

TITLE: Students

Student Conduct - Sexual Misconduct Policy

Purpose

Dodge City Community College is committed to providing a productive living and learning community in which students can pursue their educational goals. Sexual misconduct undermines this commitment and affects the ability of students to focus on their educational goals. Therefore, Dodge City Community College will not tolerate nor condone any form of sexual misconduct, whether physical, mental, or emotional in nature.

Where there is sufficient information/evidence to believe that the College's policies prohibiting sexual misconduct have been violated, the College will pursue strong disciplinary action through its own student conduct system. Even if law enforcement and criminal justice authorities choose not to prosecute a particular incident, the College may still pursue the incident as a student misconduct matter. Where it is determined that sexual misconduct is more likely than not to have occurred based upon a preponderance of the evidence, College disciplinary sanctions may include suspension, expulsion or any other sanction noted in the Student Code of Conduct.

Definitions

Due to the sensitive and sometimes violent nature of incidents involving sexual misconduct the following definitions are provided for informational use by students and for guidance in the investigation and processing of alleged violations. It is possible that a particular action may constitute sexual misconduct even if not specifically mentioned in these examples:

Sexual Misconduct includes any sexual act that occurs without the effective consent of the other party and includes the following:

1. **Sexual intercourse** (vaginal, anal or oral penetration)
 - however slight
 - with any object
 - by a male or female whether an acquaintance or a stranger
 - without effective consent

2. **Other sexual contact**
 - attempted or actual touching
 - of the genitalia, buttocks, breast, or clothing covering same
 - without effective consent

3. **Effective Consent is:**
 - informed;
 - freely and actively given;
 - mutually understandable words or actions;
 - which indicate a willingness to participate in mutually agreed upon sexual activity.

Initiators of sexual activity are responsible for obtaining effective consent. Silence or passivity is not effective consent. The use of intimidation, coercion, threats, force or violence negates any consent obtained. Consent is not considered effective if obtained from an individual who is incapable of giving consent due to the following:

- a mental, developmental or physical disability; or
- she or he is under the legal age to give consent; or
- she or he is intoxicated by alcohol, beer or under the influence of other drugs.

Individuals who commit acts of sexual misconduct assume responsibility for their behavior and must understand that the use of alcohol or other drugs does not reduce accountability for their actions.

4. Sexual harassment includes unwelcome sexual advances, requests for sexual favors, and other verbal or physical contact of a sexual nature when:
 - a. submission to such conduct is made explicitly or implicitly a term or condition of leadership, membership in an organization, student social events, academic standing, or participation in any College activity.
 - b. submission to or rejection of such conduct by an individual is used as a basis for evaluation, particularly in making employment or academic decisions affecting the individual; or
 - c. such conduct has the purpose or effect of unreasonably interfering with the other individual's performance or creating an intimidating, hostile, or offensive educational and College environment.

To Report Incidents of Sexual Misconduct or Sexual Harassment

To report an incident of sexual misconduct or sexual harassment, a student should contact the Dean of Student Services, 2501 N. 14th Avenue, Dodge City, Kansas 67801, (620) 227-9119 (compliance@dc3.edu).

Sexual Misconduct Special Concerns

Dodge City Community College encourages the reporting of instances of sexual misconduct. To assure a proper balance between the rights and interests of the alleged victim of sexual misconduct and the alleged perpetrator of an act of sexual misconduct, and to encourage and foster a positive atmosphere for the prompt reporting and handling of all cases of alleged sexual misconduct, including encouraging alleged victims to testify and otherwise actively participate in the discipline process, the following measures are adopted by the College for application to hearings regarding alleged instances of sexual misconduct:

1. Special Mandatory Rights in Cases Involving Alleged Sexual Misconduct
 - The alleged victim ("student") may have an attorney or advisor present. The role of the attorney or advisor is limited to advising the student. The attorney or advisor may not directly question witnesses or the Judicial Hearing Board. Should the attorney or advisor interfere with the procedure of the Conduct Review Hearing, the College reserves the right to exclude them from the hearing. Students who wish to have an attorney or advisor present must notify the Judicial Hearing Board in writing at least 24 hours in advance. Such notice shall include the name, address and telephone number of the attorney or advisor as well as an authorization for the College to release information to the attorney or advisor.
 - The alleged victim shall be permitted to be present during the entire disciplinary hearing (except during deliberations of the Judicial Hearing Board);
 - The alleged victim shall have the right to be informed of the outcome of the hearing upon its conclusion by the Judicial Hearing Board; and,
 - The person alleged to have engaged in sexual misconduct shall also be afforded all of the rights set forth in this section.

2. Discretionary Procedures

Additionally, in the discretion of the Judicial Hearing Board reviewing a particular case, the following procedures may be deemed appropriate for use in conducting a review hearing regarding a case of alleged sexual misconduct. The Judicial Hearing Board shall have no duty to grant such measures in any case under review, but should consider the appropriateness of permitting such accommodations:

- The Judicial Hearing Board may, in its discretion, exclude evidence regarding the past sexual history of the alleged victim from discussion during the hearing. The past sexual history of the alleged victim with persons other than the alleged perpetrator shall be presumed irrelevant; and
- The alleged victim may be given the opportunity to make a statement to the Judicial Hearing Board regarding the impact that the alleged actions have had in his/her life and educational relationship with the College, if the alleged perpetrator is found to have engaged in sexual misconduct.

DATE OF ADOPTION: February 24, 1993

REVIEW DATE(S): April 23, 2013