

<b>Title</b>	: Civil Rights Equity Policy and Procedures	
<b>Number</b>	:	4700.00
<b>Approved</b>	:	09/21/16
<b>Reference</b>	: The Age Discrimination in Employment Act of 1967, as amended; Equal Pay Act of 1963, as amended; Executive Order 11246, as amended; Americans With Disabilities Act of 1990, Rehabilitation Act of 1973, Section 504, as amended; Title VI and Title VII of the Civil Rights Act of 1964, as amended; Title IX of the Educational Amendments of 1972, as amended; Vietnam Era Veterans Readjustment Act of 1974, Section 402.	

Graham County Community College District dba Eastern Arizona College (EAC or the College) affirms its commitment to promote the goals of fairness and equity in all aspects of the educational enterprise. Complaints regarding violations of this Policy are subject to resolution using the College’s Equity Grievance Process (EGP), which is set forth in detail in Regulation 4700.01.<sup>1</sup>

**Title IX Co-Coordinators**

The Provost and the Associate Director of Administrative Support serve as Title IX Co-Coordinators for Civil Rights Equity and oversee implementation of the College’s Civil Rights Equity Policy, which addresses equal opportunity, harassment and nondiscrimination. The Title IX Co-Coordinators act with independence and authority free of conflicts of interest. To raise any concern involving a conflict of interest by a Title IX Co-Coordinator, contact the College President. To raise concerns regarding a potential conflict of interest with any other administrator involved in the EGP, please contact one of the Title IX Co-Coordinators. The Title IX Co-Coordinators are:

Jeanne Bryce, Provost  
 Title IX Co-Coordinator  
 Eastern Arizona College  
 Student Services Building  
 615 N. Stadium Avenue  
 Thatcher, AZ 85552  
 (928) 428-8261  
[jeanne.bryce@eac.edu](mailto:jeanne.bryce@eac.edu)

Lauri Avila, Associate Director  
 of Administrative Support  
 Title IX Co-Coordinator  
 Student Services Building  
 615 N. Stadium Avenue  
 Thatcher, AZ 85552  
 (928) 428-8915  
[lauri.avila@eac.edu](mailto:lauri.avila@eac.edu)

Inquiries about and reports regarding this policy and procedure may also be made internally to:

Tim Curtis, Chief Business Officer  
 Title IX Deputy Coordinator  
 Eastern Arizona College  
 Student Services Building  
 615 N. Stadium Avenue  
 Thatcher, AZ 85552  
 (928) 428-8220  
[tim.curtis@eac.edu](mailto:tim.curtis@eac.edu)

Gary Sorensen, Dean of Students  
 Title IX Deputy Coordinator  
 Eastern Arizona College  
 Gherald L. Hoopes Jr. Activities Center  
 Thatcher, AZ 85552  
 (928) 428-8354  
[gary.sorensen@eac.edu](mailto:gary.sorensen@eac.edu)

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Sharon Allen, Assistant Dean of Counseling  
Title IX Deputy Coordinator  
Eastern Arizona College  
Student Services Building  
615 N. Stadium Avenue  
Thatcher, AZ 85552  
(928) 428-8342  
[sharon.allen@eac.edu](mailto:sharon.allen@eac.edu)

Jim Bagnall, Athletic Director  
Title IX Deputy Coordinator  
Eastern Arizona College  
Guitteau Gymnasium  
Thatcher, AZ 85552  
(928) 428-8414  
[jim.bagnall@eac.edu](mailto:jim.bagnall@eac.edu)

Dean Pat Burke  
Title IX Deputy Coordinator  
Gila Community College  
Gila Pueblo Campus Administration Building  
928-425-8224  
[pat.burke@eac.edu](mailto:pat.burke@eac.edu)

Dean Pam Butterfield  
Title IX Deputy Coordinator  
Gila Community College  
Payson Campus Administration Building  
928-468-8039  
[pam.butterfield@eac.edu](mailto:pam.butterfield@eac.edu)

Inquiries may be made externally to:

Office for Civil Rights (OCR)  
U.S. Department of Education  
400 Maryland Avenue, SW  
Washington, DC 20202-1100  
Customer Service Hotline #: (800) 421-3481

Facsimile: (202) 453-6012  
TDD#: (877) 521-2172  
Email: [mailto:OCR@ed.gov](mailto:mailto:OCR@ed.gov)  
Web: <http://www.ed.gov/ocr>

Equal Employment Opportunity Commission (EEOC)  
Contact: <http://www.eeoc.gov/contact/>

### **Reporting Discrimination, Harassment or Retaliation**

Reports/complaints of discrimination, harassment and/or retaliation may be made using any of the following options:

- 1) Report directly to a Title IX Co-Coordinator or a Title IX Deputy Coordinator. Contact information is listed above;
- 2) Report online, using the reporting form posted at <http://www.eac.edu/TitleIX/>.

Reports of misconduct or discrimination committed by either of the Title IX Co-Coordination should be reported to the College President.

There is no time limit on the filing of complaints. However, if the responding party is no longer subject to the College's jurisdiction, the College's ability to investigate, respond and provide remedies may be limited. All reports are acted upon promptly.



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**Jurisdiction**

This Policy applies to behaviors that take place on the campus or at college-sponsored events, and it may also apply to off-campus and online actions when the Title IX Co-Coordinators determine that such conduct affects a substantial College interest. A substantial College interest is defined to include:

- a) Any action that constitutes criminal offense as defined by law. This includes, but is not limited to, single or repeat violations of any local, state or federal law;
- b) Any situation where it appears that the responding party may present a danger or threat to the health or safety of self or others;
- c) Any situation that significantly impinges upon the rights, property or achievements of self or others or significantly breaches the peace and/or causes social disorder; and/or
- d) Any situation that is detrimental to the educational interests of the College.

Any online postings or other electronic communication by students, including cyber-bullying, cyber-stalking, cyber-harassment, etc. occurring completely outside of the College’s control (e.g., not on College networks, websites or between College email accounts) will only be subject to this policy when those online behaviors can be shown to cause a substantial on-campus disruption. Otherwise, such communications are considered speech protected by the 1<sup>st</sup> Amendment. Off-campus discriminatory or harassing speech by employees may be regulated by the College only when such speech is made in an employee’s official or work-related capacity or creates a danger to the health and safety of the College community.

When the responding party to any complaint is a member of the College community, including students, student organizations, faculty, administrators, staff, guests, visitors, campers, etc., the EGP is applicable regardless of the status of the reporting party who may be a member or non-member of the campus community.

**1. College Policy on Nondiscrimination**

EAC adheres to all federal and state civil rights laws prohibiting discrimination in public institutions of higher education. EAC will not discriminate against any employee, applicant for employment, student or applicant for admission on the basis of race, religion, hearing status, personal appearance, color, sex, pregnancy, political affiliation, source of income, place of business, residence, religion, creed, ethnicity, national origin (including ancestry), citizenship status, physical or mental disability, age, marital status, family responsibilities, sexual orientation, gender, gender identity, gender expression, veteran or military status (including special disabled veteran, Vietnam-era veteran, or recently separated veteran), predisposing genetic characteristics, domestic violence victim status or any other protected category under applicable local, state or federal law, including protections for those opposing discrimination or participating in any resolution process on campus or within the Equal Employment Opportunity Commission or other human rights agencies.

This Policy covers nondiscrimination in employment and in access to educational opportunities. Therefore, any member of the campus community who acts to deny, deprive or limit the educational, employment, residential and/or social access, benefits and/or opportunities of any member of the campus community, guest or visitor on the basis of their actual or perceived membership in the protected classes listed above is in violation of the College policy on nondiscrimination. When brought to the attention of the College, any such discrimination will be appropriately addressed and remedied by the College according to the EGP. Non-members of the campus community who engage in discriminatory actions within College programs or on College property are not under the jurisdiction of this Policy, but can be subject to actions that limit their



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access and/or involvement with EAC programs as the result of their misconduct. All vendors serving the College through third-party contracts are subject by those contracts to this Policy and related procedures and regulations.

## **2. College Policy on Accommodation of Disabilities**

EAC is committed to compliance with the Americans With Disabilities Act of 1990 (ADA) and Section 504 of the Rehabilitation Act of 1973, which prohibit discrimination against qualified persons with disabilities, as well as other federal and state laws pertaining to individuals with disabilities. Under the ADA and its amendments, a person has a disability if he or she has a physical or mental impairment that substantially limits a major life activity. The ADA also protects individuals who have a record of a substantially limiting impairment or who are regarded as disabled by the College, whether qualified or not. A substantial impairment is one that significantly limits or restricts a major life activity such as hearing, seeing, speaking, breathing, performing manual tasks, walking or caring for oneself.

The Associate Director of Administrative Support has been designated as the ADA/504 Coordinator responsible for coordinating efforts to comply with these disability laws, including investigation of any complaint alleging noncompliance.

### **a. Students with Disabilities**

EAC is committed to providing qualified students with disabilities with reasonable accommodations and support needed to ensure equal access to the academic programs and activities of the College.

All accommodations are made on a case-by-case basis. A student requesting any accommodation should first contact the Assistant Dean of Counseling who coordinates services for students with disabilities. The Assistant Dean of Counseling reviews documentation provided by the student and, in consultation with the student, determines which accommodations are appropriate to the student’s particular needs and academic programs.

### **b. Employees with Disabilities**

Pursuant to the ADA, EAC will provide reasonable accommodation(s) to all qualified employees with known disabilities, where their disability affects the performance of their essential job functions, except where doing so would be unduly disruptive or would result in undue hardship.

An employee with a disability is responsible for requesting an accommodation in writing to the ADA/504 Coordinator and providing appropriate documentation. The ADA/504 Coordinator will work with the employee’s supervisor to identify which essential functions of the position are affected by the employee’s disability and what reasonable accommodations could enable the employee to perform those duties.

## **3. College Policy on Discriminatory Harassment**

Students, staff, administrators, and faculty are entitled to a working environment and educational environment free of discriminatory harassment. EAC’s harassment policy is not meant to inhibit or prohibit educational content or discussions inside or outside of the classroom that include germane, but controversial or sensitive subject matters protected by academic freedom and/or the 1<sup>st</sup> Amendment. The sections below describe the specific forms of harassment that are prohibited by this Policy.



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**a. Discriminatory and Bias-Related Harassment**

Harassment is a form of discrimination that is prohibited by EAC Policy as well as by law. EAC condemns and will not tolerate discriminatory harassment against any employee, student, visitor or guest on the basis of any status protected by policy or law. For the purposes of this Policy, “harassment” is defined as unwelcome conduct on the basis of actual or perceived membership in a protected class, by any member or group of the community. A hostile environment may be created by harassing verbal, written, graphic, or physical conduct that is severe or persistent/pervasive, and objectively offensive such that it interferes with, limits or denies the ability of an individual to participate in or benefit from educational programs or activities or employment access, benefits or opportunities.

EAC will investigate all forms of harassment when reported, whether or not the harassment rises to the level of creating a hostile environment. When harassment rises to the level of creating a hostile environment, EAC may also impose sanctions on the harasser through the EGP.

The College reserves the right to address offensive conduct and/or harassment that 1) does not rise to the level of creating a hostile environment, or 2) that is of a generic nature not on the basis of a protected status. If the College chooses to address such behavior, it may do so through respectful confrontation, remedial actions, education and/or effective conflict resolution mechanisms. For assistance with conflict resolution techniques, employees should contact the Associate Director of Administrative Support and students should contact the Dean of Students.

**b. Sexual Harassment**

The Department of Education’s Office of Civil Rights (OCR), the Equal Employment Opportunity Commission (EEOC) and the State of Arizona regard sexual harassment as a form of sex/gender discrimination and, therefore, as an unlawful discriminatory practice. EAC has adopted the following definition of sexual harassment, in order to address the special environment of an academic community, which consists not only of employer and employees, but of students as well.<sup>2</sup>

Sexual harassment is:

- unwelcome,
- sexual, sex-based or gender-based
- verbal, written, online and/or physical conduct
- that is impactful.

There are two types of sexual harassment: *Quid Pro Quo* Sexual Harassment and Hostile Environment Sexual Harassment. Both of these forms are subject to this Policy and may lead to potential discipline.

*Quid Pro Quo* Sexual Harassment:

Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature by a person having power or authority over another constitutes sexual harassment when submission to such sexual conduct is made either explicitly or implicitly a term or condition of rating or evaluating an individual’s educational development or performance.

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<sup>2</sup> Also of relevance is the Office of Civil Rights 2001 statement on sexual harassment, “Revised Sexual Harassment Guidance: Harassment Of Students By School Employees, Other Students, Or Third Parties, Title IX,” which can be found at <http://www2.ed.gov/legislation/FedRegister/other/2001-1/011901b.html>, as well as the April, 2011 Dear Colleague Letter on Campus Sexual Violence, which can be found at: [http://www.whitehouse.gov/sites/default/files/dear\\_colleague\\_sexual\\_violence.pdf](http://www.whitehouse.gov/sites/default/files/dear_colleague_sexual_violence.pdf)



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**Hostile Environment Sexual Harassment:**

A learning or working environment is hostile when unwelcome verbal, nonverbal or physical behavior of a sexual nature is severe, persistent/pervasive, and objectively offensive, such that it unreasonably interferes with, denies or limits someone’s ability to participate in or benefit from the College’s educational, employment, social and/or residential program.

Anyone experiencing or witnessing sexual harassment in any EAC program is encouraged to report it immediately to either of the Title IX Co-Coordinators.

**c. Other Sexual Violence and Misconduct**

State law defines various violent and/or non-consensual sexual acts as crimes. While some of these acts may have parallels in criminal law, EAC has defined categories of sex/gender discrimination as sexual misconduct, as stated below, for which action under this policy may be imposed. Sexual violence is a type of sexual misconduct and is defined as physical sexual acts perpetrated against a person’s will or where a person is incapable of giving consent.

Acts of sexual misconduct may be committed by any person upon any other person, regardless of the sex, sexual orientation and/or gender identity of those involved. Violations include:

**i. Non-Consensual Sexual Intercourse**

Defined as:

- any sexual intercourse
- however slight
- with any object
- by a person upon another person
- that is without consent and/or by force

Sexual intercourse includes:

- Vaginal or anal penetration by a penis, tongue, finger or object, or oral copulation (mouth to genital contact) no matter how slight the penetration or contact.

**ii. Non-Consensual Sexual Contact<sup>3</sup>**

Defined as:

- any intentional sexual touching
- however slight
- with any object
- by a person upon another person
- that is without consent and/or by force

Sexual touching includes:

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<sup>3</sup> The Arizona statutory definition of sexual assault is located in A.R.S. § 13-1401 et al., which is applicable to criminal prosecutions for sexual assault in Arizona, but may differ from the definition used on campus to address policy violations.



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- Intentional contact with the breasts, groin, genitals, mouth or touching another with any of these body parts, or making another touch you or themselves with or on any of these body parts; or
- Any other bodily contact in a sexual manner.

### iii. Sexual Exploitation

Sexual Exploitation refers to a situation in which a person takes non-consensual or abusive sexual advantage of another, and that behavior does not otherwise fall within the definitions of Sexual Harassment, Non-Consensual Sexual Intercourse or Non-Consensual Sexual Contact. Examples of Sexual Exploitation include, but are not limited to:

- Sexual voyeurism (such as watching a person undressing, using the bathroom or engaged in sexual acts without the consent of the person observed).
- Invasion of sexual privacy.
- Taking pictures or video or audio recording another in a sexual act, or in any other private activity without the consent of all involved in the activity, or exceeding the boundaries of consent (such as allowing another person to hide in a closet and observe sexual activity, or disseminating sexual pictures without the photographed person’s consent).
- Prostitution.
- Sexual exploitation also includes engaging in sexual activity with another person while knowingly infected with human immunodeficiency virus (HIV), a sexually transmitted disease (STD) or infection (STI) without informing the other person of the infection.
- Administering alcohol or drugs (such as “date rape” drugs) to another person without his or her knowledge or consent (assuming the act is not completed).
- Exposing one’s genitals in non-consensual circumstances.
- Sexually-based stalking and/or bullying may also be forms of sexual exploitation.

The concepts of force, coercion and consent are important to understand in connection with sexual violence and other misconduct. Force is the use of physical violence and/or imposing on someone physically to gain sexual access. Force also includes threats, intimidation (implied threats) and coercion that overcome resistance or produce consent (“Have sex with me or I’ll hit you.” “Okay, don’t hit me; I’ll do what you want.”).

Coercion is unreasonable pressure for sexual activity. Coercive behavior differs from seductive behavior based on the type of pressure someone uses to get consent from another. When someone makes clear to you that they do not want sex, that they want to stop, or that they do not want to go past a certain point of sexual interaction, continued pressure beyond that point can be coercive.

Consent is knowing, voluntary and clear permission by word or action, to engage in mutually agreed upon sexual activity. Since individuals may experience the same interaction in different ways, it is the responsibility of each party to make certain that the other has consented before engaging in the activity. For consent to be valid, there must be a clear expression in words or actions that the other individual consented to that specific sexual conduct. Consent can be withdrawn once given, as long as the withdrawal is clearly communicated.<sup>4</sup>

<sup>4</sup>The Arizona statutory definition of consent is located in A.R.S. § 13-1401 et al., which is applicable to criminal prosecutions for sex offenses in Arizona, but may differ from the definition used on campus to address policy violations. [Included for Campus SaVE Act compliance purposes]

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Consent to some sexual contact (such as kissing or fondling) cannot be presumed to be consent for other sexual activity (such as intercourse). A current or previous dating relationship is not sufficient to constitute consent. The existence of consent is based on the totality of the circumstances, including the context in which the alleged incident occurred and any similar previous patterns that may be evidenced.

**NOTE: Silence or the absence of resistance alone is not consent. There is no requirement on a party to resist the sexual advance or request, but resistance is a clear demonstration of non-consent. The presence of consent is not demonstrated by the absence of resistance. Sexual activity that is forced is by definition non-consensual, but non-consensual sexual activity is not by definition forced.**

A person cannot consent if he or she is incapacitated. Incapacitation is defined as a state where someone cannot make rational, reasonable decisions because they lack the capacity to give knowing/informed consent (e.g., to understand the “who, what, when, where, why or how” of their sexual interaction). Individuals who are incapacitated may be unable to understand what is happening or may be disoriented, helpless, asleep or unconscious for any reason, including due to alcohol or other drugs. This Policy also covers a person whose incapacity results from mental disability or involuntary physical restraint. An individual who engages in sexual activity when the individual knows, or should know, that the other person is incapacitated has violated this Policy. It is not an excuse that the responding party was intoxicated or under the influence of any drug, and, therefore, did not realize the incapacity of the reporting party.

In Arizona, a minor (a person under the age of 18 years) cannot consent to sexual activity. This means that sexual contact by an adult with a person younger than 18 years old is a crime, and a potential violation of this policy, even if the minor wanted to engage in the act. A.R.S. §13-1405.

#### **4. Other Civil Rights Offenses**

In addition to the forms of discriminatory harassment described above, the following behaviors are also prohibited as forms of discrimination when the act is based upon the alleged victim’s actual or perceived membership in a protected class.

- Threatening or causing physical harm, extreme verbal abuse, or other conduct which threatens or endangers the health or safety of any person;
- Discrimination, defined as actions that deprive, limit, or deny other members of the community of educational or employment access, benefits or opportunities;
- Intimidation, defined as implied threats or acts that cause an unreasonable fear of harm in another;
- Hazing, defined as acts likely to cause physical or psychological harm or social ostracism to any person within the College community, when related to the admission, initiation, pledging, joining, or any other group-affiliation activity;
- Bullying, defined as
  - a. repeated and/or severe
  - b. aggressive behavior
  - c. likely to intimidate or intentionally hurt, control or diminish another person, physically or mentally
  - d. that is not speech or conduct otherwise protected by the 1<sup>st</sup> Amendment;
- Intimate Partner Violence, defined as violence or abuse between those in an intimate relationship and/or relationship to each other;
- Stalking
  - a. Stalking 1:
    - i. a course of conduct



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- ii. directed at a specific person
- iii. on the basis of actual or perceived membership in a protected class
- iv. that is unwelcome AND
- v. would cause a reasonable person to feel fear, or
- b. Stalking 2:
  - i. repetitive and menacing
  - ii. pursuit, following, harassing and/or interfering with the peace and/or safety of another;
- Any other College policies may fall within this section when a violation is motivated by the actual or perceived membership of the alleged victim’s sex or gender.

**5. Retaliation**

Retaliation is defined as any adverse action taken against a person participating in a protected activity because of their participation in that protected activity. Retaliation against an individual for alleging harassment, supporting a party bringing a grievance or for assisting in providing information relevant to a claim of harassment is a serious violation of College policy and will be treated as another possible instance of harassment or discrimination. Acts of alleged retaliation should be reported immediately to a Title IX Co-Coordinator and will be promptly investigated. EAC is prepared to take appropriate steps to protect individuals who fear that they may be subjected to retaliation.

**6. Remedial Action**

EAC will implement initial remedial, responsive and/or protective actions upon notice of alleged harassment, retaliation and/or discrimination, as appropriate. Such actions could include but are not limited to: no contact orders, providing counseling and/or medical services, academic support, living arrangement adjustments, transportation accommodations, visa and immigration assistance, student financial aid counseling, providing a campus escort, academic or work schedule and assignment accommodations, safety planning, referral to campus and community support resources.

EAC will take additional prompt remedial and/or disciplinary action with respect to any member of the community, guest or visitor upon a finding that they have engaged in harassing or discriminatory behavior or retaliation.

**7. Potential Sanctions for Policy Violations**

Violations of any portion of this Policy may result in disciplinary or employment sanctions being imposed against College students or employees. The specific type and severity of the sanctions for a violation will be determined in accordance with the EGP, as set forth in Regulation 4700.01, but may include suspension or expulsion for students and termination of employment for employees.

**8. Confidentiality and Reporting of Offenses Under This Policy**

In order to make informed choices, it is important to be aware of confidentiality and mandatory reporting requirements when consulting campus resources. Other resources exist for reporting parties to report crimes and policy violations, and these resources will take action when an incident is reported to them. The following describes the reporting options at EAC:

**a. Confidential Reporting**

If a reporting party would like the details of an incident to be kept confidential, the reporting party may speak with any of the following individuals, none of whom are EAC employees:

- Licensed professional counselors
- Local rape crisis counselors



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- o Domestic violence resources
- o Local or state assistance agencies
- o Clergy/chaplains

All of the above-listed individuals will maintain confidentiality except in extreme cases of immediacy of threat or danger or abuse of a minor. EAC employees who also serve in one of these non-employee roles will submit anonymous statistical information to the College for Clery Act purposes unless they believe it would be harmful to their client, patient or parishioner.

**b. Formal Reporting Options**

All EAC employees have a duty to report actual or suspected discrimination or harassment, unless they fall under the “Confidential Reporting” section above while acting in their external roles. Employees must promptly share all details of the reports they receive with the Title IX Co-Coordinators. Failure of an employee to report an incident or incidents of sex/gender harassment or discrimination of which they become aware is a violation of College policy and can be subject the employee to disciplinary action for failure to comply.

Generally, climate surveys, classroom writing assignments or discussions, human subjects research, or events such as Take Back the Night marches or speak-outs do not provide notice that must be reported to the Co-Coordinators by employees, unless the reporting party clearly indicates that they wish a report to be made.

Every effort is made by the College to preserve the privacy of complaints made under this Policy. Formal reporting affords some privacy to the reporting party, and only a small group of officials who need to know will be told, including but not limited to: Title IX Co-Coordinators, EGP participants, Dean of Students, and Campus Police. Information about complaints will be also shared as necessary with investigators, witnesses and the responding party. The circle of people with this knowledge will be kept as tight as possible to preserve the rights and privacy of all involved parties.

Complaints may be made anonymously, including by using the online reporting form posted at <http://www.eac.edu/TitleIX/>. Anonymous complaints will be investigated to the extent possible to determine if remedies can be provided. If a reporting party does not wish for their name to be shared, does not wish for an investigation to take place, or does not want a formal resolution to be pursued, the reporting party may make such a request to the Title IX Co-Coordinators, who will evaluate that request in light of the duties to ensure the safety of the campus and to comply with federal law. In cases indicating pattern, predation, threat, weapons and/or violence, the College will likely be unable to honor a request for confidentiality or inaction. In cases where the reporting party requests confidentiality and the circumstances allow the College to honor that request, the College will offer interim supports and potential remedies to the reporting party and, if appropriate, to the College community. Note that the College’s ability to remedy and respond to a reported incident may be limited if the reporting party does not want the institution to proceed with an investigation and/or the EGP or if a complaint is made anonymously.

**9. Federal Timely Warning Obligations**

Parties reporting sexual misconduct should be aware that under the Clery Act, College administrators must issue timely warnings for incidents reported to them that pose a substantial threat of bodily harm or danger to members of the campus community. EAC will ensure that a victim’s name and other identifying information are not disclosed, while still providing enough information for community members to make safety decisions in light of the potential danger.



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**10. False Allegations**

Deliberately false and/or malicious accusations under this Policy, as opposed to allegations which, even if erroneous, are made in good faith, are a serious offense and will be subject to appropriate disciplinary action.

**11. Amnesty for Reporting Party and Witnesses**

The College encourages the reporting of misconduct and crimes by reporting parties and witnesses. Sometimes, reporting parties or witnesses are hesitant to report to College officials or participate in resolution processes because they fear that they themselves may be accused of policy violations, such as underage drinking at the time of the incident. It is in the best interests of this community that reporting parties choose to report to College officials and that witnesses come forward to share what they know. To encourage reporting, EAC pursues a policy of offering reporting parties and witnesses amnesty from minor policy violations related to the incident. While policy violations by individuals who report or are witnesses cannot always be overlooked, the College will provide educational options whenever possible, rather than punishment, to those who offer their assistance to others in need.

**12. Parental Notification (allegations involving students)**

The College reserves the right to notify parents/guardians of dependent students regarding any health or safety risk, change in student status or conduct situation, particularly alcohol and other drug violations. The College may also notify parents/guardians of non-dependent students who are under age 21 of alcohol and/or drug policy violations. Where a student is a non-dependent, the College will contact parents/guardians to inform them of situations in which there is a significant and articulable health and/or safety risk. The College also reserves the right to designate which College officials have a need to know about incidents that fall within this policy, pursuant to the Family Educational Rights and Privacy Act.

**13. Federal Statistical Reporting Obligations**

Certain campus officials – those deemed Campus Security Authorities - have a duty to report sexual assault, domestic violence, dating violence and stalking for federal statistical reporting purposes pursuant to the Clery Act. All personally identifiable information is kept confidential, but statistical information must be passed along to campus police regarding the type of incident and its general location (on or off-campus, in the surrounding area, but no addresses are given) for publication in the Annual Security Report. This report helps to provide the community with a clear picture of the extent and nature of campus crime, to ensure greater community safety. Mandated federal reporters include: student affairs/student conduct staff, campus police, local police, coaches, athletic directors, residence life staff, student activities staff, human resources staff, advisors to student organizations and any other official with significant responsibility for student and campus activities. The information to be shared includes the date, the location of the incident (using Clery location categories) and the Clery crime category. This reporting protects the identity of the victim and may be done anonymously.

**14. Revision**

These policies and procedures will be reviewed and updated, if necessary, annually by the Title IX Co-Coordinators. The College reserves the right to make changes to this Policy as necessary, and once those changes are posted online, they are in effect. The Title IX Co-Coordinators may make minor modifications to procedure that do not materially jeopardize the fairness owed to any party, such as to accommodate summer schedules, etc. The Title IX Co-Coordinators may also vary procedures materially with notice (on the institutional web site, with appropriate date of effect identified) upon determining that changes to law, regulation or official guidance require alterations not reflected in this policy and procedure. Procedures in effect at the time of the initiation of the EGP for a complaint will apply to resolution of incidents, regardless of when the



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incident occurred. Policy in effect at the time of the offense will apply even if the policy is changed subsequently but prior to resolution, unless the parties consent to be bound by the current policy. If the government regulations or official guidance change in a way that impacts this Policy, this Policy will be construed to comply with the regulations or guidance in their most recent form.

This Policy does not create legally enforceable protections beyond those provided by the background state and federal laws that govern the rights of students and employees in the areas covered by this Policy.



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## CIVIL RIGHTS EQUITY GRIEVANCE FORM

You should review the Civil Rights Equity Policy on the Eastern Arizona College's (EAC) website at [www.eac.edu/TitleIX/](http://www.eac.edu/TitleIX/).

This form is designed to provide Title IX Officers with a method to gather uniform and specific information related to an alleged incident(s) of discrimination, harassment (including sexual misconduct), or retaliation. The College will use the information provided to begin an investigation, which may include contacting the complainant, respondent, and/or any potential witnesses.

**Complainant Information\*:**

Are you a:

- |                                   |                                  |   |
|-----------------------------------|----------------------------------|---|
| <input type="checkbox"/> Student  | <input type="checkbox"/> Faculty | <input type="checkbox"/> Visitor                      |
| <input type="checkbox"/> Employee | <input type="checkbox"/> Vendor  | <input type="checkbox"/> Other (Please specify) _____ |

Is the complainant a:

- |                                 |                                  |  |
|---------------------------------|----------------------------------|--|
| <input type="checkbox"/> Victim | <input type="checkbox"/> Witness | <input type="checkbox"/> Third-Party Complainant |
|---------------------------------|----------------------------------|--|

If you wish to identify yourself, please fill in the information listed below:

Last Name: \_\_\_\_\_ First Name: \_\_\_\_\_ MI: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Contact Number: \_\_\_\_\_ Email: \_\_\_\_\_

*\* If the person completing this form is the victim, you may choose to identify yourself or not. If you are a third party complainant who is not the victim, include the victim's identifiable information only if the victim wishes.*

*\* Victims completing this form who provide personally identifiable information can expect the college to follow-up with an appropriate investigation. For information-only reports, victims should omit all personally identifiable information to ensure confidentiality.*



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**Type and Basis of Complaint:**

Type of Complaint:

- Discrimination                       Harassment (including sexual misconduct)                       Retaliation

If you are filing a discrimination or harassment complaint, please indicate the protected status(es) that is/are the basis of the alleged behavior:

- Race/Ethnicity                       Nationality                       Sex/Gender                       Age  
 Marital Status                       Sexual Orientation                       Religion                       Veteran Status  
 Genetic Predisposition                       Disability

**Respondent/Accused Information\*:**

Please identify the person against whom your complaint is made.

Name: \_\_\_\_\_ Contact Information: \_\_\_\_\_

Is this person a:

- Student                       Faculty                       Visitor  
 Employee                       Vendor                       Other (Please specify)

Title/Department (if applicable): \_\_\_\_\_

Relationship/Association to you: \_\_\_\_\_

Name: \_\_\_\_\_ Contact Information: \_\_\_\_\_

Is this person a:

- Student                       Faculty                       Visitor  
 Employee                       Vendor                       Other (Please specify)

Title/Department (if applicable): \_\_\_\_\_

Relationship/Association to you: \_\_\_\_\_

*\* If the person completing this form is the victim, you may choose to identify yourself or not. If you are a third party complainant who is not the victim, include the victim's identifiable information only if the victim wishes.*

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**Complaint:**

**While providing details is essential to investigating your complaint, please be advised that some or all of the information you provide in this section may be shared with the person(s) you are accusing. You may supplement this description later if you wish to share additional details.**

1. Describe the incident(s)/event(s) including dates, times, locations, and any potential witnesses to the behavior:
  
  
  
  
  
  
  
  
  
  
2. Describe the impact that the behavior has had on you:
  
  
  
  
  
  
  
  
  
  
3. Have you taken any action to stop the behavior?  Yes  No  
If so, what actions have you taken and what was the outcome?
  
  
  
  
  
  
  
  
  
  
4. Please add any additional documents or information that supports your complaint.

**Resolution:**

What remedy are you seeking?

**I certify that the information I have provided is true and accurate to the best of my knowledge.**

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

