

All college employees are required to report incidents of sexual harassment, sexual assault, and sexual misconduct to the Title IX Coordinator or a Deputy Title IX Coordinator. If a minor is a suspected victim of physical or sexual abuse, the employee shall make a report to a peace officer or the department of child safety in addition to the college report.

Each College employee is obligated to report incidents of sexual harassment, sexual assault, and sexual misconduct of which we become aware and is subject to College disciplinary actions for a failure to report. This obligation extends to all due to the College's responsibility Under Title IX to:

1. Stop the conduct
2. Prevent its re-occurrence
3. Remedy its effects
4. Provide care and support for the reporting person
5. Take steps to insure the safety and security of our community.

The College has adopted the term "mandatory reporter" to describe this obligation that extends to all individuals "who a student could reasonably believe has the authority or responsibility" to address these incidents. (U.S. Department of Education Office for Civil Rights: REVISED SEXUAL HARASSMENT GUIDANCE: HARASSMENT OF STUDENTS BY SCHOOL EMPLOYEES, OTHER STUDENTS OR THIRD PARTIES). By reporting what you know to the appropriate College officials especially trained to respond, you support students and others who have experienced this conduct. You also protect yourself from potential liability because when you know, the College is also considered to know. The College's obligation to respond begins the moment the College is on notice that a member of our community has experienced sexual misconduct, sexual harassment or sexual assault.

An employee who has reasonable cause to suspect abuse of a child (individual under the age of 18) that the employee has come into contact with during the course of employment must make a report to peace officer or the department of child safety (A.R.S. 13-3620).

Date of Adoption: *Adoption of Manual: July 2008*

References: *ARS 13-1401, 1406(A), 1402(1), 13-2923(A), 13-3601(A)(6), 13-3620*

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Reporting: Person Who Requests Confidentiality:

As mandatory reporters, we can no longer have confidential conversations with students or other reporting persons about their experiences with sexual misconduct, sexual harassment, or sexual assault. The College recognizes the significant trust relationship with students and the difficult situation you are placed in when a student requests that you keep the disclosure confidential. To help mitigate this challenge, students have been informed that all faculty, staff, and administrators must share their information with the College, and that they can report confidentially to designated organizations if they do not want their information to be shared. These confidential reporting sources are listed in the Mohave Community College: Community Resource Guide.

If you believe a student or other reporting person is about to disclose to you his/her experience of sexual harassment, sexual misconduct, or sexual assault, you can explain to that person, before she/he makes the disclosure, that you must share the information with the College so that she/he can receive care, support and resources and learn about the options for having the situation addressed and resolved within the College. You can explain that even though you are obligated to share the information with College officials especially trained to respond, her/his privacy will be respected; identities and details will be shared only with those who need to know to support the reporting person and to address the situation through the College's processes. You can tell the person that someone will explain these processes in detail and that she/he will be involved in decisions about what happens as a result of the disclosure. If the reporting person does not wish to disclose to you as mandatory reporter, you can refer the person to a confidential reporting source.

Whether or not the student or reporting person decides to disclose to you or to a confidential source, please assure the person that she/he will receive care and support as requested, both within the College and in the community.

Confidential Reporting Sources and Other Resources:

The College is committed to providing support and assistance to victims as well as taking active measures to help assure the physical and emotional well-being of victims. A number of resources are available to assist victims of sexual misconduct.

If a student or other reporting person requests that you keep the disclosure confidential, before the disclosure is made to you, please refer or assist the person to contact one of these resources in the Mohave Community College: Community Resource Guide.

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**Mandatory Reporting
Confidentiality**

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Whom to Report, What, How and When to Report:

As mandatory reporters, at the earliest possible time after you receive information that someone has experienced this conduct you must submit a completed Behavior Alert form to the Title IX Coordinator or designee.

What Happens After You Report:

For student-student incidents, Title IX Coordinator or designee will contact the reporting person to offer immediate care and concern, support and resources and discuss the College's process for gathering facts about and responding to the incident. For all other incidents (student-faculty, student-staff, faculty-faculty, staff-staff, etc.), the Equal Opportunity Officer (MCC Chief Human Resources Officer) will contact the reporting person.

At all times, the privacy of the parties will be respected and safeguarded. Information will be shared only with those College officials who need to know to assist in gathering facts about and resolving the complaint.

After a report is received by one of the offices specially trained to respond, the reporting person will be contacted to discuss the process and options for having the report investigated and resolved within the College. Sometimes the reporting person requests that his/her identity or the identity of the accused remain confidential or that the College not pursue an inquiry. This request must always be balanced with the College's responsibility to provide a safe environment for the reporting person and the community. The College will take reasonable steps to conduct an inquiry and respond to the complaint consistent with the person's request for confidentiality. However, under compelling circumstances, including evidence of a pattern of repetitive behavior, the use of or threat of force, or the use of a weapon by the accused, the College may conduct further inquiry or take other appropriate measures without the reporting person's consent. The reporting person will always be informed whenever possible of any action the College takes to resolve the complaint, including further inquiry and corrective action or sanctions.

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College Response to Crimes and Misconduct

The College recognizes the importance of offering victims of sexual misconduct immediate treatment, counseling, support, and assistance. In addition, appropriate interim measures to help assure the safety and well-being of the victim will be offered. Consideration of the victim's wishes will be taken into account throughout the process. The College may, however, have a legal obligation to investigate allegations of sexual misconduct, even without the cooperation of the victim.

When a student or employee reports that he or she has been the victim of dating violence, domestic violence, sexual assault or stalking, the student or employee will be provided with a written explanation of the student or employee rights and options.

Victims of sexual misconduct or those who have been threatened with such misconduct may be entitled to obtain orders from civil or tribal courts to prevent violence or further violence. The College will endeavor to advise victims of the types of court orders that may be available.

When sexual misconduct of any kind is reported, the College will make all reasonable efforts to preserve confidentiality. Information will be restricted to those with a legitimate need for it. The College does not include the names or other identifying information of victims in any publicly available documents. If other policy violations have occurred in connection with an assault, such as alcohol or substance use, the College generally will not pursue disciplinary actions against the complainant or against student witnesses to the misconduct. The College will make every reasonable effort to resolve a disciplinary charge within fifteen days after charges are formally brought against an accused perpetrator.

If the complainant proceeds with both a disciplinary complaint and a criminal complaint, the College conduct process will normally proceed while the criminal action is in process. However, in such cases, the Title IX Coordinator or designee may elect to stay the disciplinary process if a student is summarily suspended and the criminal matter remains open.

Where a victim may need a change in his or her academic, living, transportation or working situation, and it is within the power of the College to do so, the College will reasonably accommodate the victim's needs.

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Supportive measures

Mohave Community College will offer and implement appropriate and reasonable supportive measures to the parties upon notice of alleged harassment, discrimination, and/or retaliation.

Supportive measures are non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the parties to restore or preserve access to the Mohave Community College's education program or activity, including measures designed to protect the safety of all parties or the Mohave Community College's educational environment, and/or deter harassment, discrimination, and/or retaliation.

The Title IX Coordinator promptly makes supportive measures available to the parties upon receiving notice or a complaint. At the time that supportive measures are offered, the Mohave Community College will inform the Complainant, in writing, that they may file a formal complaint with the Mohave Community College either at that time or in the future, if they have not done so already. The Title IX Coordinator works with the Complainant to ensure that their wishes are taken into account with respect to the supportive measures that are planned and implemented.

The Mohave Community College will maintain the privacy of the supportive measures, provided that privacy does not impair the Mohave Community College's ability to provide the supportive measures. Mohave Community College will act to ensure as minimal an academic impact on the parties as possible. The Mohave Community College will implement measures in a way that does not unreasonably burden the other party.

These actions may include, but are not limited to:

- Referral to counseling, medical, and/or other healthcare services
- Referral to Employee Assistance Program
- Referral to community-based service providers
- Student financial aid counseling
- Education to the community or community subgroup(s)
- Altering work arrangements for employees or student-employees
- Safety planning
- Providing campus safety escorts
- Providing transportation accommodations
- Implementing contact limitations (no contact orders) between the parties
- Academic support, extensions of deadlines, or other course/program-related

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**Mandatory Reporting
Supportive Measures**

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- adjustments
- Trespass, Persona Non Grata (PNG)
- Timely warnings
- Class schedule modifications, withdrawals, or leaves of absence
- Increased security and monitoring of certain areas of the campus
- Any other actions deemed appropriate by the Title IX Coordinator

Violations of no contact orders will be referred to appropriate student or employee conduct processes for enforcement.

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Emergency Removal

Mohave Community College can act to remove a Respondent entirely or partially from its education program or activities on an emergency basis when an individualized safety and risk analysis has determined that an immediate threat to the physical health or safety of any student or other individual justifies removal. This risk analysis is performed by the Title IX Coordinator in conjunction with the Behavioral Intervention Team using its standard objective violence risk assessment procedures.

In all cases in which an emergency removal is imposed, the student, employee, or two (2) representatives from a student organization¹ will be given notice of the action and the option to request to meet with the Title IX Coordinator prior to such action/removal being imposed, or as soon thereafter as reasonably possible, to show cause why the action/removal should not be implemented or should be modified.

This meeting is not a hearing on the merits of the allegation(s), but rather is an administrative process intended to determine solely whether the emergency removal is appropriate. When this meeting is not requested [in a timely manner], objections to the emergency removal will be deemed waived. A Complainant and their Advisor may be permitted to participate in this meeting if the Title IX Coordinator determines it is equitable to do so. This section also applies to any restrictions that a coach or athletic administrator may place on a student-athlete arising from allegations related to Title IX. There is no appeal process for emergency removal decisions.

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¹ If your campus has adopted the Student Organization Model Code of Conduct or has a separate Code for Organizations, a link to the interim measures portion of that code would be placed here.

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Procedures for Disciplinary Action in Matters that Involve Sexual Misconduct

When the College learns of alleged dating violence, domestic violence, sexual assault or stalking, the Title IX Coordinator or designee shall cause an investigation to be conducted. The investigation shall be prompt, fair and impartial. The investigation shall be conducted by officials who, at a minimum, receive annual training on issues relating to dating violence, domestic violence, sexual assault and stalking and on how to conduct an investigation and hearing in a manner that protects the safety of victims and promotes accountability.

When an investigation indicates that there is reasonable cause to believe that a student or employee has committed stalking, relationship violence, sexual harassment, sexual assault, or sexual misconduct, the College will take action to impose discipline.

Charges shall be prepared in writing either by the victim or under the direction of the Title IX Coordinator or designee. Title IX Coordinator or designee will adjudicate all such charges.

Charges shall be presented to the accused in written form. A time shall be set for a hearing, which shall ordinarily be held within sixty days of charges being brought. The time within which a hearing will be held may be extended at the discretion of the Title IX Coordinator or designee. The Title IX Coordinator or designee may hear the charges personally or may appoint a hearing committee consisting of one administrator, one faculty member, and one classified staff member to hear and decide the charges. No one shall participate in deciding the charges who has a real or apparent conflict of interest or bias for or against the accuser or the accused.

Both accuser and accused shall be entitled to timely notice of all meetings relevant to the proceeding. Both accuser and accused shall be entitled to timely access to any information that will be used in the proceeding.

The accuser and the accused shall both be entitled to have an advisor present during all phases of the disciplinary process, including any hearing and any related meetings or proceedings. The College may not limit the accuser's or the accused's choice of advisor. The College may, however, impose restrictions on the extent to which advisors may participate in the proceedings and on advisors' conduct during the proceedings. Any such restrictions shall apply equally to the accuser and the accused.

The standard of evidence shall be preponderance of the evidence, i.e., whether it is more likely than not that the accused committed the alleged misconduct. The Title IX Coordinator or designee or the hearing committee will issue a written determination of the decision within ten days following the conclusion of the hearing.

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**Mandatory Reporting
Disciplinary Actions**

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The accuser and the accused shall be promptly and simultaneously notified in writing of (1) the decision of the Title IX Coordinator or designee or hearing committee and of any decision as to the form of discipline to be imposed; (2) the procedures available for appeal; (3) any subsequent change to the result of the hearing; and (4) when the result in the matter will become final.

If the charges are found to have merit, the Title IX Coordinator or designee will determine what discipline is to be imposed on the student or employee and what other relief, if any, is in order. Discipline may include suspension, dismissal or reprimand if the perpetrator is an employee and suspension, expulsion or reprimand if the perpetrator is a student. The Title IX Coordinator or designee may also issue such additional orders as may be necessary to protect the victim or others from any further misconduct.

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