

## **Title IX Grievance Policy**

### **1. Title IX Policy Statement**

Northern New Mexico College (Northern) is dedicated to providing equal access to educational and employment opportunities for everyone, regardless of race, color, religion, national origin, physical or mental disability, pregnancy, age, sex (including sexual harassment), sexual orientation, gender identity, ancestry, spousal affiliation, or medical condition.

We are committed to fostering a work and student environment that is free from sexual harassment and will not tolerate such behavior from any of Northern's employees, contractors, vendors, or students. We will take all reasonable steps to prevent discrimination and will respond quickly and impartially to any claims of sexual harassment or discrimination. Additionally, we are committed to remedying the discriminatory effects of any inappropriate actions on the affected individuals.

This policy also applies to all individuals conducting business within the college.

The Title IX Coordinator at Northern, who is also the Student Care Specialist in the Counseling and Student Support Center, is the designated individual responsible for ensuring compliance with all college policies, as well as state and federal laws and regulations regarding individuals' civil rights.

The Counseling and Student Support Center is found on the second floor of the Teaching Education Building at 921 Paseo de Oñate in Española, New Mexico. You can contact the Title IX Coordinator via email at [titleix@nnmc.edu](mailto:titleix@nnmc.edu).

Sexual harassment is a violation of Title VII of the Civil Rights Act of 1964 and Title IX of the Educational Amendments of 1972, and it will not be tolerated at Northern. The following procedures will apply to all complaints of sex discrimination, including sexual harassment, sexual assault, and sexual violence. These procedures are designed to ensure a prompt and equitable resolution of such complaints.

Both federal and state laws prohibit retaliation against individuals who oppose unlawful discriminatory practices or who file complaints, testify, or participate in any proceedings under these laws. Specifically, retaliation against an employee or student for filing a sexual harassment complaint is strictly prohibited. Such retaliation can lead to a subsequent harassment complaint and may result in disciplinary action, including termination or expulsion.

### **2. Definitions & Examples of Sex Discrimination**

Sexual harassment is a form of discrimination based on sex. It includes any unwelcome sexual advances or requests for sexual favors. Other unwelcome conduct of a sexual nature constitutes prohibited sexual harassment when:

- Submission to such conduct is made, either explicitly or implicitly, a term or condition of an individual's employment or academic advancement;
- Submission to or rejection of such conduct by an individual is used as the basis for employment decisions or academic decisions affecting such an individual;
- Such conduct has the purpose or effect of unreasonably interfering with an individual's work or academic performance or creating an intimidating, hostile, or offensive working or academic environment; or
- A supervisor or faculty member fails to take corrective action when he or she knows, or reasonably should have known, that a subordinate employee or a student is being subjected to sexual harassment.

Conduct of a sexual nature may encompass, but is not limited to, verbal or physical sexual advances. This includes subtle pressure for sexual activity, as well as actions such as touching, pinching, patting, or brushing against someone. It also involves comments about physical or personality traits with a sexual connotation, sexually oriented teasing, joking, or double-entendres. Additionally, any harassing behavior that an employee or student would not experience if it were not for their sex falls under this definition.

Verbal or physical conduct of a sexual nature may be considered sexual harassment if the employee or student who is allegedly being harassed has indicated, either verbally or through their behavior, that the conduct is unwelcome. If an employee or student initially welcomed such conduct by actively participating, they must inform the alleged harasser that this behavior is no longer acceptable. Any subsequent conduct after this notification will be deemed unwelcome.

Examples of sexual harassment that shall not be tolerated include, but are not limited to:

- Suggestive or obscene letters, notes, invitations,
- Derogatory comments, epithets, slurs, or jokes,
- Impeding or blocking movements, touching, or any physical interference with normal work,
- Sexually oriented gestures, displaying sexually suggestive or derogatory objects, pictures, cartoons, or posters (the situation will be evaluated for appropriateness, such as art displayed in museums versus centerfold in an office setting),
- Threats or insinuations that a lack of sexual favors will result in reprisals, withholding support for appointments, grades, promotions, or transfers, change of assignments, or poor performance reviews.

Northern disapproves of the intimidating behavior of a sexual nature that does not meet the criteria for sexual harassment, but still negatively impacts the work and educational environment. This conduct may include isolated sexual remarks, sexist comments, or inappropriate physical behavior. Responsible supervisors and faculty members are expected to strongly discourage such behavior.

Sexual harassment typically occurs in situations where there is a power imbalance between the individuals involved. However, this policy also acknowledges that sexual harassment can occur between individuals of the same status, such as student-to-student, faculty-to-faculty, or staff-to-staff. The prohibition of sexual harassment applies equally to all individuals, regardless of their status or gender.

Sexual harassment is particularly concerning when it jeopardizes the relationship between a student and a faculty member, or between a supervisor and their subordinates. A faculty member or supervisor can significantly impact a student's or employee's success and future career at Northern and beyond through grades, wage increases, recommendations for graduate studies, promotions, and other influences.

### **3. Procedures for filing a complaint of sex discrimination**

A person who believes he or she may have experienced sex discrimination or harassment may report the incident to any of the following:

- His or her supervisor, and/or
- The Title IX Coordinator

In deciding whether the alleged conduct constitutes sexual harassment, the Title IX Coordinator will consider the entire record and the totality of the circumstances, including the nature of the sexual advances and the context in which the alleged incidents occurred.

In cases of sexual harassment that could also be considered criminal behavior (such as sexual assault or stalking), the victim has the option to file a complaint with local law enforcement authorities. Additionally, the Title IX Coordinator may inform local law enforcement if the situation involves potential criminal activity.

#### **3.1. Procedures for Complaints: Employees**

All staff and faculty members who become aware of alleged sexual harassment are responsible for reporting the matter immediately to the Title IX Coordinator. If an employee believes they

have been discriminated against or harassed based on sex, they should report the incident to their supervisor or the Title IX Coordinator following this process:

- 3.1.1. Employees must report any incident in which they believe they have been a victim of sexual harassment or discrimination to the Title IX Coordinator no later than fifteen (15) working days after the alleged incident.
- 3.1.2. The Title IX Coordinator will conduct a thorough, reliable, and impartial investigation of the complaint. Written notification of the findings will be provided to all parties no later than forty (40) working days after receiving the initial complaint.
- 3.1.3. The Title IX Coordinator may implement interim measures to ensure the safety and well-being of the complainant and the school/work community while the investigation is ongoing.
- 3.1.4. The Title IX Coordinator may gather available evidence, take statements from witnesses, and allow both parties equal opportunity to submit statements, witnesses, or evidence during the investigation process.
- 3.1.5. The Title IX Coordinator will use the "preponderance of the evidence" standard, which is the conventional rule of civil litigation, to determine whether the alleged sexual discrimination or harassment occurred.
- 3.1.6. Any real or perceived conflict of interest between the Title IX Coordinator and either party must be disclosed and resolved by the President or their designee.
- 3.1.7. No retaliation or reprisal shall be taken against any party involved in the investigation as a result of making a complaint or participating in the investigation.
- 3.1.8. All documents related to the investigation will be kept confidential and managed by the Title IX Coordinator. Information regarding the investigation will only be released on a need-to-know basis, in accordance with applicable law, or to any external investigative agency investigating the complaint under their jurisdiction.
- 3.1.9. If either party is unsatisfied with the Title IX Coordinator's decision, they may appeal the decision in writing to the President or their designee within fifteen (15) working days after receiving the written notification of the outcome.

- 3.1.10. The President or designee will conduct any necessary additional investigations to resolve the appeal and will review all materials related to the investigation, including any additional materials the appellant deems relevant. The appeal will focus solely on whether the factual or legal analysis of the original decision is correct and will not involve a reinvestigation of the original complaint.
- 3.1.11. The President or designee will provide the parties with written notification of the appeal outcome no later than ten (10) working days after receiving the written appeal from the appealing party. The decision made by the President or designee is final.
- 3.1.12. The deadlines outlined above may be extended if both parties agree in writing and demonstrate good cause for the extension.

The Title IX Coordinator will inform any employee who makes a sexual harassment complaint about available counseling and other internal and external resources.

If the employee's immediate supervisor is involved in the alleged conduct or if the employee feels uncomfortable reporting to the supervisor for any legitimate reason, the employee may contact the Title IX Coordinator directly. They can then follow the steps outlined in the internal grievance procedure. Similarly, if the Title IX Coordinator is involved in the alleged conduct, or if the employee feels uncomfortable reporting to them for a legitimate reason, the employee may reach out to the Director of Equity and Diversity and proceed through the steps outlined in this policy.

If the Title IX Coordinator finds a preponderance of evidence indicating that an employee (including faculty, adjunct faculty, or staff, as well as individuals providing contracted services to the College) engaged in sexual harassment, that employee may be terminated for cause, per the most recent version of Northern's Termination Policy as outlined in the Northern Policy Handbook.

An employee may end any informal efforts to resolve a complaint of sexual harassment at any time and initiate a formal complaint following these procedures. If the employee believes that the alleged sexual harassment constitutes a criminal offense, they should consider reporting the conduct to the appropriate law enforcement officials.

### **3.2. Procedures for Complaints: Students**

If any student believes they have been discriminated against or harassed based on sex, they should report the incident to the Title IX Coordinator. The Title IX Coordinator will conduct a thorough investigation and provide the student with a written notification of the investigation's outcome. Students can initially report their concerns to the Dean of Student Services, who will refer the matter promptly to the Title IX Coordinator. The Title IX Coordinator will inform any

student making a complaint of sexual harassment about counseling, academic, and other resources available at Northern and in the community.

- 3.2.1 Students should report any incident of sexual harassment or discrimination to the Title IX Coordinator no later than fifteen (15) working days after the alleged incident.
- 3.2.2. The Title IX Coordinator shall conduct a thorough, reliable, and impartial investigation of the complaint and provide all parties with written notification of the findings no later than forty (40) working days after receiving the initial complaint.
- 3.2.3. The Title IX Coordinator may implement interim measures to ensure the safety and well-being of the complainant and the school community while the investigation is ongoing.
- 3.2.4. The Title IX Coordinator may gather any available evidence for consideration, take statements from witnesses, and allow all parties an equal opportunity to submit statements, witnesses, or evidence for the investigation.
- 3.2.5. The Title IX Coordinator will apply the preponderance of the evidence standard, which is the conventional rule of civil litigation, in determining whether sexual discrimination or harassment occurred as alleged.
- 3.2.6. Any real or perceived conflict of interest between the Title IX Coordinator and either party should be disclosed and resolved by the President or their designee.
- 3.2.7. No retaliation or reprisal shall be taken against any party involved in the investigation as a result of making a complaint or participating in the investigation.
- 3.2.8. All documents related to the investigation shall be kept confidential and maintained by the Title IX Coordinator. Information related to the investigation will only be released on a need-to-know basis, in compliance with applicable law, or to any external investigative agency handling a complaint under their jurisdiction.
- 3.2.9. If either party is dissatisfied with the decision made by the Title IX Coordinator, they have the right to appeal the decision in writing to the President or their designee no later than fifteen (15) working days after receiving the written notification of the investigation's outcome.
- 3.2.10. The President or their designee shall conduct any additional investigations necessary to resolve the appeal and review all materials of the investigation, including any additional materials that the appellant believes are relevant. The

appeal will only address whether the factual or legal analysis of the original decision is correct and will not require a reinvestigation of the original complaint allegations.

3.2.11. The President or their designee will provide the parties with written notification of the outcome of the appeal no later than ten (10) working days after receiving the written appeal. The decision of the President or their designee is final.

3.2.12. The time limits outlined above may be extended if both parties agree in writing, based on a showing of good cause.

If the Title IX Coordinator determines, based on a preponderance of the evidence, that a student has engaged in sexual harassment, that student will face disciplinary actions and sanctions as outlined in the most current version of the Northern Student Handbook. Possible sanctions include, but are not limited to, probation; withholding of grades, transcripts, or degrees; restitution; suspension; and expulsion. The severity of the infraction will determine the specific sanction imposed.

A student may choose to end any informal efforts to resolve a complaint of sexual harassment at any time and initiate a formal complaint following the established procedures. Northern New Mexico College's Title IX grievance policy and procedures will be reviewed every two years to ensure compliance with all applicable laws, rules, and policies.

The college is committed to thoroughly, reliably, and impartially investigating complaints of alleged sexual harassment. It aims to stop the harassment, prevent further occurrences, and remedy any effects of the harassment. Any investigation related to a complaint will be conducted with impartiality, confidentiality, and respect for the rights of all individuals involved. Information regarding the investigation will only be shared on a need-to-know basis, per applicable laws, or with any external investigative agency handling a related complaint.

Northern will take steps to investigate any reports of sexual harassment while considering requests for confidentiality. However, the college must balance these requests with its responsibility to maintain a safe and non-discriminatory environment for all students and employees. In some cases, it may be necessary to clarify that confidentiality cannot be guaranteed. The President, or their designee, will have the final authority on releasing any information or documents related to a specific case. All investigative files will be maintained and controlled by the Title IX Coordinator.

