

# Reporting Alleged Sexual Misconduct

In case of an emergency or ongoing threat, a victim should get to a safe location and contact 911.

Individuals may report sexual misconduct to local law enforcement agencies by dialing 911. Individuals who make a criminal complaint may also choose to pursue a college complaint simultaneously. A criminal investigation does not release the college from its obligation to conduct its own investigation.

Individuals may choose to report alleged sexual misconduct to a campus official. The college respects and supports the individual's decision with respect to reporting; however, if information about sexual misconduct comes to the attention of the college, the college may start an investigation even in the absence of a filed complaint and/or notify appropriate law enforcement authorities, if required, or warranted based on the nature of the information reported.

Anyone wishing to report sexual misconduct should contact any one of the following individuals as outlined below:

## **Title IX Coordinator**

Mr. Bill Maultsby  
Director, Human Resources  
bill.maultsby@sccnc.edu  
910.788.6310  
A-Building, Room 107

## **Title IX Deputy Coordinator**

Colene Faulk  
Dean, Student Services  
colene.faulk@sccnc.edu  
910.788.6269  
A-Building, Rm 131

When concerns are brought to their attention or when they suspect that sexual or gender discrimination may be present, they are required to initiate and/or oversee timely investigations and provide updates to the accuser and the respondent. Initial investigations must be completed within 30 days from the date of the report; therefore, all faculty and staff are required to cooperate fully, truthfully, and expediently with investigations as outlined in this procedure.

## Employee Responsibility to Report

Employees, in general, have a responsibility to report incidents regarding sexual misconduct once they are informed by a complainant. Employees, (other than responsible employees) before getting the perspective from the employee/student, the employee/student will be made aware of the requirement to report the situation, including identity, to the Title IX Coordinator. The Title IX Coordinator will discuss the employee's/student's options, including confidentiality.

## Responsible Employees

A responsible employee is defined as a college employee who has the authority to take action to address sexual harassment/misconduct. Responsible employees include all college administrators, such as campus police, president, vice presidents, division deans, associate deans, faculty (to include adjunct), academic

counselors, coaches, student services employees, and directors. A responsible employee has been given the duty of reporting incidents of sexual harassment/misconduct or any other misconduct by employees and students to the Title IX coordinator, deputy coordinator, or other responsible employee.

If an employee or student is unsure of someone's duties and ability to maintain one's privacy, the employee or student should ask the person before he/she speaks to him/her. After disclosure, the student will be made aware of the requirement to report the situation, including identity, to the Title IX coordinator. The Title IX coordinator will discuss the employee/student options, including confidentiality.

Responsible employees must report incidents of alleged sexual violence to the Title IX coordinator or other designee to initiate an investigation.

## Confidential Employees

Confidential employees are not responsible employees and are not required to report incidents of sexual harassment/misconduct to the Title IX coordinator if the student requests confidentiality. Campus counselors are not considered to be confidential employees. While campus counselors are not required to report Personally Identifiable Information (PPI) such as the victim's name, they are required to report general information including, but not limited to, the nature, date, time, and general location of the incident.

## Bystander Intervention

Safe and positive actions may be carried out by an individual or individuals to prevent harm or intervene when there is a risk of dating violence, domestic violence, sexual assault, or stalking. Bystander interventions include, but are not limited to:

- recognizing situations of potential harm
- understanding institutional structures and cultural conditions that facilitate violence
- overcoming barriers to intervening
- identifying safe and effective intervention options
- taking actions to intervene

## Amnesty

The health and safety of every student at Southeastern Community College is of utmost importance. The college recognizes that students who have been drinking and/or using drugs (whether such use is voluntary or involuntary) at the time that violence including, but not limited to domestic violence, dating violence, stalking, or sexual assault occurs may be hesitant to report such incidents due to fear of potential consequences for their own conduct. The college strongly encourages students to report domestic violence, dating violence, stalking, or sexual assault to college officials. The college may also offer amnesty or leniency to the alleged victim or reporting witness with respect to other violations of college policy which may be disclosed as a result of such reports, depending on the circumstances involved. A bystander acting in good faith or a reporting individual (complainant) acting in good faith that discloses any incident of domestic violence, dating violence, stalking, or sexual assault to Southeastern officials or law enforcement will not be subject to Southeastern Community College's Student Code of Conduct action for violations of alcohol and/or drug use policies occurring at or near the time of the commission of the domestic violence, dating violence, stalking, or sexual assault.

## Interim Measures

Once the college is made aware of a complaint, steps will be taken to ensure equal access to educational programs and activities for the victim and the respondent. Options that may be presented include, but are not limited to:

- avoiding contact
- rearrangement of class schedules/extracurricular activities
- assessing resources: victim advocacy, academic support, counseling
- use of disability services, health, and mental services
- reassignment
- legal assistance
- right to report a crime to campus/local law enforcement

## Investigation Procedures

Any complaint relating to discrimination, harassment or sexual harassment should be immediately referred to the director of human resources (employee complaint) or the dean of student services (student complaint). (Note: If the respondent is a person that would otherwise be involved in the investigation or in the appeal process, the respondent may not participate in the investigation or appeal process. Should the college president be named as a respondent, the appeals process should omit the president as being the final decision-maker. In that circumstance, the Board of Trustees or the Executive Committee of the Board should serve as the final decision-making body).

1. Within five (5) business days of receiving the complaint, the person charged with the complaint will be notified and an investigation will be initiated to determine whether there is a reasonable basis for believing that a violation of the policy had occurred.
2. During the investigation, interviews will be conducted with all parties concerned. Within 30 working days of the complaint being filed, the investigation will be concluded, and a report submitted of the findings to the college administration.
3. If it is determined that a violation of this policy has occurred, a recommendation of appropriate disciplinary action will follow. The appropriate action will depend on the following factors: (a) the severity, frequency, and pervasiveness of the conduct; (b) prior complaints made by the complainant; (c) prior complaints made against the respondent; (d) the quality of the evidence (first-hand knowledge, credible corroboration, etc.) . If it is determined that an individual has been a falsely accused, appropriate disciplinary action will follow.
4. Within five (5) working days after the investigation is concluded, the complainant and respondent will be notified separately of the findings of the investigation.

## Appeal Procedures

Either the complainant or respondent who disagrees with the results and/or sanctions of the investigation may exercise their rights by filing a written appeal requesting reconsideration of the previous decision. The appeal/reconsideration of decision request must be presented in writing within five (5) business days after receipt of the decision. The appropriate vice president, in the case of an employee appeal, or the Title IX coordinator, in the case of a student appeal, will render a decision on the appeal request within five (5) business days following receipt of the request.

If either party is dissatisfied with the decision of the vice president, a written appeal may be filed within five (5) business days to the college president requesting reconsideration of the finding of the Title IX investigator and the vice president. The president will review the investigation, recommendations and decisions and any

other evidence. The president will render a final decision on the matter and notify the complainant or respondent within ten (10) business days of receipt of the appeal. No additional remedy shall be granted following the decision of the president.

## Protection of Complainant and Others

All reasonable actions are taken to assure that the complainant and those testifying on behalf of the complainant or supporting the complainant in other ways suffer no retaliation as the result of their involvement in the process.

**Protection of the Respondent.** At the time the investigation commences, the respondent is informed of the allegations, the identity of the complainant, and the facts surrounding the allegations. In the event the allegations are not substantiated, all reasonable steps are taken to restore the reputation of the respondent if it were damaged by the proceedings.

**Protection of Both Parties.** To the extent possible, the proceedings are conducted in a manner that protects the confidentiality interests of both parties. After the investigation, the parties are informed of the facts developed during the investigation. The parties are informed promptly in writing about the outcomes of the proceedings.

## Sanctions

Sanctions for students may include, but not limited to:

- restricted access to buildings, events, or areas of the campus
- suspension
- expulsion

## Education and Prevention

SCC is committed to increasing the awareness of and prevention of sexual misconduct and discrimination both on and off campus. The college makes continued efforts to provide students and employees with information and strategies intended to prevent sexual misconduct and discrimination. To promote on-going awareness on campus safety, on occasion, SCC conducts informational sessions and training on a wide variety of subjects related to the health, safety and well-being of our employees and students. ([Procedure 2.06.01](#))