

I-2.1.6 Sexual Harassment, Sexual Violence, and Anti-Harassment

Guilford Technical Community College is committed to providing an educational and working environment that is free from unlawful discrimination and harassment for faculty, staff, students, and third parties. This commitment extends to prospective employees

and that are also designed to ensure equal educational access, to protect the safety of all parties or the

IX Coordinator will confer with the parties and apply supportive measures without fee or charge to either party that are reasonable in light of known circumstances. Supportive measures are available to the complainant and respondent and shall be offered at any time at the request of either party or as deemed warranted by the Title IX Coordinator to ensure equal educational access and safety once the college receives notice of a possible Title IX matter. A formal complaint need not be intended or received in order for supportive measures to be requested or offered. Supportive measures may include, but are not limited to, counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, campus escort services, mutual restrictions on contact between the parties, changes in work or housing locations, leaves of absence, increased security and monitoring of certain areas of the campus, and other similar measures. The college must maintain as confidential any supportive measures provided to the complainant or respondent, to the extent that maintaining such confidentiality would not impair the ability of the recipient to provide the supportive measures.

6. Sexual Harassment Sexual Harassment may take many forms. It is defined under Title IX as conduct on the basis of sex that meets one of the following:
 - a. Quid pro quo harassment An employee conditioning the provision of an aid, benefit, or conduct;
 - b. Hostile Environment harassment Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to an education program or other college activity;
 - c. Sexual assault- An offense that meets the definition of rape, fondling, incest or statutory rape as used in the FBI's Uniform Crime Reporting system. A sex offense is any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent, defined by the Clery Act (20 U.S.C. 1092(f)(6)(A)(v));
 - d. Dating violence -
U.S.C. 12291(a)(10)) Crimes of violence against a person with whom the person has or had a social relationship, a romantic, or intimate relationship; Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.
Dating violence

Stalking behaviors may include persistent patterns of leaving or sending the victim unwanted items or presents; following or lying in wait for the victim; damaging or threatening to damage the victim's property; defaming the victim's character, or harassing the victim via the Internet through social media, email, or unwelcome contacts via telephone or text message, or by other electronic means such as posting personal information or spreading rumors.

7. Consent The explicit approval to engage in sexual activity demonstrated by clear actions or words. This decision must be made freely and actively by all participants.

is necessary. Silence, passivity or lack of active resistance does not imply consent. In addition, previous participation in sexual activity does not indicate current consent to participate in sexual activity. Consent to one form of sexual activity does not imply consent to other forms of sexual activity. Consent must be ongoing throughout a sexual encounter and can be revoked at any time.

Consent has not been obtained in situations where the individual: a) is forced, pressured, manipulated or has reasonable fear that they will be injured if they do not submit to the act; b) is incapable of giving consent or is prevented from resisting due to physical or mental incapacity (including being under the influence of drugs or alcohol); or c) has a mental or physical disability that inhibits their ability to give consent to sexual activity. Anyone engaging in sexual activity without clear consent is in violation of this policy.

8. Retaliation - Intimidation, threatening, coercing or discriminating against any individual for the purpose of interfering with any right or privilege secured by Title IX or this policy of the college, or because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding or hearing.
9. Title IX Coordinator The college employee charged with primary responsibility for
Deputy Title IX

workers, and those performing services under their supervision], when performing the duties of that professional role; (2) A pastoral counselor who is a person associated with a religious order or denomination and is recognized by that religious order or denomination as someone who provides confidential counseling and is functioning within the scope of that recognition. Confidential Employees who are employees of the College or contracted with the College and providing services and support in their

on Title IX policies and procedures prior to participating in the Title IX process and shall receive on going Title IX-related training throughout their membership on the committee.

The Title IX Coordinator will assign volunteers from the Title IX Committee to serve as hearing officers on three-person hearing committees or as appeal officers as needed. An employee may only serve in one of these roles per case. Committee members assigned to hear a case or an appeal must be unbiased and free from conflicts of interest.

The Title IX Investigators are employees from across the college who have received appropriate training. In many instances, the Title IX Coordinator will determine on a case-by-case basis whether or not there is a need for more than one investigator to be assigned to investigate a case.

Hearing Advisors may be selected by the parties or appointed by the college. In many instances they are trained members of the Title IX committee. Parties must have hearing advisors with them during Title IX hearings. These advisors may be, but are not required to be, attorneys.

Parties are required to inform the college at least five instructional weekdays before a hearing

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Individuals can report an inappropriate sex-based situation online at:
https://cm.maxient.com/reportingform.php?GuilfordTechCC&layout_id=5

Students can file a formal Title IX complaint at:
https://cm.maxient.com/reportingform.php?GuilfordTechCC&layout_id=6

-hour direct line: (336) 819-2046

Reports may be filed with off-campus law enforcement agencies in addition to or instead of the Title IX Coordinator, the Deputy Coordinators or on-campus law enforcement.

Any report involving a minor will be shared with external child protective service (<http://www.ncdhhs.gov/dss/>). Local off-campus law enforcement agencies are listed below:

Office 400 West Washington Street Greensboro, NC 27401 Phone: 336-641-3694 Email: sheriff@co.guilford.nc.us	Greensboro Police Department 300 West Washington Street Greensboro, NC 27401 Phone: (336) 373-
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Cone Health,
<http://www.conehealth.com/services/sexual->

accessing medical and counseling services, and reporting the incident to the appropriate local law enforcement authorities. Contact the Title IX Coordinator for additional information.

6. Coordinator in addition to filing a criminal complaint.

Securing an Advisor

Parties may choose their own Advisors. The College does not endorse any attorney or legal team. If a student does not secure an advisor, the college will appoint one.

Respondents may wish to contact organizations such as:

- Legal Aid of North Carolina (<https://www.legalaidnc.org/>)
- FACE (<http://www.facecampusequality.org>)
- SAVE (<http://www.saveservices.org>)

Complainants may wish to contact organizations such as:

- Legal Aid of North Carolina (<https://www.legalaidnc.org/>)
- The Victim Rights Law Center (<http://www.victimrights.org>)
- The National Center for Victims of Crime (<http://www.victimsofcrime.org>)
(<https://nwlc.org/times-up-legal-defense-fund>)

Investigation Process

1. Upon receiving a Title IX report, the Title IX Coordinator will review it and may conduct an initial intake meeting with the complainant to confirm that it meets the definitions contained in this policy. If the complaint is not anonymous, it should be signed by the complainant. If the complaint is anonymous, or if the complainant chooses not to sign it, that signing a formal complaint to initiate an investigation over the wishes of the complainant is not clearly unreasonable in light of the known circumstances. If the Title IX Coordinator makes this determination, they should document the reasoning in the case file. If the report is not signed and the Title IX Coordinator determines that grounds do not exist for the Title IX Coordinator to sign it, then the report will be maintained for informational purposes.
2. Upon receipt of a report with an identifiable complainant, the Title IX Coordinator must promptly contact the complainant confidentially to discuss the availability of supportive measures with or without wishes with respect to supportive measures, and explain the process

8. present witnesses and other evidence.
9. The Title IX Coordinator or the Deputy Coordinators will work with the investigators to send the parties written notices of investigative interviews or meetings, as well as of any hearing.
10. Should the complainant opt for the formal grievance process, they may opt out of that process and elect the Informal Resolution process at any time, as long as the respondent agrees to this election and the Title IX Coordinator does not conclude that it is unreasonable under the circumstances.
11. The college may, in its discretion, dismiss a complaint or allegations in a complaint if the complainant informs the Title IX Coordinator in writing that the complainant wishes to withdraw some or all of the allegations in the complaint; or if the respondent is no longer a student or employee; or if specific circumstances prevent the college from gathering sufficient evidence to reach a determination.

Hearing Process

1. Upon receipt of the full investigative report the Title IX Coordinator will identify three members of the Title IX committee who do not have a conflict of interest with respect to the matter to serve as voting members of the hearing committee. The three hearing officers will select a chair.
2. A hearing will be scheduled between ten and fifteen instructional weekdays from the Title

and their advisors will be notified in writing of the names of the hearing committee members and the hearing date. Parties will be notified of the requirement to state in writing any bias objections with their basis at least two instructional weekdays prior to

members of the hearing committee with copies of both the evidence collected and the investigative report at least ten instructional weekdays prior to the hearing date. Parties will be given the opportunity to attend a pre-hearing conference that will included but is not limited to the following topics:
(a) purpose of the hearing; (b) hearing logistics; (c) summary of allegations; (d) summary of evidence; (e) rights and responsibilities of the parties and advisors; and (f) confirming attendance at the live hearing. Attendance at the pre-hearing conference is optional.
3. If a party does not have an advisor present at the live hearing, the college will provide, uct cross-
examination on behalf of the party. No party is permitted to conduct cross-examination themselves. Cross-examination may only be done by the advisor or by a member of the hearing committee. Other than with respect to cross examination, however, an advisor is

not permitted to speak to the Committee during the hearing unless it is to answer a direct question from the chair of the hearing committee.

4. If a party or witness does not submit to cross-examination at the live hearing, the hearing committee may still rely on any statement of that party or witness in reaching a determination regarding responsibility. The hearing committee may not draw a negative

absence from the live hearing or refusal to answer cross-examination or other questions.

5. Only relevant cross-examination and other questions may be asked of a party or witness. Before the party or witness answers any question, the chair must first determine whether the question is relevant and explain a decision to exclude a question that is not relevant. In so doing, the chair may request, but is not required to, hear the positions of the advisors with respect to the relevance of any cross-examination question and from the parties themselves with respect to the relevance of any other evidence.

6. Live hearings may be conducted with all parties physically present in the same any or
all parties, witnesses, and other participants may appear at the live hearing in separate rooms, virtually.

7. The hearing committee members are adjudicators, not investigators. They may review evidence, ask questions, and draw conclusions to make a finding, but they may not independently introduce or gather evidence. If in the course of a hearing the hearing committee members determine that they cannot make a reliable finding due to missing evidence, the chair may suspend the hearing and ask the Title IX Coordinator to secure the missing evidence via the investigators for a rescheduled meeting with the same hearing committee members.

8. The chair of the hearing committee will convene and provide order to the hearing. They will make determinations as to relevance and admissibility of testimony and evidence.

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of the hearing. The appeal will not include an opportunity for live cross examination by

should report the alleged activity to the Title IX Coordinator. College employees designated as a mandatory reporter must report incidents, or knowledge of incidents, of sexual violence or harassment to the Title IX Coordinator. However, the college will not be considered to have actual knowledge of a complaint unless it is reported to the Title IX Coordinator, a Deputy Title IX Coordinator, mandatory reporter, or a college official with authority to

A prospective complainant should be aware that merely informing a member of the faculty or staff, of a concern may not be sufficient to trigger actual notice on the part of the college.

There are many options for resolution of a complaint, and a complainant is encouraged to make a report even if that individual is not seeking disciplinary action against the respondent.

initiate an investigation and formal grievance process, as long as doing so would not be clearly unreasonable in light of the known circumstances. Support and resources will always be available to the parties involved regardless of the chosen course of action.

Retaliation

No person may intimidate, threaten, coerce or discriminate against any individual for the purpose of interfering with any right or privilege secured by Title IX, or this policy, or because the individual has made a report or complaint, testified, assisted, or participated in, or refused to participate in any manner in an investigation, proceeding or hearing.

Retaliation against anyone who brings forward a complaint pursuant to this policy is strictly prohibited. Anyone responsible for retaliation, or who threatens retaliation, will be subject to disciplinary action up to and including termination of employment or removal from the

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Revised	03/10/2021 (contact update)
Revised	01/31/2022 (procedures)
Revised	06/06/2022 (procedures)
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