

SEXUAL MISCONDUCT

Sexual Harassment

It is the policy of Tulsa Community College that sexual harassment of staff, students and visitors at any of the College's locations or during college activities shall not be tolerated. This policy is in keeping with the spirit and intent of various local, state and federal guidelines which address the issue of fair employment practices, ethical standards and enforcement procedures. It is also the policy of the College that false accusations of sexual harassment are grievous and can have serious and far-reaching effects upon the careers and lives of individuals.

The College is committed to providing an environment of study and work free from sexual harassment and to ensuring the accessibility of appropriate grievance procedures for addressing all complaints regarding sexual harassment. However, it is not the intent of this policy to limit the legitimate exercise of an individual's freedom of speech or infringe upon the academic freedom of the college community.

Sexual harassment shall be defined as unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of sexual nature in any of the following contexts:

- (1) When submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or academic standing;
- (2) When submission to or rejection of such conduct by an individual is used as the basis for employment or academic decisions affecting such individual;
- (3) When such conduct has the purpose or effect of unreasonably interfering with an individual's work or academic performance or creating an intimidating, hostile or offensive working or academic environment.

In the process of developing this policy, the College recognized the difficulty of an individual to determine what does and does not constitute sexual harassment. It is the responsibility of the staff to behave in such a manner that their words or actions cannot reasonably be perceived as sexually coercive, abusive or exploitative.

In order to implement this policy in the spirit in which it is written, any staff person who feels he/she has been the victim of sexual harassment shall report the incident to his/her supervisor. If the staff person is uncomfortable in reporting the incident to the supervisor, then he/she should report it to the Employee Relations Manager in Human Resources. All student incidents should be reported directly to the Dean of Student Services. It is the responsibility of each supervisor within his/her area of control, the Employee Relations Manager and the Deans of Student Services to forward reports of sexual harassment to the Director of Civil Rights (Associate Vice President for Human Resources) promptly upon having knowledge of the same.

The supervisors, Employee Relations Manager or the Dean of Student Services who receives a report of sexual harassment should carefully investigate the matter, questioning individuals who may have knowledge of either the incident in question or similar problems. The investigation, findings and any corrective action should be documented as thoroughly as possible and such documentation provided to the Director of Civil Rights. (Associate Vice President for Human Resources)

If the staff member or student feels that further action is necessary, the complaint should be reduced to writing and filed with the Director of Civil Rights.

No individual shall be subjected to any form of retaliation or discipline for reporting sexual harassment. Any attempt to penalize or retaliate against a person for filing a complaint of sexual harassment or participating in the investigation thereof will be treated as a separate and distinct violation of this policy. Appropriate disciplinary action for violations of this policy may include a range of actions up to and including termination or dismissal.

The administration shall distribute and publish this policy and adopt such procedures as may be necessary for its implementation and enforcement.

Sexual Assault

Tulsa Community College prohibits sexual assault on its campuses and in connection with college-sponsored activities. To that end, the Tulsa Community College Board of Regents hereby authorizes and directs the college administration to implement an educational sexual assault program and disciplinary procedures aimed at the prevention of sex offenses on campus and in connection with college-sponsored activities. The program shall include education programs to promote the awareness of rape, acquaintance rape, and other sexual assault offenses and shall address the possible sanctions to be imposed following the final determination of an on-campus disciplinary procedure regarding such offenses. The administration is further authorized and directed to develop and distribute procedures to be followed once a sex offense has occurred, such procedures to include all substantive, informational, and notification requirements established by law.

GRIEVANCE PROCEDURE

Right to File Complaint

Tulsa Community College has an Equal Opportunity policy that prohibits discrimination on the basis of race, color, national origin, sex, age, religion, disability, status as a veteran, sexual orientation, genetic information, or any other basis protected by applicable discrimination law. This prohibition of discrimination includes, but is not limited to admissions, employment, financial aid and educational programs, activities or services.

A current or former employee or student who has a complaint alleging a violation of the Equal Opportunity policy (including complaints of discrimination based upon harassment or failure to accommodate a disability) shall have the right to file a written complaint with the Director of Civil Rights Compliance. The complaint should be filed in the Human Resources Department located on the 5th floor of the Conference Center at 6111 East Skelly Drive, Tulsa, Oklahoma, 918-595-7856. Students may also file the complaint with the Dean of Students at any of the College's Campuses: Metro Campus Room MC 317, 918-595-7148; Southeast Campus Room SE 2201, 918-595-7668; West Campus Room I 150, 918-595-8007; and Northeast Campus Room SU 216, 918-595-7468. The complainant should provide appropriate contact information and respond promptly to requests for information relating to the complaint. Any complaint filed with the Human Resources Department or with a Dean of Student Services should be promptly forwarded to the Director of Civil Rights Compliance. Complaints filed with a Dean of Student Services should also be promptly forwarded by the Dean to the Associate Vice President for Student Affairs.

Administrative Resolution

The Director of Civil Rights Compliance may ask the complainant if he or she would like to first try to resolve the complaint administratively without the appointment of a Committee. If the complainant is agreeable to proceeding administratively, then the Director of Civil Rights Compliance, with the assistance of other College officials as may be appropriate, will attempt to resolve the matter. At any time, however, the complainant may notify the Director of Civil Rights Compliance that he or she no longer desires to have the complaint handled administratively and request that a Committee be appointed.

Formal Resolution

If the complaint is to be handled formally, the Director of Civil Rights Compliance will promptly request (usually within five (5) business days of receiving the written complaint or request to proceed formally) that the President of the College appoint a Committee to hear the complaint. If the complainant believes that the Director of Civil Rights Compliance has failed to timely request the appointment of a committee, then the complainant may notify the President of the College.

Proceedings by Committee

The Committee will hear evidence regarding the alleged complaint and investigate the matter in a prompt and impartial manner. The complainant shall have the right to present witnesses, documentation and other materials for consideration by the Committee. After thorough investigation, the Committee will render a decision (usually within 10 business days of appointment) regarding the validity of the complaint.

Conflict of Interest

Members on the Committee will be impartial and unbiased, and should report to the President or Director of Civil Rights Compliance any conflicts of interest or other matters which might affect their ability to be impartial and unbiased.

Remedial Action

The Committee will promptly advise the President of the College of its findings within two (2) business days. The President will advise the complainant of the decision of the Committee within three (3) business days. The President will work with the Director of Civil Rights Compliance to remedy the situation, to prevent future discrimination, and to take any appropriate disciplinary action.

Appeal from the Committee Decision

An appeal from the decision of the Committee may be made by the complainant to the President. Such appeal must be in writing, signed and dated by the complainant, and submitted to the President within seven (7) calendar days after the notice is sent to the complainant of the decision of the Committee which is being appealed.

The notice of appeal shall set forth in detail the basis for such appeal and the specific relief which the complainant requests. Grounds for an appeal may include, but are not limited to, the following:

- Insufficient evidence to support the decision;
- A procedural or substantive error that significantly prejudiced the rights of the complainant;
- Significant new information;
- Bias, prejudice, conflict of interest or other factors which might have improperly influenced the decision of the Committee.

Except as required to explain the basis of new information, an appeal normally shall be limited to a review of the record of the Committee and supporting documents for one or more of the following purposes:

- To determine whether the hearing before the Committee was conducted fairly in light of the charges and information presented, and in conformity with prescribed procedures giving the complaining party a reasonable opportunity to prepare and to present information;
- To determine whether the decision reached by the Committee was based on substantial information, that is, whether there were facts in the case that, if believed by the fact finder, were sufficient to support the decision;
- To determine that the decision of the Committee was not improperly influenced;
- To consider new information, sufficient to alter a decision or other relevant facts not brought out in the original hearing, because such information

and/or facts were not known at the time of the original decision or for some other justifiable reason was not presented earlier.

The President or the President's designee, may take any of the following actions relating to the appeal:

- Uphold the decision of the Committee;
- Vacate the decision of the Committee and enter a new decision;
- Modify the decision of the Committee;
- Vacate the decision of the Committee and remand the matter to the Committee for further consideration;
- Vacate the decision of the Committee and refer the matter to a newly appointed Committee.

Absent extenuating circumstances, the President or the President's designee will render a decision on the appeal within ten (10) business days and promptly notify the complainant thereof. The decision of the President or the President's designee shall be final and there shall be no further appeal.

Standing Grievance Panel

The President shall appoint a standing Grievance Panel from which the Committees shall be appointed to hear and investigate complaints that are to be resolved formally. The Grievance Panel shall consist of 12-20 employees of the College, and should include employees from all campuses and a variety of employee classifications.

A Committee appointed from the Panel will typically have 3-5 members. In special circumstances, the President may appoint employees to the Committee who are not on the Panel. The special circumstances might include unavailability of a sufficient number of the Panel members, or particular knowledge, expertise or experience of one or more employees not on the Panel.

Members of the Panel shall undergo training in matters related to discrimination laws and proper investigation procedures. Legal Counsel for the College shall be available to advise the Panel members in such areas.

Confidentiality

The Committee Members and all other persons involved in the complaint, investigation and hearing process shall take reasonable precautions to maintain the confidentiality of the identity of complainant and any witnesses, the details of the complaint, the evidence reviewed and the witnesses interviewed, except as reasonably necessary or prudent to conduct a thorough investigation.

Protection from Retaliation

No person shall retaliate against the complainant or any other person participating in the investigation and resolution of the complaint because of the person's involvement in the process. Complaints of retaliation should be filed and resolved under this Grievance Procedure in the same manner as complaints of discrimination. Any person found to violate this prohibition against retaliation shall be subject to disciplinary action.

Designees

To insure the process proceeds in a timely manner, the President and the Director of Civil Rights Compliance may designate one or more employees of the College to fulfill their duties or functions under this procedure in the event they are unavailable.

Office for Civil Rights

If the complaint is not resolved at the College level, then a student may choose to file a complaint with Office for Civil Rights.

Office for Civil Rights, Kansas City Office
U.S. Department of Education
8930 Ward Parkway, Suite 2037
Kansas City, MO 64114-3302
(Phone) 816-268-0550
(TTY) 877-521-2172
Web Address: <http://www.ed.gov/ocr/>