

5.11.2 Sexual and Other Unlawful Harassment

Cape Fear Community College (the “College”) prohibits any form of sexual or other unlawful harassment involving any of its employees in the employment relationship or involving any College employee and a student of the College in the educational relationship, whether it is in the form of a College employee harassing a student or a student harassing a College employee. The College has a firm belief and has established a policy that all employees and students are entitled to work and learn in an environment free of discrimination or intimidation based on race, color, religion, gender, sex, age, national origin, disability, or other legally protected status, or that of an employee’s or a student’s relatives, friends, or associates.

Sexual harassment does not require physical contact but merely has to create an unwelcome environment between employees and between employees and students. It includes unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when submission to the conduct is made a term or condition of an individual’s employment or education (either explicitly or implicitly), when submission to or rejection of the conduct is used as the basis for employment or educational decisions affecting the individual, or when the conduct in any way interferes with an individual’s work or educational performance or creates an intimidating, hostile, or offensive environment. Occasional compliments of a socially acceptable nature do not constitute sexual harassment.

Other unlawful harassment consists of verbal or physical conduct that denigrates or shows hostility or aversion toward an individual because of his or her race, color, religion, gender, sex, age, national origin, disability, or other legally protected status, or that of his or her relatives, friends, or associates, and that has the purpose or effect of creating an intimidating, hostile, or offensive environment; has the purpose or effect of interfering unreasonably with an individual’s work or educational performance; or otherwise adversely affects an individual’s employment or educational opportunities.

Any act, comment, or behavior that constitutes sexual or other unlawful harassment is strictly prohibited and will not be tolerated of any employee or student, either on or off College premises. This prohibition covers not only the relationships between employees of the College, but also each employee’s relationships with students of the College or with the employees of other companies encountered in the course of performing the duties of his or her job.

Reports by Employees

Employees, without any fear of reprisal, have the responsibility to report any form of sexual and other unlawful harassment (whether by an employee or a student of the College or external party) to the attention of their supervisor, department head, or functional division administrator. The supervisor, department head, or functional division administrator must report the matter to the CHRO or designated Sr. HR Generalist. The CHRO or designated Sr. HR Generalist will take appropriate steps and initiate an investigation into the circumstances of the alleged sexual and other unlawful harassment upon receipt of a report from a supervisor, department head, or functional division administrator.

If an employee is uncomfortable with reporting an alleged incident of sexual and other unlawful harassment to his or her immediate supervisor, department head, or functional division administrator, he or she should report it to the CHRO. If uncomfortable with initially reporting such

harassment to the CHRO, the employee should make a report directly to the President of the College. Notwithstanding the availability of these alternatives, employees are encouraged to attempt to resolve any incidents of sexual or other unlawful harassment with the designated administrative officer who is most directly concerned, excluding individuals accused of such harassment.

Reports by Students

Students, without any fear of reprisal, have the responsibility to report any form of sexual and other unlawful harassment by an employee of the College to the Dean of Student Affairs, who is the College's designated Title IX Coordinator so an investigation may be initiated into the circumstances of the incident and the alleged harassment. Upon receipt of a student report of alleged sexual and other unlawful harassment, the Dean of Student Affairs will take appropriate steps and initiate an investigation into the circumstances of the alleged sexual and other unlawful harassment, following the process outlined in the CFCC Sexual Misconduct Procedures and in compliance with Title IX. The Dean of Student Affairs will notify the respective senior level administrator and others who may have a need to know, such as the Vice President for Academic Affairs and Workforce Development and the Vice President for Student Services and Enrollment Management of the complaint. If a student is uncomfortable with reporting such harassment to the Dean of Student Affairs, the student should talk to a senior level administrator, including the Vice President for Academic Affairs and Workforce Development or the Vice President for Student Services and Enrollment Management. If a student is uncomfortable with reporting such harassment to any of these parties, the student should make a report directly to the President of the College. Notwithstanding the availability of these alternatives, students are encouraged to attempt to resolve any incidents of sexual or other unlawful harassment with the Dean of Student Affairs, who is the College's designated Title IX Coordinator.

College's Response to Reports; Review

The College will investigate reports of sexual and other unlawful harassment. If a report about sexual and other unlawful harassment is made by an employee against another employee of the College or external party (not a student), the CHRO will take appropriate steps and initiate an investigation into the circumstances of the alleged sexual and other unlawful harassment, meet and conduct a review of the results of the investigation with the appropriate senior level administrator, and assist in the determination of reasonable corrective disciplinary action up to and including dismissal when it has been determined that there has been a violation of the Sexual or Other Unlawful Harassment policy and/or the Prohibited Conduct policy have been found. (CFCC Policy – 5.11.1 Disciplinary Actions.)

If a report about sexual misconduct or other unlawful harassment is made by a student against an employee of the College or a complaint about sexual misconduct or other unlawful harassment is made by an employee against a student of the College, the Dean of Student Affairs (Title IX Coordinator) working collaboratively with the CHRO or designated Sr. HR Generalist, will take appropriate steps outlined in the CFCC Sexual Misconduct Procedures and in compliance with Title IX. (CFCC Sexual Misconduct Procedure.)

If a report about sexual misconduct is made by a student against another student or external person (not an employee,) the Dean of Student Affairs, (Title IX Coordinator) will take appropriate steps outlined in the CFCC Sexual Misconduct Procedures and in compliance with Title IX.

If an initial report of sexual or other unlawful harassment is made by an employee to his/her supervisor, department head, functional division administrator, or to the President of the College, any review of the decision rendered must follow the Grievance Procedure section of the College's Discipline, Non-reappointment, and Grievance Procedures, from the step where the decision was rendered; provided, however, that the Grievance Procedure may be modified with the consent of the employee to protect confidentiality. If an initial report of sexual or other unlawful harassment is made by a student to the Vice President for Student Services and Enrollment Management or to the President of the College, any review of the decision rendered must follow the Student Appeal Procedure approved by the Board of Trustees, from the step where the decision was rendered; provided, however, that the Student Appeal Procedure may be modified with the consent of the student to protect confidentiality.

The College will adhere to the confidentiality protocols as outlined within the CFCC Faculty and Staff Handbook and the CFCC Sexual Misconduct Procedures. Information about alleged sexual and other unlawful harassment and subsequent investigatory file contents will be kept as confidential as possible under the circumstances and information will only be shared on a need to know basis. The College will take appropriate corrective action, including disciplinary action up to and including dismissal to remedy policy violations. When there has been a policy violation, the CHRO will advise the appropriate senior level administrator on the reasonable corrective action to be taken up to and including dismissal. The College also reserves the right to take reasonable action in accordance with CFCC Policy 5.11.1 Disciplinary Actions even when the determination finds that the alleged behavior or conduct at issue did not rise to the level of sexual or other unlawful harassment, but was nonetheless inappropriate conduct. Disciplinary actions will be taken against any student who is determined to have engaged in sexual or other unlawful harassment, conduct approaching sexual or other unlawful harassment, or other conduct that violates this policy or any other CFCC Policy with regard to employees of the College.