



TITLE IX

POLICY

Brunswick Community College is committed to ensuring equal access to its educational programs and employment opportunities without regard to sex, gender, race, color, national origin, religion, age, disability, pregnancy, gender identity, sexual orientation, predisposing genetic characteristics, marital status, veteran status, military status, domestic violence victim status, or ex-offender status. Brunswick Community College is committed to providing an environment not impaired by sex and gender-based misconduct, including sex discrimination and sexual harassment. Title IX of the Education Amendment of 1972 is a federal law that prohibits discrimination on the basis of sex in educational programs, activities and employment practices. Therefore, students, employees, applicants and other members of the Brunswick Community College community (including without limitation, vendors, visitors, and guests) may not be subject to discrimination or harassment or otherwise treated adversely based upon a protected characteristic. This includes, without limitation, sexual harassment, sexual assault, domestic violence, dating violence, and stalking. Similarly, the College will not tolerate harassing, violent, intimidating or discriminatory conduct by its students, employees or any other member of or visitor to the College community.

PROCEDURES

This policy applies to conduct occurring on campus, during any College program or activity on or off-campus or abroad, including academic programs, admissions, athletics, recruitment, financial aid, employment, as well as certain off-campus conduct perpetrated or suffered by a Brunswick Community College student, employee, staff member, or third party member of the College community.

The College encourages individuals to report all gender-based misconduct immediately to the Title IX Coordinator, or another College staff or faculty member. The College will fully and promptly investigate all allegations of gender-based misconduct and will impose disciplinary measures, or take similar actions, as may be appropriate.

Confidentiality

Upon receipt of a report, the Title IX coordinator and those participating in any disciplinary proceedings, will make all reasonable efforts to maintain confidentiality and respect the privacy of those involved. The College understands that reports of this nature can be difficult, emotional and stressful. Therefore the College will only share information as is needed to conduct a prompt, thorough and effective investigation. All members of the College community should understand that even if the complainant asks the College not to pursue an investigation, or decides to attempt to resolve the situation informally, the College must still investigate the allegations and address the conduct as may be necessary.



DEFINITIONS

Sexual harassment is a type of sex discrimination and is prohibited by Title IX and by Brunswick Community College policy. Sexual harassment may include unwelcome sexual advances, requests to engage in sexual conduct or for sexual favors, and other behavior of a sexual nature where:

- Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's education or employment;
- Submission to or rejection of such conduct by an individual is used as the basis for academic or employment decisions affecting the individual; and/or
- Such conduct has the purpose or effect of substantially interfering with an individual's academic or work performance, or of creating an intimidating, hostile or demeaning educational or employment environment.

Sexual harassment can be verbal, visual or physical and can occur regardless of the relationship, position, gender, or sexual orientation of the parties involved. It can be overt (e.g., in a suggestion that a person can get a higher grade by submitting to sexual advances), or implied from conduct or circumstances.

Sexual harassment can also consist of unwelcome attempts to make an educational or professional relationship into a personal one. It may include severe, persistent and pervasive unwelcome sexual flirtation or inappropriate or derogatory language, including jokes involving individuals or classes of people, or persistent requests for dates. A single incident or few incidents may not necessarily amount to harassment, but a single extreme incident could constitute prohibited discrimination or harassment. Sexual harassment can also include the display of offensive materials, unwelcome physical contact, or serious physical abuse such as sexual assault or rape.

Sexual Assault is any non-consensual, intentional physical contact of a sexual nature, such as unwelcome contact with a person's genitals, buttocks or breasts, or any form of sexual intercourse without consent. Rape is a form of sexual assault.

Forcible sex offense is defined as any sexual act directed against another person, forcibly and/or against that person's will; or not forcibly or against the person's will where the victim is incapable of giving consent. They include rape, sodomy, sexual assault, and forcible fondling.

Non-forcible sex offense includes incest and statutory rape.

Consent is voluntary and sober. It requires words or actions that show a voluntary willingness or agreement to engage in a mutually agreed upon sexual activity. Consent is not present when one is incapable of consent, by reason of intoxication or incapacitation due to drugs or alcohol, when subject to coercion or threat of coercion, or subject to force. Consent to conduct does not occur



when a person is incapable of evaluating the nature of the conduct, incapable of declining participation in, or communicating unwillingness to engage in, a sexual act or other acts. Submission to conduct does not mean the conduct was welcome or consensual; in other words, the absence of “no” does not mean “yes.”

Just because someone has consented to certain sexual activities in the past does not mean that that person is consenting to sexual activity at present. Further, even if someone consents to certain types of sexual contact that does not mean that person also wants to engage in sexual intercourse or other sexual activities.

Domestic Violence may include violent acts by a current or former spouse; by a person with whom the victim shares a child in common; by a person who is or has cohabitated with the victim as a spouse; by a person similarly situated to a spouse; between a parent and child; between members of the same household in an intimate relationship; or by any other person similarly situated. Domestic violence can be physical, sexual, emotional or economic in nature.

Dating Violence can be violence or abusive behavior used by one partner to gain or maintain control over another partner. It can be violence committed by a person who is or has been in a social, romantic or intimate relationship with the victim. The existence of such a relationship will be determined by factors such as the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved.

Stalking is unwanted or obsessive attention by an individual or group toward a specific person that would cause a reasonable person to fear for his or her safety or the safety of others or to suffer substantial emotional distress. Stalking may include the monitoring of an individual online or involve the use of social media, email or other technology. It may also include unwanted observation or surveillance.