

## Policy HR1.03: Sexual Misconduct Policy

Oversight	Information
Policy Type	Human Resource Policy
Policy Owners	VP, People and Culture
Initial Policy Approval Date	March 6, 2015
Current Revision Approval Date	July 30, 2020
Procedure Effective Date	July 30, 2020

### Policy

American Sentinel College of Nursing and Health Science at Post University is committed to promoting and maintaining a safe and respectful environment for all faculty, staff, students, and contractors. The college prohibits sexual misconduct in all its forms including (but not limited to) sexual harassment, sexual violence, domestic violence, dating violence, stalking, sexual exploitation, or indecent exposure (collectively "Sexual Misconduct") perpetrated by or against college students, college employees, college contractors who participant in college programs.

College faculty, staff, students and contractors are responsible for assuring that the college maintains an environment for work and study free from sexual misconduct. Sexual misconduct violates the dignity of individuals and will not be tolerated. The college seeks to eliminate sexual misconduct through education and by encouraging faculty, staff, students, and contractors to report concerns or complaints immediately. Prompt corrective measures will be taken to stop sexual misconduct whenever it occurs.

### Guidelines

American Sentinel College considers sexual misconduct in all its forms to be a serious offense and one that is subject to a range of actions up to and including suspension or dismissal from the college. Sexual misconduct, by faculty, staff, students or contractors, is a violation of American Sentinel College policy and sexual misconduct, in all forms, will not be tolerated.

Sexual Misconduct prohibited under this Policy includes a range of offensive conduct, including verbal or physical sexual harassment, sexual assault and other forms of sexual violence, sexual exploitation, and indecent exposure, each of which is a form of prohibited sex discrimination. Other criminal behavior, such as domestic violence, dating violence, and stalking, that is generally (though not exclusively) gender-based is also considered Sexual Misconduct under this Policy. Sexual misconduct also includes any unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature where tolerance of such actions is made a condition of employment, enrollment at the



college, academic decision affecting such individual, interferes with an individual's work performance, or creates an intimidating, hostile or offensive work environment.

Conduct or actions that arise out of a personal or social relationship and are not intended to have a discriminatory employment effect might not be viewed as harassment. American Sentinel College will determine whether such conduct constitutes sexual harassment, based on a review of the facts and circumstances of each situation.

Individuals who witness or are subjected to sexual misconduct have an obligation to immediately report the sexual misconduct to the Title IX Coordinator, Supervisor, Human Resources, or the College President.

Supervisors and managers who receive a sexual misconduct complaint should contact either the Title IX Coordinator, Human Resources or the College President immediately.

Complaints are investigated immediately and handled as confidentially as possible. To the extent possible, confidentiality of all parties involved in a sexual misconduct complaint will be maintained and information will be released only to those who need to know. No individual will be subject to any form of retaliation or discipline for pursuing a sexual harassment complaint.

## **Procedure**

Any employee, student or contractor who witnesses or is subject to sexual misconduct that is inappropriate, unlawful, or may be in violation of policy, tell the harasser firmly, clearly and directly what specific comments or advances are unwelcome.

Keep a record of all dates, times, places, and types of incidents that have occurred and make a note of witnesses. It is important to be accurate and thorough when documenting incidences.

Report sexual misconduct incidents to the Title IX Coordinator, Supervisor, Human Resources, or the College President.

A formal complaint may be submitted to the Title IX Coordinator in person, by mail, or by electronic mail, by using the following link <https://form.jotform.com/202033949527154>

Once a complaint has been made, the Title IX Coordinator and Human Resources will determine the appropriate action through the identified investigation, either through Title IX or the non-Title IX process.

Once the College decides to open a non-Title IX investigation the college will immediately conduct a complete and impartial investigation. All complaints will be treated as confidentially as practicable. When the investigation is complete, American Sentinel College will take appropriate action.



Once the college decides to open a Title IX investigation the complaint may lead to disciplinary action against the responding party, a written notice will be provided to the responding party within hours of the college's decision to commence the investigation:

Written Title IX notice will include sufficient details to provide respondent with fair notice of the allegations, including;

- identities of the parties allegedly involved;
- specific section(s) of the code of conduct allegedly violated;
- precise conduct allegedly constituting the potential violation(s); and
- the date(s) and location(s) of the alleged incident(s).

Both types of Investigations are conducted by members of the Title IX team, which include the IX Coordinator, Investigator, Decision Maker) or other individuals specifically trained to conduct sexual misconduct and civil rights investigations who report their findings to the Title IX Coordinator.

Both types of Investigations may include interviews with complainant(s), respondent(s), witnesses, and other parties who may have knowledge relevant to the investigation. The complainant and the respondent will receive a written notice at least hours in advance when possible of any interview with sufficient time to prepare for meaningful participation. Parties may be interviewed more than once. Investigations also typically include review of any relevant documentation, such as text messages, emails, instant messages, or any other form of communication or documentation.

The assigned Investigator will analyze and document the available evidence, objectively evaluate the credibility of parties and witnesses and produce a written report that summarizes the relevant exculpatory and inculpatory evidence.

Upon the completion of the investigation, the college decision-maker will issue a written determination that must include, among other things, findings of fact and any disciplinary measures that should be imposed.

Under the Title IX process, and upon final determination an appeal process is available to appeal a determination, including a determination regarding responsibility, dismissal of a formal complaint or any of the allegations that might affect the outcome of the investigation.

American Sentinel College will not engage in or allow retaliation against any individual who makes a good faith complaint or participates in an investigation. An individual should immediately notify the Human Resources Department if he or she believes that he or she is the subject of discrimination or other inappropriate conduct as a result of making a compliant or participating in an investigation.



## Related Documents/References

- Employee Handbook
- Faculty Handbook
- Student Handbook
- Academic Catalog
- American Sentinel College of Health Sciences Title IX Guidebook (in progress)

## Revision History

- October 2018: Combined policy AA6.12 *Sexual Harassment* with HR01.03 *Sexual Harassment*.
- May 7, 2020: Updated policy format for accessibility guidelines - AHB
- June 30, 2020: Updated policy to incorporate Title IX legislative changes.
- 3/2/2021-Updated branding for Post university-AHB

