

SEXUAL HARASSMENT, DISCRIMINATION, SEXUAL MISCONDUCT, AND TITLE IX

Vance-Granville Community College (VGCC) is committed to providing a learning and working environment that promotes respect, responsibility, communication, collaboration, critical thinking, and accountability in an environment free of sexual harassment, sexual misconduct and discrimination. Sexual harassment, misconduct and discrimination violate an individual's fundamental rights and personal dignity.

Notice of Nondiscrimination

Vance Granville Community College deems sexual harassment, sexual misconduct, and sexual discrimination in all forms to be serious offenses. This policy refers to all forms of sexual harassment, discrimination, and misconduct including discrimination against pregnant and parenting students, sexual assault, dating violence, domestic violence, other forms of intimate partner violence by employees, students or third parties, and stalking. (Title 20 U.S.C. Sections 1681-1688)

The College does not discriminate on the basis of sex in its educational programs or activities, including admission and employment processes. VGCC complies with Title IX of the Higher Education Amendments of 1972, 20 U.S.C. § 1681 et seq. ("Title IX"), which prohibits discrimination on the basis of sex in educational programs or activities, admission, and employment. VGCC also complies with the 2020 Title IX implementing regulations, 34 C.F.R. Part 106.

Individuals wishing to inquire about the application of Title IX may contact VGCC's Title IX Coordinators or the U.S. Department of Education's Office for Civil Rights. Any individual has the right to raise concerns, ask questions about policies prohibiting sexual harassment or sex or gender discrimination, report instances of harassment or discrimination, and to participate in investigations without fear of retaliation. Complaints may also be submitted about retaliatory acts under Title IX. Individuals knowingly making false claims or statements regarding sexual harassment, misconduct or discrimination will have violated this policy and will be subject to disciplinary action.

Policy Statements and Definitions

VGCC is committed to maintaining and strengthening an environment founded on civility and respect and to providing programs, activities, and an educational environment free from sexual harassment, misconduct and discrimination. The College also is committed to fostering a community that promotes prompt reporting of all types of sexual harassment, misconduct and discrimination and the timely and fair resolution of allegations. The College has appointed two Title IX Coordinators responsible for establishing and communicating grievance procedures to address allegations of sexual misconduct.

This policy applies to any allegation of sexual harassment, misconduct or discrimination made by or against a student or an employee of the College or a third party, regardless of

where the alleged conduct occurred, if the conduct giving rise to the complaint is related to the College's academic, educational, or extracurricular programs or activities:

- Buildings or other locations that are part of the College's operations, including remote learning platforms
- Off-campus settings if the College exercises substantial control over the respondent and the context in which the alleged sexual harassment, misconduct or discrimination occurred
- Off-campus buildings owned or controlled by a student organization officially recognized by the College, such as a building owned by a recognized fraternity or sorority.

The College encourages individuals to report all gender-based and sex-based misconduct immediately to a Title IX Coordinator or an Official With Authority (OWA, defined in next section). Upon receiving a report, the College will begin an investigation which will include providing supportive measures, informing the complainant of grievance process options, and providing a fair and timely grievance process. Two categories of incident reporting are defined below:

Report – an allegation of sexual harassment, misconduct or discrimination made by anyone with knowledge of such conduct. The individual making a report may or may not be the alleged victim of sexual misconduct.

Formal Complaint – an allegation of sexual harassment, misconduct or discrimination made in writing to the College by a Complainant, who is a student of the college (as defined below) or a current employee of the College, against a Respondent and requesting an investigation of allegations. A complaint also becomes formal when signed by the Title IX Coordinator. Formal complaints are resolved through a formal investigation process.

There is no time limitation on making a report or complaint, but complainants should be aware that if the respondent is no longer affiliated with the College as a student or employee, the College may be limited in its ability to investigate, respond to, and provide resolution of the matter.

The College makes all Title IX programs and training materials publicly available on its website [[Title IX - Vance-Granville Community College \(vgcc.edu\)](https://www.vgcc.edu)].

Policy Definitions

Consent - affirmative action through clear words or actions that creates the mutual understandable permission of all parties to willingly engage in sexual activity and the conditions of such activity. Consent must be received prior to engaging in sexual activity. Consent can only be given by one who has the mental and physical capacity to make such a decision, and it must be clear, knowing, and voluntary. Consent to engage in one form of sexual activity cannot automatically imply to consent to engage in any other form of sexual activity. Previous relationships or prior consent cannot imply consent to

future sex acts. Consent can be withdrawn at any time. Consent may not be granted by a person known to be, or by one who should be known to be, mentally or physically incapacitated. It should be recognized that the lack of protest or resistance is not, in and of itself, consent and persons who are asleep, unconscious, or unable to communicate due to a mental or physical condition are not capable of granting consent.

Complainant - an individual who is alleged to be the victim of conduct that could constitute sexual misconduct or unlawful discrimination.

Decision-Makers – VGCC officials, other than Title IX Coordinators or Investigators, who decide the outcome of a sexual harassment, misconduct, or discrimination investigation. Decision-makers issue a written determination of responsibility with findings of fact, conclusions about whether the alleged conduct occurred, rationale for the result as to each allegation, disciplinary sanctions imposed on the Respondent, whether remedies will be provided to the Complainant, and an offer to both parties to appeal. Written determinations will be sent to the Complainant and Respondent simultaneously. *(For more information about decision-makers, please see the procedures section of this document.)*

Unlawful Sexual Discrimination - the exclusion of a person from participation in or the denial of a person from the benefits of any VGCC employment, education program, or VGCC activity based upon their sex or gender. Conduct must be severe, pervasive and objectively offensive and is defined as:

- The failure or refusal to hire or to discharge any individual, or otherwise to discriminate against any individual with respect to compensation, terms, conditions, or privileges of employment, because of the individual's race, color, religion, sex, gender, disability, age, national origin, or political affiliation;
- The limiting, desegregating, or classification of any employee in any way which would deprive or tend to deprive any individual of employment opportunities or otherwise adversely affect his status as an employee, because of such individual's race, color, religion, sex, gender, disability, age, national origin, or political affiliation;
- The denial, deprivation, limitation, or any other discrimination against an individual to any educational service or program of the College when the denial, deprivation, limitation, or other discrimination is because of such individual's race, color, religion, sex, gender, disability, age, national origin, or political affiliation;
- Any other action of the College and its personnel, working in their official employment capacity, which is based on an individual's race, color, religion, sex, gender, disability, age, national origin, or political affiliation.

Informal Resolution – a resolution to an allegation of sexual harassment, misconduct or discrimination reached through a mutually agreeable outcome such as restorative justice, education or mediation. To achieve informal resolution, both the Complainant and Respondent must give voluntary, informed, written consent. Informal resolutions may not be used to resolve allegations that an employee sexually harassed a student. *(For more information about informal resolutions, please see the procedures section of this document.)*

Official With Authority (OWA) - An employee of the College required to report knowledge of sexual harassment, misconduct or discrimination to a VGCC Title IX Coordinator. OWAs have the authority to prevent or correct harassment, misconduct or discrimination.

- Title IX Coordinators
- College President
- College Vice Presidents
- College Associate Vice Presidents
- Chief Human Resources Officer
- Academic Deans
- Associate Academic Deans
- College Police Officers
- Athletic Director

Preponderance of the Evidence Standard - a standard of proof holding that an allegation is more likely than not to be true; the likelihood that an allegation is true is greater than 50%. This term does not refer to the quantity of evidence but rather to the quality of the evidence.

Respondent – an individual who has been reported to be the perpetrator of conduct that could constitute sexual misconduct or unlawful discrimination.

Sexual Harassment: Conduct on the basis of sex that satisfies one or more of the following:

For employees

- Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment, or
- Submission to or rejection of such conduct by an individual is used as the basis for an employment decision affecting that individual, or

For students

- An employee of the College conditions the provision of an aid, benefit, or service of the recipient on an individual's participation in unwelcome sexual conduct (also called "quid pro quo"),
- Unwelcome conduct, determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the College's education programs or activities,
- 'Sexual assault' as defined in 20 U.S.C. 1092(f)(6)(A)(v), 'dating violence' as defined in 34 U.S.C. 12291(a)(8), or 'stalking' as defined in 34 U.S.C. 12291(a)(30).

Sexual harassment is considered unlawful sex discrimination.

Sexual Misconduct - any unwelcome conduct of a sexual nature, including any conduct or act of a sexual nature perpetrated against an individual without consent. Sexual

misconduct can occur between strangers or acquaintances, including people involved in an intimate or sexual relationship. Sexual misconduct can be committed by men or by women, and it can occur between people of the same or different sex. Sexual misconduct also includes complicity in sexual misconduct. VGCC encourages reporting of all sexual misconduct. Sexual Misconduct includes but is not limited to the following: dating violence; domestic violence; non-forcible sex acts; sexual assault; sexual exploitation; sexual Harassment; and stalking.

Sexual Violence - a type of sex/gender discrimination involving physical sexual acts perpetrated against a person's will or where a person is incapable of giving consent (e.g., due to the student's age or use of drugs or alcohol, or because an intellectual or other disability prevents the person from having the capacity to give consent). Acts, as defined below, fall into the category of Sexual Violence including: dating violence, domestic violence, rape, sexual assault, sexual battery, sexual coercion, and stalking. Sexual Violence can be carried out by school employees, students, or third parties. All such acts of sexual violence are forms of sex/gender discrimination prohibited by the College and may be considered crimes by law enforcement.

- **Dating Violence** - violence by a person in a romantic or intimate relationship with the victim. Whether there was such a relationship will be gauged by its length, type, and frequency of interaction.
- **Domestic Violence** - asserted violent misdemeanor and felony offenses committed by the victim's current or former spouse, current or former co-inhabitant, persons similarly situated under a domestic or family violence law, or anyone else protected under domestic or family law.
- **Rape** - non-consensual sexual intercourse, however slight, with any object, by one person upon another person that is without consent and/or done by force.
- **Sexual Assault** - any involuntary sexual act in which a person is threatened, coerced, or forced to engage against their will, or any sexual touching of a person who has not consented. This includes rape (such as forced vaginal, anal, oral penetration), groping, forced kissing, child sexual abuse, or the torture of a victim in a sexual manner.
- **Sexual Battery** - an unwanted form of contact with an intimate part of the body that is made for purposes of sexual arousal, sexual gratification, or sexual abuse. Sexual battery may occur whether the victim is clothed or not.
- **Sexual Coercion** - any act of persuading or coercing a person into engaging in an unwanted sexual activity through physical force, the threat of physical force, or emotional manipulation. It may also include substance coercion. Coercive situations may occur along a continuum and may not be obvious, even to the coerced individual.
- **Stalking** - a course of conduct directed at a specific person that would cause a reasonable person to fear for her, his, or other's safety, or to suffer substantial emotional distress. Please see section 14-277.3A of the General Statutes for North Carolina's definition of stalking.

Student – an individual who is either currently enrolled in a class or program of study at the College or who has an application to the College for a class or program that is no older than 12 months.

Supportive Measures – non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the complainant or the respondent. Such measures are designed to restore or preserve equal access to the recipient's education program or activity without unreasonably burdening the other party.

Title IX Coordinators – VGCC officials responsible for Title IX compliance and administration at the College. Title IX Coordinators receive reports and manage in processes to ensure fair, equitable and timely resolution of allegations of sexual harassment, misconduct, and discrimination.

Title IX Investigator – VGCC officials responsible for impartially investigating allegations of sexual harassment, misconduct or discrimination.

Overview of Procedures

Any person may report concerns related to sexual harassment, misconduct, or discrimination to a Title IX Coordinator or an Official with Authority (OWA). When reports are brought to the attention of OWAs or Title IX Coordinators, or when these individuals suspect that sexual harassment, misconduct or discrimination may be present, Coordinators and OWAs are required to initiate and oversee timely investigations. When a formal complaint is filed, Coordinators provide supportive measures to all parties and communicate updates regarding the investigation to the complainant and the respondent. In responding to a Title IX complaint, VGCC cannot deprive an individual of their rights guaranteed under the U.S. Constitution.

The College strives to complete investigations of formal complaints within 30 days from the date the complaint is filed. If needed, an investigation timeline can be extended to ensure thorough consideration of all evidence. All faculty and staff are required to cooperate fully, truthfully, and expediently with investigations. In all investigations, the College maintains confidentiality to the fullest extent permitted by law and documents and retains records of all sexual harassment reports and investigations.

When an allegation of sexual harassment, misconduct or discrimination is made, VGCC will:

- Promptly initiate contact with the complainant through a Title IX Coordinator to discuss the availability of supportive measures, taking into consideration the complainant's wishes with respect to supportive measures. Supportive measures are available whether or not the complainant decides to file a formal complaint. The Coordinator will explain to the complainant the process for filing a formal complaint and obtain voluntary, written permission before using any kind of informal resolution process.

Should the complainant decide to pursue a formal complaint, a fair and timely grievance process will:

- Give both parties written notice of the allegations, an equal opportunity to select an advisor of the party's choice, and an equal opportunity to submit and review evidence throughout the investigation;
- Thoroughly and impartially investigate the allegation through trained Title IX personnel;
- Protect parties' privacy by requiring a party's written consent before using the party's medical, psychological, or similar treatment records during a grievance process;
- Apply a presumption that the respondent is not responsible during the grievance process so that the College bears the burden of proof and the standard of evidence is applied correctly. VGCC uses the 'preponderance of the evidence standard' in all Title IX investigations;
- Provide a live hearing and allow cross-examination by party advisors;
- Protect all complainants from inappropriately being asked about prior sexual history;
- Send both parties a written determination based on the preponderance of evidence standard, regarding responsibility explaining how and why the decision-maker reached conclusions;
- Effectively implement remedies for a complainant if a respondent is found responsible for sexual harassment, misconduct or discrimination;
- Offer both parties an equal opportunity to appeal; and
- Protect any individual, including complainants, respondents, and witnesses, from retaliation for reporting sexual harassment, misconduct or discrimination or participating (or refusing to participate) in any Title IX grievance process.

(approved July 16, 2018; revised January 22, 2024)

PROCEDURES IN PROGRESS