

SECTION: Human Resources

NUMBER: A-001-01-0012

AREA: General

UPDATED: 03/05/2022

SUBJECT: Harassment and Discrimination REVIEWED: 12/13/2022

PURPOSE

Rocky Mountain College does not discriminate on the basis of race, color, sex, and religion, national origin, citizenship, age, disability, ethnicity, gender identity and/or expression, marital status, place of birth, veteran status, sexual orientation or sexual identity in its policies and/or programs, employment, admissions or other activities.

I. POLICY

Members of the Rocky Mountain College community have the right to work and study in an environment free of harassment and discrimination. Rocky Mountain College strongly disapproves of and forbids the harassment or discrimination of students, faculty or staff members. The College will not tolerate harassment or discrimination, which includes harassment or discrimination based on race, color, sex, religion, national origin, citizenship, age, disability, ethnicity, gender identity and/or expression, marital status, place of birth, veteran status, sexual orientation or sexual identity. Claims of harassment and discrimination should be reported to the Executive Vice President for Student Life, Chief Human Resources Officer or Campus Counselor, who will help to determine an appropriate course of action based on the nature of the claim, which may include filing a charge of harassment or discrimination via the complaint resolution procedure outlined in Section 3 - Complaint Resolution Procedure.

Harassment and Discrimination Definitions

The terms “harassment” and “discrimination” include, but are not limited to slurs, jokes, and other verbal, graphic or physical conduct relating to an individual’s race, color, sex, religion, national origin, citizenship, age, disability, ethnicity, gender identity and/or expression, marital status, place of birth, veteran status, sexual orientation or sexual identity.

At Rocky Mountain College we believe that individuals should be able to live, study, teach and work in an environment that is free of all forms of harassment and discrimination, particularly those involving:

- Behavior intended to insult or stigmatize an individual or group.
- The use of words or symbols that convey hatred or contempt.
- Physical violence or threat of violence.
- Acts of vandalism or destruction of property.

A periodic notice will be sent to faculty, staff, and students to remind them of the policy. Copies of this policy will be available at appropriate campus centers and offices. "no harassment" policy notice will be posted in the residence halls, instructional buildings, and administrative office areas.

Consensual Relationships

It is the policy of Rocky Mountain College that it is unethical for faculty members or managers to engage in amorous relationships with students or staff who are enrolled in their classes or subject to their supervision, even when both parties appear to have consented to the relationship.

For the purpose of this policy, the term "faculty" or "faculty member" shall include all of those who teach at Rocky Mountain College (this includes adjunct faculty as well as other instructional staff members.) The term "manager" includes all who manage or supervise staff or students.

Rocky's educational mission is promoted by professionalism in faculty-student relationships as well as manager-staff and staff-student relationships. This professionalism is fostered by an atmosphere of mutual trust and respect. Actions of students, staff, managers, and faculty members that tend to harm this atmosphere undermine professionalism and hinder fulfillment of the College's mission. Trust and respect are diminished when those in positions of authority abuse, or appear to abuse, their power.

Faculty members exercise power over students and managers exercise power over their staff, whether in giving them grades, praise or criticism, evaluating them, making recommendations for future employment, or conferring other benefits on them. Amorous relationships between students and faculty members or managers and members of their staff create an appearance of impropriety when the faculty member or manager has professional responsibility for, and thus power over, the student or staff member. Consensual relationships may negatively impact not only those involved, but the educational environment and opportunities of other students or the professional business environment of other staff members.

II. PROCEDURES

Initiating a Report

Any individual who has question(s) or concern(s) about harassment or discrimination or believes that they are being or have been harassed or discriminated against should contact the Executive Vice President for Student Life (406-657-1018) or one of the liaisons listed below. The liaisons can help identify the types of behavior, verbal or physical, that constitute harassment or discrimination and will assist in determining an appropriate response to an alleged incident.

Executive Vice President for Student Life 406-657-1018
Chief Human Resources Officer. 406-657-1043
Campus Counselor 406-657-1049

Complaint Resolution Procedure

The following represents the procedure for resolving incidents where harassment or discrimination has been alleged.

Informal Resolution

In most instances, the College strives to resolve complaints informally. Individuals are encouraged to work with the liaisons mentioned above to accomplish this. As part of this process, individuals will be encouraged to contact the offending party directly if they are comfortable doing so. If, however, an individual is not comfortable talking to the offending party directly, a mediated conversation may be facilitated by an appropriate liaison. In addition, Rocky Mountain College reserves the right to take steps toward diffusing the incident (eg. no contact agreements/orders, relocating various parties, altering schedules, etc.). These actions on the part of RMC should not be interpreted as an indication of guilt or innocence, rather, they are steps taken to create the most comfortable environment possible while the incident is being resolved. If the informal resolution process fails to address the concerns of the complainant, the formal complaint procedure is available.

Formal Complaint

1. Formal complaints are submitted by complainant(s) to Rocky Mountain College.
 - 1.1. Students may bring formal complaints to the Executive Vice President for Student Life.
 - 1.2. Faculty and/or Staff members may bring formal complaints to the Chief Human Resources Officer.
2. The Executive Vice President for Student Life/Chief Human Resources Officer may at any point dismiss a complaint if it is found to be clearly without merit. The complainant may appeal this determination as outlined in *Section 4 - Appeals Related to Harassment and Discrimination*.
3. After discussion with the Executive Vice President for Student Life or Chief Human Resources Officer, an official investigative officer will be appointed to formally review the complaint. The complainant submits a signed petition describing the complaint and requesting a formal investigation. In some cases it may be appropriate for the designated officer to draft the petition. Other investigative officers may be designated by the president of the College or Chair of the Board of Trustees as needed.
 - 3.1. If the respondent is a senior administrator at the College, or if the President of the College believes it appropriate in any case, the College may employ an independent investigator trained in harassment or discrimination investigations to manage the investigation. Such an independent investigator will report directly to the President of the College.
 - 3.2. If the respondent is the President of the College the matter shall be referred to the Chair of the Board of Trustees. The Chair of the Board of Trustees may employ an independent investigator trained in harassment or discrimination

investigations to manage the investigation. Such an independent investigator would report directly to the Chair of the Board of Trustees. The findings from the investigation will be reported to a special committee of the Board of Trustees elected by the Chair of the Board of Trustees for final determination.

4. Both the complainant and respondent(s) may have one support person present to support and assist them throughout the complaint process. This person may accompany them to interview meetings, fact finding interviews, and any meetings or other proceedings related to the complaint process. The complainant and respondent(s) are responsible for presenting their own information, and support persons do not have a speaking role during any meeting throughout the process.
5. The proceedings described here are not those of a court of law, and the participation of legal counsel is not permitted during these discussions.

The Formal Complaint Process/Timeline

The timetable set forth below is approximate. The Executive Vice President for Student Life/Chief Human Resources Officer, in consultation with the investigative officer may, at his or her discretion, allow additional time for any of the steps noted. All relevant parties will be notified if additional time is needed.

1. Within five (5) business days of receiving the written complaint, the complaint will be made available for respondent review, who may then file a written response.
2. Within three (3) business days of receiving the written complaint, the investigating officer will consult with the relevant parties, including the complainant and the respondent, in order to ascertain the facts and views of both parties.
3. Within fourteen (14) business days from the filing of the complaint the investigating officer will conduct an inquiry and prepare a report summarizing the relevant evidence.
4. The report of the investigative officer will be sent to both the complainant and the respondent. Within five (5) business days thereafter, the complainant and the respondent may each submit a final statement to the Executive Vice President for Student Life/Chief Human Resources Officer concerning the report.
5. The Executive Vice President for Student Life/Chief Human Resources Officer, in consultation with the investigative officer, will select an independent three-person panel appropriate to the position of the respondent(s).
6. Within five (5) business days after the submission of any final statements from the complainant and the respondent(s), the three-person panel will decide whether a violation of this policy has occurred, and, if so, what the consequences shall be as outlined in *Section 5 - Sanctions*.

Appeals Related to Harassment and Discrimination

Following the disposition of a case, any individual who is dissatisfied with the decision may appeal by submitting a statement to the Executive Vice President for Student Life/Chief Human Resources Officer within ten (10) business days, stating with specificity the reasons for his or her dissatisfaction. The Executive Vice President for Student Life/Chief Human Resources Officer, within thirty (30) days of submission of such a request, shall either affirm or overturn the decision.

Appeals will be based upon the record made before the Executive Vice President for Student Life/Chief Human Resources Officer and will not constitute a rehearing of the evidence. The written response of the Executive Vice President for Student Life/Chief Human Resources Officer will constitute the final determination of the complaint. Should the individual be a member of the College's Executive Leadership statements of appeal should be submitted to the College President. Should the individual be the College President, statements of appeal should be submitted to the Chair of the Board of Trustees.

Sanctions

Sanctions for harassment or discrimination will be appropriate to the nature and severity of the offense and will be consistent with relevant College policy guidelines. Sanctions may include, but are not limited to, an oral reprimand, a written reprimand, a warning added to the respondent's file, probation, suspension, or expulsion of a student. For faculty or staff members, the final dispensation of disciplinary action will be conducted in accordance with applicable faculty and staff personnel policies and the adjudicatory panel's findings. If violations are found, possible sanctions can include up to termination from the College.

Protection of Rights

Both parties will have access to the facts developed in the course of the investigation and will be promptly informed about the final outcome of the proceedings. To the extent reasonably possible, all proceedings will be conducted in a way calculated to protect the confidentiality interests of both parties. Moreover, all reasonable action will be taken to ensure that the complainant and those testifying on behalf of either party will suffer no retaliation as a result of their actions. In the event that the allegations are not substantiated, all reasonable steps will be taken to restore the respondent(s) if they may have been damaged by the proceedings. If a complainant is found to have been intentionally dishonest in making the allegations or to have made allegations maliciously, the complainant is subject to institutional discipline.

III. REVIEW AND RESPONSIBILITIES

Responsible Parties: Human Resource Department
Executive Vice President Student Life

Review: As deemed as appropriate

IV. APPROVAL

Approved: _____ Date: _____
President

Approved: _____ Date: _____
Chair / Board of Trustees