Prohibition of Sexual Harassment

Policy

1. 1. It is the policy of Oglala Lakota College to prove a learning and working atmosphere for students, employees, and visitors free from sexual harassment.
2. 2. It is a violation of this policy for any administrator, instructor or other employee, or any student to engage in or condone sexual harassment.
3. 3. It is the responsibility of every employee to recognize acts of sexual harassment and take every action necessary to ensure that the applicable policies and procedure of Oglala Lakota College are implemented.
4. 4. Any employee or student who believes that he or she has been subjected to sexual harassment has the right to file a complaint and to receive prompt and appropriate handling of the complaint. Further, all reasonable efforts shall be made to maintain the confidentiality and protect the privacy of all parties.
5. 5. The Complaint Manager shall be responsible for assisting employees and students seeking guidance or support in addressing matters relating to sexual harassment or inappropriate behavior of a sexual nature.

Procedures

A. A. Definitions
   1. 1. Sexual Harassment means unwelcome sexual advances, requests for sexual favors, and other inappropriate verbal, written, or physical conduct of a sexual nature that takes place under any of the following circumstances.
      a. a. when submission to such conduct is made, explicitly or implicitly, a term or condition of employment, instruction, or participation in college activities or programs;
      b. b. when submission to or rejection of such conduct by an individual is used by the offender as the basis for making personal or academic decisions affecting the individual subject to sexual advances;
      c. c. when such conduct has the effect of unreasonably interfering with the individual's work; or intimidating, hostile, or offensive work;
      d. d. when such conduct has the effect or creating an intimidating, hostile, or offensive work or learning environment
   2. 2. Complaint Manager means the person or persons who are responsible for the investigation of any complaints alleging noncompliance with this policy. The complaint manager for Oglala Lakota College employees is the Personnel Director, and for students it will be the District Center Staff.

B. B. Publication of Policy
   1. 1. Appropriate books and materials regarding sexual harassment shall be available in the library.
   2. 2. Each student shall receive a copy of this policy at the beginning of each year an at the time of transfer to the college which shall be included in the Student and Staff handbooks.

C. C. Training
   1. 1. All administrators, supervisors, instructors, and other staff of Oglala Lakota College shall receive appropriate training, including but not limited to the following: EEOC Policy 1604.11, Oglala Sioux Tribal laws, and South Dakota State laws.
   2. 2. All training shall be documented by maintaining records of the date the training was conducted; the names of all persons participating (including signed attendance sheets); an outline of the subject matter covered; the name (s) and credentials of the instructor (s); copies of hand-outs or audio-visual material used; and any copies of tests and test results, if used.

D. D. Complaint Procedures
   1. 1. Filing
      a. a. Any employee or student who believes that he or she has been subjected to sexual harassment has the right to file a complaint with the Complaint Manager. If the original complaint is oral, the complaining party shall be asked to put the complaint in writing. A written complaint shall include the following: the name of the complaining party; the name of the offender; the date of the offense; the location of the offense; a description in as much detail as possible of the incident(s), including any statements made by either party; and a list of all known witnesses.

b. b. No persons, witness, or person who participates or cooperates with an investigation shall be subject to retaliation of any kind.

2. 2. Preliminary Investigation

a. a. Complaints filed pursuant to this policy shall be promptly and thoroughly investigated by the Complaint Manager.

b. b. All circumstances of the situation shall be considered in the investigation of possible harassment incidents. In determining whether the alleged conduct constitutes sexual harassment, consideration shall be given to the totality of the circumstances, including the context in which the alleged incident occurred.

c. c. Upon completion of the investigation, the Complaint Manager shall prepare a sexual harassment report including the following: (1) the date of the incident (s); (2) the name of the complainant; (3) the name of the offender (s); (4) a summary of the factual allegations that allege sexual harassment; (5) the name of all potential witnesses; (6) a summary of the steps taken to complete the investigation; (7) a summary of all witness statements (with copies of all actual statements attached); (8) a listing of any physical evidence available and (9) a factual summary of all evidence that supports or refutes the allegations of sexual harassment.

d. d. The investigation shall be complete within 5 days after the complaint is filed.

3. 3. Initiation of Grievance Procedure

a. a. Once the preliminary investigation on a complaint is filed, the appropriate Grievance Policy and Procedure of Oglala Lakota College will be initiated.

E. E. Monitoring

1. 1. On a semi-annual basis a random sampling of students and employees shall be interviewed to determine if students and employees are being properly informed of the sexual harassment policy whether there are unreported incidents of sexual harassment.

2. 2. Within three months after a complaint is resolved, the complainant shall be interviewed to determine if any additional incidents have occurred and the complainant's general satisfaction with the process involved.

3. 3. The President shall report semi-annually to the Board of Trustees providing qualitative information relative to the number of complaints, number of investigation, results of investigation, training efforts and policy publication efforts.

4. 4. This policy will be reviewed every three years. (Adopted by B.O.T. action 1/3/95)