It is the policy of Three Rivers College and its Board of Trustees that each employee and student be allowed to work and attend the College in an environment free from any form of improper discrimination. Unlawful harassment is a form of discrimination and is prohibited whether on the basis of race, gender, color, national and ethnic origin, religion, age, disability, sexual orientation (actual or perceived), marital/intimate partner status, pregnancy and parental status or sexual harassment. Harassment is a form of discrimination unbecoming of a College employee or student and will not be tolerated.

The purpose of the harassment policy, procedure, and regulation is to protect students and employees from the direct or indirect effects of harassment; establish an appropriate grievance and appellate process to handle complaints; enforce disciplinary actions that may be taken against any employee or student found guilty of conduct judged to be harassing; define appropriate actions which may be taken against any person who knowingly and intentionally files a false complaint of harassment against another; and ensure non-retaliation against those who file a complaint.

This regulation applies to all full time, part time, and temporary employees, including administrators, faculty, staff, employment applicants, consultants, students and prospective students, and non-employee volunteers subject to the control of a College employee. The College procedure is intended to provide an individual, or group of individuals hereafter referred to as the reporting party, an opportunity to file a complaint of harassment and to seek a resolution through a procedure devoid of coercion, interference, restraint, discrimination or reprisal.

It shall also be a violation of College Policy for any employee to tolerate sexual harassment or unlawful discrimination/harassment because of a student or employee's race, gender, color, national and ethnic origin, religion, age, disability, sexual orientation (actual or perceived), marital/intimate partner status, or pregnancy and parental status by a student, employee or any third parties who are participating in, observing or otherwise engaged in College activities.

This procedure shall apply only to complaints of unlawful harassment or discrimination based on race, gender, color, national and ethnic origin, religion, age, disability, sexual orientation (actual or perceived), marital/intimate partner status, pregnancy and parental status or sexual harassment. Employment suspension or termination may result through this procedure.
Retaliation

Submission of a good faith complaint or report of unlawful discrimination, sexual harassment, or harassment based upon the protected classes as earlier defined will not affect the reporting party or reporter’s future employment, grades, learning, or working environment, or work assignments.

The College will discipline or take appropriate action against any student, teacher, administrator, or other school personnel who retaliates against any person due to pregnancy and parental status, or who reports an incident of alleged harassment/discrimination, sexual, gender, racial, ethnic, sexual orientation discrimination, disability-related harassment or violence, or any person who testifies, assists, or participates in a proceeding, investigation, or hearing relating to such harassment or violence. Retaliation includes, but is not limited to, any form of intimidation, reprisal, or harassment.

Definitions

Alleged Harassing Party (the Responding Party): The person acting individually or as a representative of the College who is believed by the reporting party to be credited, or to have created, the incident of harassment.

Reporting Party: An individual or group of individuals having the same complaint. Reporting Party may be full time, part time, or temporary employees, including administrators, faculty, staff; employment applicants; current student or prospective students; and non-employee volunteers subject to the control of a College employee.

Complaint: A dissatisfaction wherein a person feels he/she has been adversely affected from unlawful harassment at the College. The word “complaint” and “grievance” are interchangeable; however “complaint” is used in this procedure to reflect current usage.

Confidentiality: Confidentiality shall be maintained to the greatest extent possible within the law and the requirements for conducting appropriate investigations.

Disciplinary Actions: Any employee or student of the College found to have unlawfully harassed another employee or student will be subject to disciplinary action up to and including termination, suspension, and or expulsion.
Discriminate: To act with unlawful partiality or prejudice either for or against a person or group based on race, gender, color, national and ethnic origin, religion, age, disability, sexual orientation, veteran status or marital/intimate partner status or pregnancy and parental status.

Evidence: As applied in this procedure, any information, including documents and testimony, related to the alleged circumstances, which gave rise to the complaint.

Grievance: A complaint or resentment, as against an unjust or unfair act: to have a grievance against someone. See “Complaint”.

Harassment: Subject to a hostile environment or “quid pro quo.”

Mandatory Reporter: any part time or full time employee of the College is considered a “mandatory reporter” and is obligated to abide by this regulation.

Pregnancy/Parental Status: It is treating you unfairly or badly because of your pregnancy or parental status:

- relationship status (whether you are single, married, married but separated, divorced, widowed, or a de facto partner - including same sex)
- parental status (whether or not you're a parent), or
- family responsibilities which includes the need to care for your dependent child or immediate family. This means: spouse, ex-spouse or de facto partner including a same sex de facto partner; child, spouse's child, stepchild, adopted child, past or present foster child, spouse's past or present foster child; and parent, spouse's parent, grandparent, spouse's grandparent, grandchild, spouse's grandchild, sibling and spouse's sibling.

Retaliation: Retaliation against individuals who have filed a charge or participated in an investigation or opposed any unlawful practice is prohibited and will subject the person who retaliates to disciplinary action.

Responding Party: The person acting individually or as a representative of the College who is believed by the reporting party to be credited, or to have created, the incident of harassment.

Sexual Harassment: For purposes of this policy, sexual harassment of students or employees consist of sexual advances; requirements for sexual favors; similarly motivated physical conduct; or other verbal or physical conduct or communication when:
1. When the unwelcome sexual conduct of a school employee or student causes an employee or student to believe that he or she must submit to unwelcome conduct in order to be employed or to participate in a College program or activity; or when an employee or third party agent of the College causes an employee or a student to believe that the offending employee will make an employment or educational decision based on whether or not the employee/student submits to unwelcome sexual conduct; or

2. When the unwelcome sexual conduct of a school employee/student is so severe, persistent, or pervasive that it affects the employee/student’s ability to participate in or benefit from an employment or educational program or activity; or creates an intimidating, threatening or abusive work or educational environment; or

3. When any unwelcome sexual contact significantly interferes with a student’s education.

**Reporting Procedures**

The following procedures are applicable to any student/employee who believes he or she has been the victim of sexual harassment or harassment/discrimination based on race, gender, color, national and ethnic origin, religion, age, disability, sexual orientation (actual or perceived), pregnancy and parental status, or marital/intimate partner status by a student, teacher, administrator, or other school personnel of the College, or by any other person who is participating in, observing, or otherwise engaged in activities, including sporting events and other extracurricular activities, under the auspices of the College.

Such individuals are encouraged to immediately report the alleged acts to an appropriate College official designated by this Regulation.

Any College Employee (Mandatory Reporter) who has or receives notice that a student/employee has or may have been the victim of unlawful discrimination, sexual harassment or harassment based on race, gender, color, national and ethnic origin, religion, age, disability, sexual orientation, (actual or perceived), pregnancy and parental status, or marital/intimate partner status by a student, teacher, administrator, or other school personnel of the College, or by any other person who is participating in, observing, or otherwise engaged in activities, including sporting events and other extracurricular activities, under the auspices of the College, is required to immediately report the alleged acts to an appropriate College official designated by this Regulation.
The College encourages the reporting party or reporting party to use the College’s Harassment Report Form available from the College’s offices or to use the fillable incident form found on our Speak Up web page found on the “Quick Links” page of the College website. Please know that oral reports shall be considered complaints as well. Use of formal reporting forms is not mandated. Nothing in this Regulation shall prevent any person from reporting harassment directly to the Compliance Officer or to the College President, the College President has designated trained Compliance Officers to address such complaints. The College will respond to male and female students/employees' complaints of discrimination and harassment promptly, appropriately, and with the same degree of seriousness.

1. Any College Employee (Mandatory Reporter) who receives a report of discrimination, sexual harassment, or harassment based on race, gender, color, national and ethnic origin, religion, age, disability, sexual orientation (actual or perceived), pregnancy and parental status, or marital/intimate partner status shall inform the supervisor or College Compliance Officer immediately.

   Upon receipt of a report, the supervisor must notify the College’s Compliance Officer immediately, without screening or investigating the report. The supervisor may request but may not insist upon a written complaint. If the report was given verbally, the supervisor shall personally reduce it to written form and forward it to the Compliance Officer within twenty-four (24) hours. Failure to forward any harassment report or complaint as provided herein will result in disciplinary action against the supervisor.

   If the complaint involves the supervisor, the complaint shall be made or filed directly with the College’s Compliance Officer by the reporting party or

2. The President has designated the Dean for Student Services as the College’s Compliance Officer for student complaints, with responsibility to identify, prevent, and remedy unlawful discrimination and harassment. For employee complaints, the President has designated the Director of Human Resources as the College’s Compliance Officer. The College Compliance Officer shall:

   a. receive reports or complaints of unlawful discrimination, sexual harassment, or harassment based on race, gender, color, national and ethnic origin, religion, age, disability, sexual orientation(actual or perceived) pregnancy and parental status, or marital/intimate partner status;
b. oversee the investigative process;

c. be responsible for assessing the training needs of the College's staff and students in connection with the dissemination, comprehension, and compliance with this Regulation;

d. arrange for necessary training required for compliance with this Regulation; and

e. insure that any investigation is conducted by an impartial investigator who has been trained in the requirements of equal educational opportunity, including harassment, and who is able to apply procedural and substantive standards which are necessary and applicable to identify unlawful harassment, recommend appropriate discipline and remedies when harassment is found, and take other appropriate action to rectify the damaging effects of any prohibited discrimination, including interim protection of the victim during the course of the investigation.

f. If any complaint involves a Compliance Officer, the complaint shall be filed with the alternate Compliance Officer.

g. The College shall conspicuously post a notice against unlawful discrimination and harassment in each building in a place accessible to students, faculty, administrators, employees, parents, and members of the public. This notice shall include the name, mailing address, and telephone number of the Compliance Officer; the name, mailing address, and telephone number of the Missouri Commission for Human Rights, the state agency responsible for investigating allegations of discrimination in educational opportunities; and the mailing address and telephone number of the United States Department of Education, Office for Civil Rights, and the United States Department of Justice.

3. Details regarding this Regulation shall be referenced in the student handbook.

4. This Regulation shall be reviewed at least annually for compliance with state and federal law.
5. The College will respect the privacy of the reporting party, the individuals against whom the complaint is filed, and the witnesses as much as possible, consistent with the College's legal obligations to investigate, to take appropriate action, and to conform to any discovery or disclosure obligations.

**Investigation**

Upon receipt of a report or complaint alleging unlawful discrimination, sexual harassment, or harassment based upon the protected classes as earlier defined, the Compliance Officer shall immediately undertake or authorize an investigation. That investigation may be conducted by College officials or by a third party designated by the College. The investigation may consist of personal interviews with the reporting party, the individual against whom the complaint is filed, and others who have knowledge of the alleged incident or circumstances giving rise to the complaint. The investigation may also consist of the evaluation of any other information or documents, which may be relevant to the particular allegations.

In determining whether the alleged conduct constitutes a violation of this Regulation, the College shall consider:

- the nature of the behavior;
- victim’s statements;
- how often the conduct occurred;
- mandatory written witness statements or interview summaries;
- whether there were past incidents or past continuing patterns of behavior;
- opportunity for the reporting and the responding party to present witnesses and provide evidence;
- evaluation of all relevant information and documentation relating to the complaint of discrimination or harassment;
- the relationship between the parties involved;
• the race, gender, color, national and ethnic origin, religion, age, disability, sexual orientation, actual or perceived, or marital/intimate partner status, pregnancy and parental status of the victim;

• the identity of the perpetrator, including whether the perpetrator was in a position of power over the student or employee allegedly subjected to harassment;

• the number of alleged harassers;

• the age of the alleged harassers;

• where the harassment occurred;

• whether there have been other incidents in the College involving the same or other students;

• whether the conduct adversely affected the student's education or educational environment;

• the context in which the alleged incidents occurred.

Whether a particular action or incident constitutes a violation of this Regulation requires a determination based on all the facts surrounding the circumstances.

The investigation shall be completed and a written report shall be completed. The written report shall include a determination of whether the allegations have been substantiated as factual and whether they appear to be violations of this Regulation. The Compliance Officer's obligation to conduct this investigation shall not be extinguished by the fact that a criminal investigation involving the same or similar allegations is also pending or has been concluded.

**College Response**

1. The college will make every effort to complete the investigation and render a decision within 45 school days from the College’s receipt of the reporting party. Appropriate actions may include, but are not limited to, counseling, awareness training, warning, suspension, exclusion, expulsion, transfer, remediation, or discharge. College action taken for violation of this Regulation shall be consistent with the requirements of state and federal law and College policies for violations of a similar nature of similar degree of severity. In
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determining what is an appropriate response to a finding that harassment in violation of this Regulation has occurred, the College shall consider:

- what response is most likely to end any ongoing harassment;
- whether a particular response is likely to deter similar future conduct by the harasser or others;
- the amount and kind of harm suffered by the victim of the harassment;
- the identity of the party who engaged in the harassing conduct.
- whether the harassment was engaged in by school personnel, and if so, the College will also consider how it can best remediate the effects of the harassment.

2. The results of the College's investigation of each complaint filed under these procedures will be reported in writing to the reporting party and accused harasser by the College. The college will make every effort to complete the investigation and render a decision within 45 school days from the College’s receipt of the reporting party, in accordance with state and federal laws regarding data or records privacy, and consistent with the privacy rights of the alleged harasser.

3. If the College's evaluation of a complaint of harassment results in a conclusion that an employee has engaged in unlawful discrimination or harassment in violation of this Regulation, or that an employee(s) has failed to report harassment as required herein, that individual may appeal this determination by presenting a written appeal within three (3) school days of receiving notice of the College’s conclusion, by use of established Board of Trustees procedures for appealing other adverse personnel actions. (See personnel handbooks PP/PR 4850 and/or PP/PR 4730)

4. If the College's evaluation of a complaint of harassment results in a conclusion that no unlawful harassment has occurred, an individual who was allegedly subjected to harassment and believes that this conclusion is erroneous may appeal this determination by presenting a written appeal to the College President’s designee within three (3) school days of receiving notice of the College’s conclusion. The grievant may request a meeting with the Presidents designee. The designee has the option of meeting with the grievant to discuss the appeal.
5. If the reporting party believes the compliance officer has not adequately or appropriately addressed the appeal, an appellant “ad hoc” review panel that consists of trained members of the Title IX task force will be appointed to review the case. The request for a review must be filed within three (3) school days after the grievant receives the report. The College will make every effort to complete the investigation and render a decision within 45 school days from the College’s receipt of the reporting party. The grievant will be notified in writing of the decision.

6. An individual who was allegedly subjected to unlawful discrimination or harassment may also file a complaint with the Missouri Commission for Human Rights, the United States Department of Education, and Office for Civil Rights, or the United States Department of Justice. In addition, such individual may choose to file suit in the United States Court or the State Circuit Court.

7. Copies of all complaints of harassment and the investigations conducted pursuant to them shall be maintained at the main administrative offices of the College.

8. The College President shall notify the Board of Trustees.
THREE RIVERS COLLEGE
GENERAL ADMINISTRATION REGULATION

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DOCUMENT HISTORY:

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<tr>
<td>09-25-2010</td>
<td>Initial approval of regulation GAR 1240 Harassment.</td>
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<tr>
<td>07-15-2015</td>
<td>Revision to be in compliance with Federal Law regarding Title IX, 9-17-14.</td>
</tr>
<tr>
<td>09-16-2015</td>
<td>Revision of position title Dean of Student Services to Chief Student Services Officer.</td>
</tr>
<tr>
<td>08-30-2016</td>
<td>Minor edits regarding timeline and review team.</td>
</tr>
<tr>
<td>09-21-2016</td>
<td>The College Board of Trustees approved the name change of the college from Three Rivers Community College to Three Rivers College.</td>
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THREE RIVERS COLLEGE
Harassment Report Form

Three Rivers College provides and maintains a learning and working environment free from Harassment. Harassment constitutes unlawful discrimination. This Harassment Report Form is intended for an individual or group of individuals, hereafter referred to as the reporting party, an opportunity to file a complaint of harassment. The purpose of this form and associated procedure is to seek resolution of said complaint through a procedure devoid of coercion, interference, restraint, discrimination or reprisal.

This Harassment Report Form shall apply to harassment or discrimination complaints based on race, gender, color, national ethnic origin, religion, age, disability, sexual orientation (actual or perceived), pregnancy and parental status marital/intimate partner status, or any form of sexual harassment. Employment suspension or termination is not covered by this procedure. To obtain information regarding the College grievance procedure contact the Office of Human Resources (PP 4850; PR 4850; SP 2130; and SR 2130 Grievance).

The College will make every effort to complete the investigation and render a decision within 45 school days from the College’s receipt of the reporting party. Upon completion of the investigation, the Chief Student Services Officer (for student harassment complaints) and the Director of Human Resources (for employee harassment complaints), will prepare the "Report of Findings". The "Report of Findings" shall include the: basis of the complaint; issues and facts relevant to or circumstantial to the dispute; a summary of findings; recommendations/dispositions of the inquiry; proposed disciplinary penalty; and basis for recommended action. If the supervisor is the respondent, the details of the investigation will be kept in confidence until the investigation is finalized.

NAME__________________________________________EMPLOYEE ID # ______________________________

ADDRESS______________________________________________________PHONE _______________________

EMERGENCY CONTACT PERSON ______________________________ PHONE _______________________

Basis of Complaint ________________________________________________

______________________________________________________________________________

Issues and Facts in Dispute ________________________________________________

______________________________________________________________________________

Person(s) Involved (include any witness(s)) ______________________________________

______________________________________________________________________________

SIGNATURE __________________________________________________ DATE _______

COMPLIANCE OFFICER SIGNATURE ______________________________ DATE _______

Three Rivers College provides equal opportunity in all areas of education, recruiting, hiring, retention, promotion, and contracted service. No unlawful discrimination against any person because of race, gender, color, national ethnic origin, religion, age, disability, sexual orientation (actual or perceived), pregnancy and parental status or marital/intimate partner status shall not be tolerated. Contact the Office of Human Resources: Westover Building; 573-840-9695; Office of Student Services: Westover Building; 573-840-9669.