

Treasure Valley Community College

Code: JBA/GBN-AR(1)
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Sexual Harassment Complaint Measures

Overview

This document provides a general outline of how TVCC will provide supportive or protective measures. Supportive measures are non-disciplinary, nonpunitive individualized services offered to the complainant or respondent before or after the filing of a formal complaint, or where no formal complaint has been filed. Protective measures are interim actions taken by a college official to ensure the safety and security of the complainant, respondent, and/or overall campus community.

This document does not constitute a contract or prevent TVCC from varying from this general outline of how TVCC's provides supportive or protective measures.

Upon receiving notice or a complaint as defined in GBN/JBA - Title IX, the Title IX Coordinator (or designee) promptly will make supportive measures available to the Complainant. At the time that supportive measures are offered, TVCC will inform the complainant, in writing, that they may file a formal complaint with TVCC, either at that time or in the future, if they have not done so already. The Title IX Coordinator (or designee) promptly makes supportive measures available to the respondent upon notifying respondent of notice or a complaint.

The Title IX Coordinator (or designee) will work with the parties to ensure that their wishes are considered with respect to the supportive measures that are planned and implemented throughout any grievance process.

All employees covered by collective bargaining or other employment agreements or handbooks are subject to the terms of their agreements/employees' rights to the extent those do not conflict with federal or state compliance obligations.

Confidentiality

TVCC will maintain as confidential as allowed with the supportive measures, provided that confidentiality does not impair TVCC's ability to provide the supportive or protective measures.

- Supportive Measures – Generally
 - The Title IX Coordinator has broad authority to implement supportive measures so long as any supportive measure is non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the parties to restore or preserve access to TVCC's workplace or education program or activity, including measures designed to protect the safety of all parties or TVCC's educational environment, and/or deter harassment, discrimination, and/or retaliation.
 - TVCC will use the least restrictive means possible when determining appropriate interim and supportive measures, will implement measures that do not unreasonably burden the other party or fundamentally alter their education (or work) requirements, and will regularly re-evaluate

the interim and supportive measures to determine the necessity of their continued implementation.

- Interim and Supportive actions may include, but are not limited to:
 - Referral to counseling, medical, and/or other health services
 - Referral to the employee assistance program
 - Student financial aid counseling
 - Education to the community or community subgroup
 - Altering work arrangements for employees or student-employees
 - Safety planning
 - Providing campus escorts
 - Providing transportation accommodations
 - Implementing contact limitations (no contact directives) between the parties
 - Academic support, class schedule modifications, withdrawals, or leaves of absence
- Requesting Supportive Measures
 - Any party or witness may seek supportive measures at any time during the resolution process.
 - To request supportive measures a complainant or respondent party should ask their assigned investigator, process advisor, or the Title IX Coordinator; a witness should request interim or supportive measures from the assigned investigator or Title IX Coordinator.
 - The Title IX Coordinator will give full and thoughtful consideration to a party or witness' requested supportive measures. Because TVCC will use the least restrictive means possible when determining appropriate interim and supportive measures, a party or witness' particular requested interim or supportive measure may not be granted.
 - The Title IX Coordinator may need to consult other departments or stakeholders at TVCC to implement interim or supportive measures. The Title IX Coordinator will take reasonable steps to keep the circle of people with knowledge of the matter as tight as possible.
- No-Contact Directives – Generally
 - At the discretion of the Title IX Coordinator, in consultation with the applicable vice president of students, director of student conduct and/or director of legal and human resources, TVCC shall have the authority to issue interim no-contact directives to promote safety and access to educational and employment opportunities. Unless and until a resolution on the merits of a grievance, any interim no-contact directive will apply equally to all parties.
 - For students, violations of interim no-contact directives will be enforced as “failure to comply” under the student rights, freedoms and responsibilities, and/or retaliation under this policy. For employees, violations of interim no-contact directives will be enforced as “failure to comply” with a directive under this policy.
 - Violating a no-contact directive will be grounds for discipline which may include expulsion or dismissal.
- Requesting a No-Contact Directive
 - To request a no-contact directive, a complainant or respondent should ask their assigned investigator, process advisor, or the Title IX Coordinator; a witness should request Interim or supportive measures from the assigned investigator or Title IX Coordinator.
 - Upon agreement of the parties an Interim no-contact directive can be continued indefinitely as part of a resolution of a grievance.

- Emergency Removal – Generally
 - TVCC can act to remove a respondent entirely or partially from its workplace, education program or activities on an emergency basis when an individualized safety and risk analysis has determined that an immediate threat to the physical health or safety of any student or other individual justifies removal. This risk analysis is performed by the Title IX Coordinator in conjunction with the appropriate TVCC personnel.
 - TVCC will implement the least restrictive emergency actions possible in light of all reasonably known circumstances and safety concerns. Such emergency removals could include, but are not limited to:
 - temporarily re-assigning an employee
 - temporarily suspending a student
 - restricting a student’s or employee’s access to or use of facilities or equipment,
 - allowing a student to withdraw or take grades of incomplete without financial penalty,
 - authorizing an administrative leave (paid or unpaid) for employees subject to applicable employee and labor relations policy and practice,
 - suspending a student’s participation in extracurricular activities, student employment, student organizational leadership, or intercollegiate/intramural athletics.
 - In all cases in which an emergency removal is imposed, the student or employee will be given notice of the emergency removal and the option to request to meet with the Title IX Coordinator prior to such emergency removal being imposed, or as soon thereafter as reasonably possible, to show cause why the emergency removal should not be implemented or should be modified.
 - This meeting is not a hearing on the merits of the allegation(s), but rather is an administrative process intended to determine solely whether the emergency removal is appropriate. A complainant and their advisor may be permitted to participate in this meeting if the Title IX Coordinator determines it is equitable to do so. There is no appeal process for emergency removal decisions.
 - A respondent may be accompanied by an advisor of their choice when meeting with the Title IX Coordinator for the show cause meeting. The respondent will be given access to a written summary of the basis for the emergency removal prior to the meeting to allow for adequate preparation.
 - The Title IX Coordinator has sole discretion under this policy to implement or stay an emergency removal and to determine the conditions and duration. Violation of an emergency removal under this policy will be grounds for discipline, which may include expulsion or termination.
 - During an Emergency Removal, a student or employee may be denied access to any or all of the following; TVCC classes, facilities, TVCC events (internally or open to the public), and activities.
 - At the discretion of the Title IX Coordinator, alternative coursework options may be pursued to ensure as minimal an academic impact as possible on the parties.
- Requesting an Emergency Removal
 - TVCC can only act to remove a respondent entirely or partially on an emergency basis when an individualized safety and risk analysis has determined that an immediate threat to the physical health or safety of any student or other individual justifies removal. Generally, immediate threats to the physical health or safety of any student or other individual are identified early on, and those facts are typically in the notice or complaint received.

Any person with information regarding immediate threats to the health and safety of any student or other individual should contact the Title IX Coordinator, director of legal and human resources or security department immediately.