



## Asheville-Buncombe Technical Community College (A-B Tech) Policy Manual

### Policy 112: Sexual Misconduct

It is the policy of the Board of Trustees to provide the campus community with education and training to increase awareness, prevention and the prompt reporting and resolution of all types of sex/gender based discrimination, harassment and violence in compliance with all applicable federal and state laws and administrative regulations.

A-B Tech students, employees, and guests/visitors have the right to be free from all forms of sex/gender based misconduct, harassment, and discrimination, examples of which include acts of sexual assault, sexual harassment, domestic violence, dating violence, and stalking (collectively “Sexual Misconduct”). All members of the A-B Tech community are expected to conduct themselves in a manner that does not infringe upon the rights of others in an illegal or offensive manner. A-B Tech believes in zero tolerance for Sexual Misconduct. Zero tolerance means that when an allegation of Sexual Misconduct is brought to an appropriate administrator’s attention, protective and other interim safety measures will be used to reasonably ensure that such conduct is stopped, is not repeated, and the effects on the victim and community are remedied, including serious sanctions when a respondent is found to have violated this Policy.

### Non-Discrimination Statement

The A-B Tech Board of Trustees and administration are fully committed to encouraging and sustaining a learning and work environment that is free from prohibited discrimination. The College does not practice or condone discrimination based on race, color, national origin, religion, sex, sexual orientation, gender identity or expression, pregnancy, disability, genetic information/medical history, age, political affiliation or veterans’ status in the administration of any of its academic programs and employment practices.

*Inquiries or complaints concerning possible discrimination based on any of the categories above should be referred to:*

**Sexual Misconduct, please contact:**

Title IX Coordinator, Office of the Vice President for Student Services  
340 Victoria Road, Asheville, NC 28801, (828) 398-7932

**All other Student inquiries, contact:**

Office of the Vice President for Student Services  
340 Victoria Road, Asheville, NC 28801, (828) 398-7143

## Employee inquiries, contact:

Office of the Executive Director, Human Resources  
340 Victoria Road, Asheville, NC 28801, (828) 398-7178

## Scope

Applies to all A-B Tech students and employees.

## Definitions

*Dating Violence:* “Dating Violence” means violence committed by a person:

1. Who is or has been in a social relationship of a romantic or intimate nature with the victim; and
2. Where the existence of such a relationship shall be determined based on a consideration of the following factors:
  - a. The length of the relationship,
  - b. The type of relationship, and
  - c. The frequency of interaction between the persons involved in the relationship.

*Domestic Violence:* “Domestic Violence” includes felony or misdemeanor crimes of violence committed by a current or former spouse of the victim, by a person with whom the victim shares a child in common, by a person who is cohabiting with or has cohabited with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the State of North Carolina, or by any other person against an adult or youth victim who is protected from that person’s acts under the domestic or family violence laws of the State of North Carolina.

*Sexual Assault:* “Sexual Assault” means any actual, attempted, or threatened sexual act with another person without that person’s consent. Sexual Assault includes but is not limited to:

- Rape and attempted Rape;
- Intentional and unwelcome sexual touching (including disrobing or exposure), however slight, with any body part or any object, by a man or a woman upon a man or a woman, without effective consent, of a person’s breasts, buttocks, groin, or genitals (or clothing covering such areas), or coercing, forcing, or attempting to coerce or force another to touch you, themselves, or a third party with any of these body parts or areas when such touching would be reasonably and objectively offensive;
- Any sexual act in which there is force, violence, or use of duress or deception upon the victim;
- Any sexual act perpetrated when the victim is unable to give consent; and
- Sexual intimidation, which includes but is not limited to:
  1. Threatening, expressly or impliedly, to commit a sexual act upon another person without his or her consent,
  2. Stalking or cyber-stalking, and
  3. Engaging in indecent exposure.

*Sexual Harassment:* Physical contact and/or conduct that creates an unwelcome or hostile environment. It includes unwelcome sexual advances, requests for sexual favors, and other verbal or physical contact of a sexual nature when submission to the conduct is made a term or condition of an individual's employment or academic performance (either implicitly or explicitly), when submission to or rejection of the conduct is used as the basis for employment or educational decisions affecting the individual, or when the conduct is sufficiently severe, persistent, or pervasive to interfere with an individual's work or academic performance or to create an intimidating, hostile, or offensive working or learning environment. Occasional compliments of a socially acceptable nature do not constitute sexual harassment.

*Sexual Misconduct:* Any unwelcome conduct of a sexual nature, including any conduct or act of a sexual nature perpetrated against an individual without consent. Sexual Misconduct can occur between strangers or acquaintances, including people involved in an intimate or sexual relationship. Sexual Misconduct can be committed by men or by women, and it can occur between people of the same or different sex. Sexual Misconduct includes but is not limited to Dating Violence, Domestic Violence, Sexual Violence/Assault, Rape, Sexual Exploitation, Sexual/Gender Harassment, and Stalking.

*Stalking:* Engaging in a course of conduct directed to a specific person that would cause a reasonable person to fear for his/her safety or the safety of others or suffer substantial emotional distress by placing that person in fear of continued harassment, bodily injury, or death.

## References

Title IX of the Education Amendments of 1972

Title VII of the Civil Rights Act of 1964, as amended

Jeanne Clery Act

Violence Against Women Act

Reviewed by the Executive Leadership Team, November 11, 2016

Reviewed by the College Attorney, November 22, 2016

## Policy Owners

Vice President for Student Services, Ext. 7146

Executive Director, Human Resources and Organizational Development, Ext. 7178

Approved by the Board of Trustees on December 12, 2016.