



ROCKY
MOUNTAIN
COLLEGE

Harassment, Discrimination, and Sexual Harassment Policy

Reviewed June 2015

Harassment, Discrimination, and Sexual Harassment

Rocky Mountain College does not discriminate on the basis of race, color, sex, religion, national origin, citizenship, age, disability, or sexual orientation in admissions or its policies and/or programs, employment, or other activities.

Section Headings

- Harassment and Discrimination Policy
- Sexual Harassment Policy
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- Student Complaint Resolution Procedure
- Appeals Related to Harassment, Discrimination, and Sexual Harassment
- Sanctions
- Protection of Rights

Harassment and Discrimination 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 of students. The College will not tolerate discrimination or harassment, which includes discrimination or harassment based on race, color, sex, religion, national origin, citizenship, age, disability, or sexual orientation. Student claims of harassment and discrimination should be reported to the vice president/dean for student life or campus counselor, who will help students to determine an appropriate course of action based on the nature of the claim, which may include filing a charge of harassment via the complaint resolution procedure outlined below.

Harassment and Discrimination Definitions

The term "harassment" includes, but is 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, or sexual orientation.

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, 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; and/or
- Acts of vandalism or destruction of property.

Sexual Harassment Policy

It is the policy of the College to provide a working, learning, and teaching environment free from unlawful harassment of any kind, including sexual harassment. Sexual harassment of any student, on or off campus, is prohibited and will not be tolerated. Retaliation against a person who reports or complains about harassment or who participates in the investigation of a harassment complaint

is also prohibited.

Examples of Sexual Harassment

Sexual harassment includes any interpersonal attention of a sexual nature that is unwanted and unwelcome. Examples may include, but are not limited to, the following:

- Physical assault: assault in this sense includes any physical touching of any kind that is sexual in nature;
- Direct or implied threats that submission to sexual advances may favorably affect employment, work status, promotion, grades or letters of recommendation; or that rejection of sexual advances may negatively affect the same;
- Direct propositions of a sexual nature;
- Indirect or subtle pressure for sexual activity – for example: conduct such as repeated and unwanted staring;
- A pattern of conduct (not legitimately related to the subject matter of the course if a course is involved or to employment if employment is involved) that tends to bring discomfort and/or humiliation to a reasonable person, which may include comments of a sexual nature or sexually explicit jokes, statements, questions, or anecdotes; or
- A pattern of conduct that would tend to bring discomfort or humiliation to a reasonable person at whom the conduct was directed, which may include unnecessary touching, patting, hugging, or brushing against a person's body; remarks of a sexual nature regarding a person's clothing or body; or remarks about sexual activity or speculations about previous sexual experience.

A periodic notice will be sent to faculty, staff, and students to remind them of the policy. Students will be referred to the policy on the RMC website at new student orientation (and/or Campus Compass), and copies of the policy will be available at appropriate campus centers and offices. A "no harassment" policy notice will be posted in residence halls, instructional buildings, and administrative office areas.

Initiating a Report

Any student who has a question or concern that he or she is being or has been harassed or discriminated against should contact the vice president/dean for student life or one of the liaisons listed below. The liaisons can help identify the types of behavior, verbal or physical, that constitute harassment and discrimination and will assist in determining an appropriate response to an alleged incident.

Students may contact one of the following College community members if they have questions or concerns about harassment and discrimination:

Vice President/Dean for Student Life	406.657.1018
Campus Counselor	406.657.1049
Director of Human Resources	46.657.1160

Student 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. Students are encouraged to work with the liaisons mentioned above to accomplish this. As part of the 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 (e.g., 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 learning 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

- Formal complaints must be submitted in writing to the vice president/dean for student life.
- The complainant may have another person present information at discussions of the complaint.
- After discussion with the vice president/dean for student life, 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 as needed (see item #7, complaint process).
- The petition will be shown to the accused person, who may then file a written response within five (5) working days. This response will in turn be shown to the complainant.
- 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 vice president/dean for student life, in consultation with the investigative officer may, at his or her discretion, allow additional time for any of the steps noted.

- Within three (3) working days of receiving the written complaint, the investigating officer will consult with the relevant parties, including the complainant and the accused, in order to ascertain the facts and views of both parties.
- When a complaint is brought, the vice president/dean for student life, in consultation with the investigative officer (if other than the vice president/dean for student life), may choose to refer the matter to be formally heard by a five-person panel appropriate to the position of the accused.
- Within 14 working days from the filing of the complaint, the investigating officer will conduct an inquiry and prepare a report summarizing the relevant evidence.

- The report of the vice president/dean for student life or investigative officer will be sent to the complainant and to the accused. Within five (5) working days thereafter, the complainant and the respondent may each submit a final statement to the vice president/dean for student life concerning the report.
- The vice president/dean for student life may at any point dismiss a complaint if it is found to be clearly without merit. The complainant may appeal this determination to the academic vice president.
- Within five (5) working days after the submission of any final statements from the complainant and the accused, the vice president/dean for student life or five-person panel will decide whether a violation of this policy has occurred, and if so, what the consequences shall be. These may range from reprimand, suspension or probation, to termination or dismissal.
- If the accused individual is the vice president/dean for student life, or 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. Such an independent investigator will report directly to the president of the College.
- If the accused is the president of the College, the matter shall be referred to an independent investigator and reported to a special committee of the Board of Trustees for final determination.

Appeals Related to Harassment, Discrimination, and Sexual Harassment

Following the disposition of a case, any student who is dissatisfied with the decision may appeal by submitting a statement to the academic vice president within 10 working days stating with specificity the reasons for his or her dissatisfaction. The academic vice president, within 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 academic vice president and will not constitute a rehearing of the evidence. The person accused will be given an opportunity to present oral argument on such review provided, however, that nothing in the foregoing will be construed to prevent the reviewing committee in its discretion from hearing newly discovered evidence. The written response of the academic vice president will constitute the final determination of the complaint.

Sanctions

Sanctions for harassment, discrimination, or sexual harassment 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 accused person's file, or the probation, suspension, or dismissal of a student.

Protection of Rights

Both parties will be informed of 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 accused if he or she 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.