

**BURRELL COLLEGE
OF OSTEOPATHIC MEDICINE
POLICY MANUAL**

SECTION: Human Resources

BCOM Policy 4303

TOPIC: Title IX: Sex Discrimination
And Harassment

Approval Date:
8/11/16, 9/27/17

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Approved: *Signature on File*

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*Policy reformatted and renumbered for uniformity

POLICY

This policy applies to all members of the Burrell College of Osteopathic Medicine (BCOM) community, including students, faculty, and administrators as well as third-parties (i.e. vendors and invitees). Discrimination or harassment of any kind in regards to a person's sex is not tolerated at our institution. Information and/or training regarding this policy is available to students, faculty, and staff. In addition, information about this policy will be available on the BCOM website.

PURPOSE

All divisions of BCOM seek to foster a collegial atmosphere where students are nurtured and educated through close faculty-student relationships, student camaraderie, and individualized attention. BCOM will resolve any identified discrimination in a timely and effective manner, and will ensure that it does not recur. Those believing that they have been harassed or discriminated against on the basis of their sex, including sexual harassment, should immediately contact the Title IX coordinator. When BCOM has notice of the occurrence, BCOM is compelled to take immediate and effective corrective action reasonably calculated to stop the harassment, prevent its recurrence, and as appropriate, remedy its effects.

DEFINITIONS

Discrimination and Harassment

Title IX, and its implementing regulations, prohibit discrimination based on sex, including sexual harassment. ***The prohibition against discrimination extends to employment and third-parties.*** Sexual harassment is unwelcome conduct of a sexual nature and can include sexual advances, request for sexual favors, and other verbal, non-verbal, or physical conduct. Environmental harassment (sometimes referred to as hostile environment) is sexually harassing conduct that is sufficiently severe, persistent or pervasive to limit an individual's ability to participate in or receive benefits, services, or opportunities at BCOM. This can include persistent comments or jokes about an individual's, sex; verbal behavior, including insults, remarks, epithets, or derogatory statements; nonverbal behavior, including graffiti, inappropriate physical advances short of physical violence such as repeated and unwanted touching; and assault, including physical violence or the threat of physical violence.

Retaliation

Retaliation is any kind of reprisal, adverse action, or negative action taken against an individual because he or she has: (1) complained about alleged discrimination or harassment as defined above, (2) participated as a party or witness in an investigation relating to such allegations, or (3) participated as a party or witness in a proceeding regarding such allegations. Retaliation can occur contemporaneously during the complaint process or subsequent to it, once the retaliator is aware of the recipient's participation in the process. Retaliation does not exist in the absence of an adverse action. An individual is protected from retaliation even when the complaint at issue is ultimately found to lack merit, as long as the complaint was made in good faith.

BCOM does not allow, nor tolerate any conduct by any BCOM community member that may be regarded as retaliatory. Retaliation against any individual, whether said person submitted a complaint through the method described below, or for any other reason will not be tolerated.

Title IX Coordinator

The Title IX Coordinator or their designee ("Title IX Coordinator") is trained and knowledgeable about enforcement, compliance, communication, and implementation of BCOM's anti-harassment and anti-discrimination policy.

The Title IX Coordinator's contact information is as follows:

Title IX Coordinator
Burrell College of Osteopathic Medicine
3501 Arrowhead Dr.
Las Cruces, NM 88001
Phone: 575-674-2396
Email: vrichardson@bcomnm.org

CONFIDENTIALITY

BCOM has independent obligations to report or investigate potential misconduct, even if a complainant does not wish to initiate an official process. Therefore, absolute confidentiality cannot be promised with respect to a complaint of discrimination, harassment, sexual harassment, or retaliation received either through BCOM's compliance email or otherwise. The email address for the BCOM Title IX/Compliance Officer is vrichardson@bcomnm.org. BCOM wishes, however, to create an environment in which legitimate complaints are encouraged, while also protecting the privacy of all involved in an investigation. Complaints about violations of these policies will therefore be handled in strict confidence, with facts made available only to those who need to know in order for BCOM to promptly and thoroughly investigate and resolve the matter.

PROCEDURES & IMPLEMENTATION

Duty to Report Violations

Any member of the BCOM community including students, faculty, employees, and third-parties have a duty to report violations of this policy where individuals know, or should know, of accusations or actions which violate BCOM Policy and will notify the BCOM Title IX Coordinator of such violations promptly.

Duty to Cooperate and Facilitate

All members of the BCOM community are required to cooperate fully with any investigations of discrimination or harassment. A faculty member, staff member, or student who has relevant information and refuses to cooperate with an ongoing investigation will be subject to disciplinary action for, among other things, violations of the BCOM Code of Conduct and/or insubordination. Likewise, all BCOM employees are required to ensure that complaints about discrimination, harassment, or retaliation are directed to the appropriate administrative office for evaluation and investigation. BCOM is committed to conducting an inquiry that is thorough, prompt and impartial.

Complaint Process

Complaints concerning sexual harassment and/or sexual discrimination should be sent to the Title IX Coordinator, 3501 Arrowhead Dr., Las Cruces, NM 88001, vrichardson@bcomnm.org, (575-674-2396).

Complaints should be filed as soon as possible after the date of the alleged misconduct, and a written complaint is preferable. See *complaint procedure* at: <https://bcomnm.org/wp-content/uploads/2017/02/IX-doc.VR.pdf>.

Grade Appeals

BCOM has a grade appeal process which is not circumvented by this policy. This procedure is not a substitute for a grade appeal. A grade appeal may be suspended until a determination has been made by the fact finder.

Discipline

Employees, faculty and students who violate BCOM's policies may be subject to disciplinary action. Individuals who retaliate against someone who files a complaint, or against a witness, representative, or advocate for a complainant, will be subject to further disciplinary action. Consistent with this Policy BCOM will take prompt effective action to resolve any identified discrimination, and take steps to avoid a reoccurrence.

Retaliation

BCOM does not allow, nor tolerate any conduct by any BCOM community member that may be regarded as retaliatory. Retaliation against any individual, whether said person submitted a complaint through the method described above or for any other reason will not be tolerated.

Availability of Counseling

As required under Title IX, BCOM, through its investigations and/or Title IX Compliance officer, will offer its internal counseling services to any complainant who has begun the complaint process. It is ultimately complainant's decision of whether or not to accept the counseling service offered by BCOM.

EXTERNAL REPORTING

Members of the BCOM community are always subject to local, state, and federal laws, and nothing in these procedures is intended to limit or postpone the right of an individual to file a complaint or charge with appropriate federal, state, or local departments or agencies.

Among other options, students may contact the Office for Civil Rights of the U.S. Department of Education for inquiries concerning the application of Title IX as well as the implementation of its regulations. The Office for Civil Rights can be contacted using the following information:

U.S. Department of Education
Office for Civil Rights
32 Old Slip, 26th Floor
New York, New York 10005
Phone (646) 428-3800
Fax (646) 428-3843
email: OCR.NewYork@ed.gov