

Title IX: Sexual Harassment Policy



Policy Statement

Allen County Community College is committed to maintaining a positive and safe learning and working environment. Allen Community College students and employees are responsible for assuring that the college maintains an environment for study and work free from Sexual Harassment or related retaliation and all members of the Allen community are expected to conduct themselves in a manner that does not infringe upon the rights of others. Allen Community College prohibits students and employees from engaging in Sexual Harassment.

Sexual Misconduct violates the dignity of individuals, impedes the realization of educational goals, is unlawful and will not be tolerated. Specifically, Sexual Harassment is a form of illegal discrimination in violation of Title VII of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, and the Kansas Act Against Discrimination and could lead to criminal prosecution.

Definitions

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

- A. An employee conditioning the provision of an aid, benefit, or service of the College on an individual's participation in unwelcome sexual conduct (i.e., quid pro quo); or
- B. 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 program or activity; or
- C. Sexual Assault (as defined in the Clery Act), Dating Violence, Domestic Violence, or Stalking (as defined in the Violence Against Women Act (VAWA)).
 - "Sexual Assault," as defined by the Clery Act, is any sexual act directed against another person, without consent of the victim, including instances where the victim is incapable of giving consent, including rape, fondling, incest and statutory rape.
 - "Dating Violence" is 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 shall 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 purposes 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" means a felony or misdemeanor crime of violence committed by 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; 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," as defined by VAWA, means engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for the person's safety or the safety of others; or suffer substantial emotional distress. "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 any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property. Reasonable person means a reasonable person under similar circumstances and with similar identities to the victim. "Substantial emotional distress" means significant mental suffering or anguish that may, but does not necessarily require medical or other professional treatment or counseling

Consent is a willingness or agreement to engage in conduct. Consent must be freely given with full information of the facts and circumstances. A person cannot give valid consent in Kansas if he/she is:

- Overcome by force or fear;
- Unconscious or powerless;
- Mentally incapacitated, whether due to a mental disease or alcohol/drug intoxication;
- Under the minimum age required to give consent in Kansas or
- Providing apparent consent due to fraud or misrepresentation.

Reporting

If you have any questions or concerns about Sexual Harassment, or if you wish to make a report of Sexual Harassment, students and employees are strongly encouraged to immediately contact the Vice President for Student Affairs, who serves as the Title IX Coordinator, at 620-901-6213 or vpsa@allencc.edu. In an emergency, call 911 for immediate assistance.

Sexual Harassment reports should be made verbally or in writing as set forth in the Sexual Harassment Complaint Procedures.

Resolution

Allen promotes prompt reporting of all types of Sexual Harassment and timely and fair resolution of Sexual Harassment complaints. It is a violation of this Policy for anyone acting knowingly and recklessly either to make a false complaint or to provide false information regarding a complaint of Sexual Harassment.

After an investigation and applicable resolution process, any person who is found to have violated this Policy or retaliated against another will be subject to discipline, up to and including expulsion from Allen Community College and/or termination of employment, to help ensure that such actions are not repeated.