

**Cochise College  
District Board Policy**

**Category: All Employee Groups  
Policy Number: 611  
Title: Sexual Harassment**

Sexual harassment is a violation of federal and state laws, a violation of professional ethics, and a form of discrimination. Sexual harassment by and between employees, students, employees and students, and campus visitors and employees or students is prohibited by this policy. Violations of this policy may result in disciplinary action up to and including termination of employees, sanctions up to and including suspension or expulsion of students, and appropriate sanctions against campus visitors.

**Procedure 611.1  
Sexual Harassment**

- I. SCOPE: This policy and procedure apply to any individual while on College property or participating in College-sponsored or controlled activities.
- II. DEFINITION: Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when (1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment, study or participation in College-sponsored activities, (2) submission to or rejection of such by an individual is used as the basis for decisions affecting such individual's study, employment or participation in College-sponsored activities, or (3) such conduct has the purpose or effect of substantially interfering with an individual's academic or work performance or ability to engage in College-sponsored activities or creating an intimidating, hostile, or offensive academic or working environment.

This policy expressly prohibits only unreciprocated and unwelcome relationships, but consensual relationships where one participant is in a position of power/authority/control over the other participant may raise questions of professional responsibility, conflicts of interest, personal or institutional integrity which may require appropriate remediation.

- III. In determining whether the alleged conduct constitutes sexual harassment, consideration shall be given to the record as a whole and to the totality of the circumstances, including the nature of the sexual advances and/or the context in which the alleged incidents occurred.
- IV. CONFIDENTIALITY: The confidentiality of all parties involved in a sexual harassment complaint shall be strictly respected insofar as it does not interfere with the College's legal obligation to investigate allegations of misconduct and to take corrective action. While the College tries to protect the anonymity of individuals

who bring instances of possible misconduct to official attention, in order to conduct a full and fair investigation, the identification of the individuals involved may be required.

- V. RETALIATION: Retaliation against an individual for filing a sexual harassment complaint or for participating in a sexual harassment investigation is grounds for a subsequent harassment complaint and appropriate sanctions
  
- VI. PROCEDURES: Any individual, while on College property or in College-sponsored or College-controlled activities, may bring questions about procedure, seek informal advice or present a complaint of sexual harassment to the Associate Vice President for Human Resources. In bringing questions, seeking advice or presenting a complaint, the individual is encouraged to use the following guidelines:
  - A. Individuals wishing to file complaints are strongly encouraged to do so as promptly as possible so that timely investigation and appropriate corrective action can occur. Individuals should understand that failure to file such complaints promptly may affect the processing of the complaint or the abilities of the College to thoroughly investigate and resolve the complaint. Normally, complaints should be filed within 30 calendar days of the alleged sexual harassment.
  
  - B. The investigation and resolution process is dependent upon accurate communication. For this reason, a complaining party is encouraged to prepare a written statement of the conduct at issue. However, regardless of whether this action is taken, she or he may request that the Associate Vice President for Human Resources:
    - 1. act as mediator and to consult with the person at whom the complaint is directed in order to call the objectionable behavior to that person's attention, or
  
    - 2. conduct a sexual harassment investigation.

In either event the Associate Vice President for Human Resources will attempt to identify acceptable solutions.

- C. If, after review by the Associate Vice President for Human Resources, the College administration determines that disciplinary action is appropriate, the College may proceed through the appropriate disciplinary process for employees or students to resolve the problem.
  
- D. Any employee or student who feels aggrieved as a result of being disciplined for sexual harassment may pursue his/her grievance through the appropriate grievance procedure for employees or students.

VII. COMPLAINTS RECEIVED BY SUPERVISORS: Any individual charged with supervisory authority who receives a complaint of sexual harassment or who has actual knowledge of a violation of this policy shall within five days of the receipt of the complaint, or of the time he or she obtains actual knowledge of the violation report it to the Associate Vice President for Human Resources or the Campus Dean. Generally, all investigations will be conducted by the Associate Vice President for Human Resources or the Campus Dean. Except in an emergency, investigation of a complaint by any other individual shall be made only after consultation with the Associate Vice President for Human Resources.

VIII. COOPERATION IN INVESTIGATIONS: All employees and students have a duty to cooperate in investigations of alleged sexual harassment. This duty includes complying with any directive relating to confidentiality of the information provided or identity of the individuals involved or in providing information about the complaint or investigation. Failure to comply with such directives may result in disciplinary action. Any employee or student under investigation regarding allegations of possible misconduct may bring an attorney with him/her to the investigatory meeting(s), providing that the investigation will not be delayed for this purpose, and further providing that the attorney will not be allowed to speak during the investigatory meeting.

IX. INVESTIGATIONS WITHOUT COMPLAINTS: Nothing in this procedure shall limit the College's obligation and/or right to investigate and take appropriate action regarding allegations of possible misconduct, whether or not a timely written complaint has been received.

X. TIME LIMITATIONS FOR INVESTIGATION OF SEXUAL HARASSMENT COMPLAINTS: The College will make every effort to investigate and take necessary responsive action to resolve sexual harassment complaints within sixty days of the date the complaint is filed. Because of the complexity and numbers of individuals involved, this may not always be possible; however, a high priority will be given to completing such investigations in a timely manner.