation(s) of the Student Code of Conduct.

Appeals Procedures - If either party disputes the findings or is dissatisfied with the recommendations of the Title IX Investigator's report, they may appeal such findings by filing a written appeal within three business days of receipt of the written report. The appeal should be filed with the Dean for Student Affairs who will review all materials regarding the matter and will reach a final determination as to any action to be taken within ten business days of receipt of the appeal.

For further information regarding the procedures surrounding grievances, please refer to the Student Handbook.