



Individuals reporting a sexual assault can expect the following:

- All students will be treated with equal care, respect, and dignity.
- Alleged Violators and Complainants will be informed of the relevant outcomes following a disciplinary process./ [Family Educational Rights and Privacy Act \(FERPA- 20 U.S.C. § 1232g; 34 CFR Part 99\)](#)
- The assault will be reported as a statistic in the Annual Campus Security report as a sex offense with no identifying information. This is mandated by law.
- If the alleged perpetrator is unknown and/or presenting a continuing danger to the campus community, a Timely Warning may be issued in consultation with Campus Security.
- Omission of Disciplinary Committee, allowing only VPSS or designee and the President or designee to deliberate on discrimination cases, is in good faith to minimize exposure and exercise confidentiality matters.
- Appropriate sanctions will be imposed and enforced throughout the investigation and appeal process
- In the event evidence of conflict of interest to the President or Vice President of Student Services who acts on allegations of discrimination, which are alleged to justify discipline, or otherwise has a conflict in impartially exercising the duties described in these procedures, the President or Vice President of Student Services will notify both parties and another college official will be designated to preside over the case.

FLOWCHART NARRATIVE

- 1.** A complaint is received by the Vice President of Student Services (VPSS)/ State Campus Director (SCD). VPSS/SCD determines whether the complaint merits a policy violation.
- 2.** When determined a violation occurred the VPSS/SCD will report it to the Campus Security without any identifying information. The incident will be logged as a statistic.
- 3.** If the complaint involves staff or faculty, VPSS/SCD will notify the appropriate Vice President.
- 4.** The Vice President of Administration or Vice President of Instructional Affairs submits the complaint to the Director of Human Resources.
- 5.** The Director of Human Resources implements actions in accordance with COM-FSM Personnel Policies.
- 6.** When determined that the complaint of a student to student violation has merit, the VPSS/SCD will provide the victim with information on:

- The policy and procedures
- Rights; i/e, right to anonymity, options to report to the local law enforcement agencies.....etc.
- Available services or programs at the college and information on where to obtain professional services not provided by the college.
- Assurance that confidentiality will be respected to the fullest extent possible, but considering certain circumstances in the process of the case, it is not guaranteed.

- 7.** Informal meeting with student accused. This meeting will

- Acquaint student with due process procedures
- Assurance that confidentiality will be respected to the fullest extent possible, but considering certain circumstances in the process of the case, it is not guaranteed.
- Inform student of rights
- Inform student of allegation
- Ask student for a response
- Propose resolution

- 8.** Accused student accepts resolution

- VPSS/SCD and accused student sign a settlement agreement
- VPSS/SCD imposes appropriate sanctions according to the severity of the violation, but are not limited to, professional counseling certification from outside before the student is re-enrolled at the college, a reprimand, suspension from school for a minimum of 2 years, or dismissal from the college.

9. VPSS/SCD dismisses case

- **Determination based on insufficient or no evidence**

10. Accused student refuses to accept resolution or contests allegations

- **VPSS/SCD imposes appropriate sanctions according to the severity of the violation, but are not limited to, counseling, a reprimand, suspension, or dismissal from the college.**
- **VPSS/SCD informs complainant in writing**

11. Complainant and accused student are not satisfied with VPSS/SCD decision

- **Complainant or accused student may appeal to the President within five (5) working days after receipt of notification of the decision of the Vice President of Student Services. The appeal must be in writing and must specify why the decision is unsatisfactory.**

12. President reviews case and renders decision

- **The President or designee shall review the appeal and render a final decision in writing to the complainant within five (5) working days after receipt of the appeal, unless the appeal involves complex issues or requires extensive investigation, in which case the decision will be made within a reasonable period of time. In the event of a need to extend the (5) five-day period, the complainant shall be so notified.**

13. Both parties are informed in writing of the President's decision.

- **The decision of the President is final**

SEXUAL HARASSMENT POLICY FOR STUDENTS

1.0 Policy

College of Micronesia-FSM Policy prohibits sexual harassment including unwelcomed behavior or remarks of a sexual nature which limit or deny a student's right to education benefits (learn, achieve, work, study), or participation in any activity at any venue used for College sponsored/sanctioned event or an educational activity, program in a safe and supportive environment.

OR retaliation against any COM-FSM student for

- raising an allegation of sexual harassment
- filing a complaint alleging sexual harassment, or
- participating in a proceeding to determine if sexual harassment has occurred.

Such retaliation shall be considered a serious violation of this policy and shall be independent of whether a charge or informal complaint is substantiated. Encouraging others to retaliate also violates this policy. Examples of retaliation include, but are not limited to, unfair grading, unfair evaluation, public or private ridicule, or threats of any kind.

Sexual harassment is illegal under the state and local laws and will not be tolerated within any college setting.

2.0 Definitions

Sexual harassment can take many forms, but it generally falls into three categories: verbal, written/pictorial or physical. Defining characteristics of sexual harassment are that the behavior is unwanted and tends to be repetitive in nature. Under COM-FSM policy sexual harassment is defined as unwelcome sexual advances, requests for sexual favors and other verbal or physical contact of a sexual nature.

Examples of sexual harassment include, but are not limited to, the following: Slurs, epithets, threats, derogatory comments and unwelcome jokes that would make a reasonable student experiencing such harassment or conduct uncomfortable in an academic environment or which would interfere with a student's academic performance.

3.0 Purpose

This policy is intended to protect students from sexual harassment and to provide guidelines to assure that the Sexual Harassment Policy is applied fairly and equitably, and in accordance with Title IV requirements.

4.0 Application

This policy applies to all college students and other students participating in or accessing college sponsored programs and activities in all aspects of their relationship with the college.

5.0 Responsibilities

The Vice President for Student Services or his designee should be responsible for enforcing this policy. The Director of Student Life at the National Campus and Student Services Coordinators at the State Campuses will work with student services staff to implement this policy at all campuses.

The Director of Student Life at the National Campus and Student Services Coordinators at the State Campuses will work with staff to inform students of this policy and monitor records and reports for compliance with the policy.

5.1 Reporting Sexual Harassment

To report incidents of sexual harassment or retaliation, students may have the option to contact the Vice President for Student Services, Director of Student Life, Security office, or a Counselor at the National Campus or the Student Services Coordinator, or a Counselor at the State Campuses or a local Law Enforcement Agency. If a COM-FSM employee observes sexual harassment of a student, he/she should report it to the Vice President of Student Services or Campus Director. All members of the COM-FSM community are required to cooperate in any investigation of a sexual harassment complaint. Additionally, there are alternate outlets for reporting in the event any individual is uncomfortable in reporting a complaint. Persons who report incidents of sexual harassment shall not be harassed or retaliated against in any manner by any member of the college community.

5.2 Specific Responsibilities of Management

Upon receipt of a complaint of sexual harassment by a student, or on behalf of a student, the relevant supervisor or contact person must immediately convey this information to Director of Student Life at National Campus or Student Services Coordinator at the State Campuses, who initiate an appropriate investigation based on the complaints made.

If the result of the investigation upholds the complaints made, then appropriate disciplinary action will be taken against the person involved, which can include but is not limited to termination of employment or expulsion from the college. False accusations for an improper motive may also be subject to disciplinary action.

In situations where it is reasonably believed that imminent danger of serious bodily harm will occur, or that a crime has been committed, it is important to immediately notify campus security or the National or State Police.

5.3 Confidentiality

All complaints under this policy will be treated seriously and respectfully. It is important that any complaints be truthful and not brought about by ill will or bad intentions. The College will investigate all complaints received. The amount of investigation will depend on the facts presented and the extent the complaints can be substantiated. A complainant may wish to remain anonymous. The College will respect the confidentiality to the extent that it does not impede any appropriate investigation or is not required by law to be disclosed to relevant authorities.

Resources:

COM-FSM Personnel Manual XV-4

Title IX of the Education Amendments of 1972, as amended (20 U.S.C. 1681 et seq.).

Title IX Section 106.8 (b) regulations adopted by the U.S. DOE (34 CFR 106.8 (b)).

The City University of New York Policy and Procedures against Sexual Harassment at Brooklyn College.

Lake Forest College, Illinois (Sexual Harassment Policy)

<http://legalmatch.com>

Medical College of Georgia