

# MARSHALL UNIVERSITY BOARD OF GOVERNORS

## Policy No. GA-1

### DISCRIMINATION, HARASSMENT, SEXUAL HARASSMENT, SEXUAL & DOMESTIC MISCONDUCT, STALKING, AND RETALIATION

#### Section 1: General.

- 1.1 Scope & Purpose: Marshall University (“University”) is committed to fostering a diverse and inclusive culture by promoting diversity, inclusion, equality, intercultural and intercommunity outreach. Accordingly, the University does not discriminate on the basis of race, color, national origin, ancestry, age, physical or mental disability, marital or family status, pregnancy, veteran status, service in the uniformed services (as defined in state and federal law), religion, creed, sex, sexual orientation, genetic information, gender identity, or gender expression in the administration of any of its educational programs, activities, or with respect to admission or employment. This Policy sets forth how discrimination, harassment, sexual and domestic misconduct, certain consensual relationships, stalking, and retaliation will be addressed by Marshall University.
- 1.2 Authority: W. Va. Code §§ 18B-1-6, 18B-2A-4; Title VII of the Civil Rights Act of 1964, 42 U.S.C. §§ 2000e to 2000e-17; Title IX of the Education Amendments of 1972, 20 U.S.C. § 1681; the West Virginia Human Rights Act, W. Va. Code §§ 5-11-1 to -20; the Campus Sexual Violence Elimination Act, 20 U.S.C. §1092, and the Violence Against Women Act of 1994, 42 U.S.C. §13925.
  - 1.2.1 This policy replaces current BOG Policy No GA-1, Sexual Harassment.
- 1.3 Effective Date: June 29, 2016.
- 1.4 Revision History: Originally replaced Board of Trustees Series No. 9 which was transferred by the Higher Education Policy Commission to the institutional boards of governors. This policy was previously numbered as MUBOG Policy No. 5,” amended again on April 27, 2016, and title changed to “Policy Regarding Discrimination, Harassment, Sexual Harassment, Sexual & Domestic Misconduct, Stalking, and Retaliation.”

#### Section 2: General Definitions.

- 2.1 “Complainant” means, for purposes of this Policy, an individual who is the alleged victim of prohibited conduct that is reported to the University or, where appropriate, the University when proceeding on a complaint when the alleged victim is unavailable or unwilling to participate.
- 2.2 “Reporter” means, for purposes of this Policy, any individual that makes or files a complaint about prohibited conduct under this Policy. The Reporter may be the Complainant, any other person, or the University.

- 2.3 “Respondent” means, for purposes of this Policy, an individual accused of conduct prohibited by Section 3.
- 2.4 “Member of the University Community,” for purposes of this Policy only, means an individual engaged in any University activity or program, whether on or off campus, or any individual lawfully on University property, including, but not limited to, any person who is a student, staff, faculty member, other University official, or a visitor.
- 2.5 “Student” means, for purposes of this Policy, an individual subject to the Marshall University Board of Governors Policy SA-3, The Code of Student Rights and Responsibilities.
- 2.6 “Consensual Relationship” means a mutually acceptable romantic, dating, or sexual relationship between individuals.

**Section 3: Defining and Recognizing Prohibited Conduct.**

- 3.1. General. The University prohibits Discrimination, Harassment, Sexual Harassment, Sexual Misconduct, Domestic Misconduct, Stalking, and Retaliation as defined in this Policy (collectively referred to as “prohibited conduct”) by or against any member of the University community.
  - 3.1.1 Jurisdiction: This prohibition applies to conduct that occurs on University premises or in connection with a University sponsored activity; off-campus conduct that unreasonably interferes with the educational or orderly operation of the University community, its mission, or its objectives determined by a reasonable person; any off campus conduct that, in light of all of the facts and circumstances, would endanger the health and safety of the University community. As a result, any individual found to have committed these acts against another is subject to appropriate discipline. Role of Supervisor: Those in supervisory positions have a special responsibility to discourage prohibited conduct as well as to implement and enforce this policy.
- 3.2 Discrimination.
  - 3.2.1 “Discrimination” is conduct that is based upon an individual’s race, color, national origin, ancestry, age, physical or mental disability, marital or family status, pregnancy, veteran status, service in the uniformed services (as defined in state and federal law), religion, creed, sex, sexual orientation, genetic information, gender identity, or gender expression and excludes an individual from participation, denies the individual the benefits of, treats the individual differently or otherwise adversely affects a term or condition of an individual’s employment, education, living environment or participation in a University program or activity. This includes failing to provide reasonable accommodation, consistent with state and federal law, to persons with disabilities. It does not, however, include programs or activities specifically exempt by law. *See, e.g.*, 20 U.S.C. § 1681(a) (2015).
- 3.3 Harassment and Sexual Harassment.

- 3.3.1 “Harassment” is conduct that creates a hostile environment, as defined below, and is based upon an individual’s race, color, national origin, ancestry, age, physical or mental disability, marital or family status, pregnancy, veteran status, service in the uniformed services (as defined in state and federal law), religion, creed, sex, sexual orientation, genetic information, gender identity, or gender expression. Harassment may take various forms, including, but not limited to, name-calling, graphic or written statements (including the use of social media, text messages, e- mail, or other similar forms), or other conduct that may be physically threatening, harmful, or humiliating. Harassment does not necessarily have to include intent to harm, be directed at a specific target, or involve repeated incidents.
- 3.3.2 “Hostile Environment” means a situation where an individual is subjected to any conduct based on the reasons set forth in Section 3.3.1 and that conduct is sufficiently severe or pervasive, or so objectively offensive, so as to unreasonably interfere with an individual’s educational experience, work or academic performance or deny or limit the individual’s ability to participate in or benefit from the University’s programs, services, opportunities, or activities.

A hostile environment can be created by anyone involved in a University program or activity (e.g., administrators, faculty members, students, and even campus guests). Mere offensiveness is not enough to create a hostile environment. Although repeated incidents increase the likelihood that harassment has created a hostile environment, a serious incident, even if isolated, can be sufficient to create a hostile environment.

In determining whether harassment has created a hostile environment, consideration will be made not only as to whether the conduct was unwelcome to the person who feels harassed, but also whether a reasonable person in a similar situation would have perceived the conduct as sufficiently severe or pervasive, or objectively offensive. Also, the following factors will be considered:

- 3.3.2.1 The degree to which the conduct affected one or more students’ education or individual’s employment;
  - 3.3.2.2 The nature, scope, frequency, duration, and location of incident or incidents;
  - 3.3.2.3 The identity, number, and relationships of persons involved; and
  - 3.3.2.4 The nature of higher education.
- 3.3.3 In addition to hostile environment harassment, sex-based harassment includes sexual harassment and non-sexual harassment based on stereotypical notions of what is female/feminine versus male/masculine or a failure to conform to those gender stereotypes.
- 3.3.4 “Sexual Harassment” is a form of discrimination that includes verbal, written, or physical behavior of a sexual nature, directed at someone, or against a particular group, because of that person’s or group’s sex, or based on gender stereotypes, when that behavior is unwelcome and meets either of the following criteria:

3.3.4.1 Submission or consent to the behavior is reasonably believed to carry consequences for the individual's education, employment, on-campus living environment, or participation in a University activity. Examples of this type of Sexual Harassment include:

3.3.4.1.1 pressuring an individual to engage in sexual behavior for some educational or employment benefits, or

3.3.4.1.2 making a real or perceived threat that rejecting sexual behavior will carry a negative consequence for the student.

3.3.4.2 The behavior has the purpose or effect of substantially interfering with the individual's work or educational performance by creating an intimidating, hostile, or demeaning environment for employment, education, on-campus living, or participation in a University activity. Examples of this type of sexual harassment can include:

3.3.4.2.1 persistent unwelcome efforts to develop a romantic or sexual relationship;

3.3.4.2.2 unwelcome sexual advances or requests for sexual favors;

3.3.4.2.3 unwelcome commentary about an individual's body or sexual activities;

3.3.4.2.4 repeated and unwelcome sexually-oriented teasing, joking, or flirting;  
and

3.3.4.2.5 verbal abuse of a sexual nature.

Comments or communications may be verbal, written, or electronic. Behavior does not need to be directed at or to a specific individual in order to constitute sexual harassment, but may consist of generalized unwelcome and inappropriate comments based on sex or gender stereotypes.

Determination of whether alleged conduct constitutes sexual harassment requires consideration of all the circumstances, including the context in which the alleged incidents occurred.

#### 3.4 Sexual Misconduct.

3.4.1 "Sexual Misconduct" is defined as any act of a sexual nature perpetrated against an individual without effective consent or when an individual is unable to freely give consent. Effective consent is defined in Part IV of this Policy. Sexual misconduct includes, but is not limited to:

3.4.1.1 Attempted or completed intercourse or penetration (anal, oral or vaginal), however slight, with any body part or any object, by a man or a woman upon a man or a woman, without effective Consent. This includes vaginal penetration by a penis, object, tongue or finger; anal penetration by a penis, object, tongue or finger; and oral copulation (mouth to genital contact or genital to mouth contact).

- 3.4.1.2 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. Sexual touching includes any contact with the breasts, buttocks, groin, or genitals, or touching another with any of these body parts, or making another touch you or themselves with or on any of these body parts, when such touching would be reasonably and objectively offensive.
- 3.4.2 “Sexual Assault” means sexual intercourse or sexual contact that occurs without Consent. Sexual Assault also means an offense that meets the definition of rape, fondling, incest or statutory rape as used in the FBI’s UCR program.
- 3.4.3 “Sexual Contact” means any (1) intentional touching, either directly, through clothing, or with an object, of the breasts, buttocks, anus or any part of the sex organs of another person; or (2) intentional touching of any part of another person’s body by the actor’s sex organs.
- 3.4.4 “Sexual Intercourse” is defined as anal, oral, or vaginal penetration, however slight, by an inanimate object or another’s body part, including, but not limited to a penis, tongue, or finger.
- 3.4.5 “Sexual Intimidation” is defined as threatening to commit a sexual act upon another person, stalking, cyber-stalking, or engaging in indecent exposure
- 3.4.6 “Consent” or “Effective Consent” is defined as is informed, freely and actively given, mutually understandable words or actions, which indicate a willingness to participate in mutually agreed upon sexual activity. In the absence of mutually understandable words or actions it is the responsibility of the initiator, that is, the person who wants to engage in the specific sexual activity, to make sure that they have consent from their partner(s). Consent is mutually understandable when a reasonable person would consider the words or actions of the parties to have manifested a mutually understandable agreement between them to do the same act, in the same way, at the same time, with each other. Relying solely upon non-verbal communication can lead to miscommunication. It is important not to make assumptions. If confusion or ambiguity on the issue of consent arises anytime during the sexual interaction, the initiator should stop and verbally clarify the other individual’s willingness to continue.
- 3.4.6.1 Consent may not be inferred from silence, passivity or lack of active resistance alone.
- 3.4.6.2 A current or previous dating or sexual relationship (or the existence of such a relationship with anyone else) may not, in itself, be taken to imply consent.
- 3.4.6.3 Consent cannot be implied by attire, or inferred from the buying of dinner or the spending of money on a date.
- 3.4.6.4 Consent to one type of sexual act may not, in itself, be taken to imply consent to another type of sexual act.

- 3.4.6.5 Consent expires. Consent lasts for a reasonable time, depending on the circumstances.
- 3.4.6.6 Consent to sexual activity may be withdrawn at any time, as long as the withdrawal is communicated clearly; upon clear communication, all sexual activity must cease.
- 3.4.6.7 Consent which is obtained through the use of fraud or force, whether that force is physical force, threats, intimidation, or coercion, is ineffective consent. Intimidation or coercion is determined by reference to the reasonable perception of a person found in the same or similar circumstances.
- 3.4.6.8 Consent may never be given by:
  - 3.4.6.8.1 Minors
  - 3.4.6.8.2 Mentally disabled persons
  - 3.4.6.8.3 Persons who are incapacitated as a result of alcohol or other drugs or who are unconscious or otherwise physically helpless. Incapacitation means being in a state where a person lacks the capacity to appreciate the nature of given consent to participate in sexual activity.
- 3.4.6.9 One may not engage in sexual activity with another whom one knows, or should reasonably have known, is incapacitated as a result of alcohol or other drugs.
- 3.4.6.10 The use of alcohol or other drugs can have unintended consequences. Alcohol or other drugs can lower inhibitions and create an atmosphere of confusion over whether consent is freely and effectively given. The perspective of a reasonable person will be the basis for determining whether one should have known about the impact of the use of alcohol or drugs on another's ability to give consent. Being intoxicated or high does not diminish one's responsibility to obtain consent and is never an excuse for sexual misconduct.
- 3.4.7 "Forcible Compulsion" means (a) physical force that overcomes such earnest resistance as might reasonably be expected under the circumstances; or (b) threat or intimidation, expressed or implied, placing a person in fear of immediate death or bodily injury to himself or herself or another person or in fear that he or she or another person will be kidnapped; or (c) fear by a person under sixteen years of age caused by intimidation, expressed or implied, by another person who is at least four years older than the victim.
- 3.4.8 "Sexual Exploitation", defined as taking non-consensual, unjust or abusive sexual advantage of another, for one's own advantage or benefit; or to benefit or advantage anyone other than the one being exploited. Sexual exploitation encompasses a wide range of behaviors which may include, but are not limited to:
  - 3.4.6.1 Inducing incapacitation with the intent to rape or sexually assault a student or other individual;

- 3.4.6.2 Non-consensual video or audio-recording of sexual activity;
- 3.4.6.3 Allowing others to observe a personal act of consensual sex without knowledge or consent of the partner;
- 3.4.6.4 Engaging in Peeping Tommerly (voyeurism);
- 3.4.6.5 Knowingly transmitting a sexually transmitted disease, including HIV, to a student or other individual;
- 3.4.6.6 Prostituting a student or other individual (e.g.-personally gaining money, privilege, or power from the sexual activities of another individual)

### 3.5 Domestic Misconduct.

3.5.1 “Domestic Misconduct” means “Domestic Violence” and “Dating Violence” as defined below.

3.5.2 “Domestic Violence” means a felony or misdemeanor crime of violence committed by a current or former spouse or intimate partner of the alleged victim, by a person with whom the alleged victim shares a child in common, by a person who is cohabitating with or who has cohabitated with the alleged victim as a spouse, by a person similarly situated to a spouse of the alleged victim under the domestic or family laws of the State of West Virginia, 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 West Virginia. “Domestic Violence” under the laws of the State of West Virginia, which is also prohibited by this Policy, means: (i) unlawfully and intentionally making physical contact of an insulting or provoking nature with one’s family or household member(s); (ii) unlawfully and intentionally causing physical harm to one’s family or household member(s); (iii) unlawfully attempting to commit a violent injury against one’s family or household member(s); or (iv) unlawfully committing an act which places one’s family or household member(s) in reasonable apprehension of immediately receiving a violent injury.

3.5.2.1 For purposes of this subsection, “family or household members” means persons who: (1) are or were married to each other; (2) are or were living together as spouses; (3) are or were sexual or intimate partners; (4) are or were dating; provided, that a casual acquaintance or ordinary fraternization between persons in a business or social context does not establish a dating relationship; (5) are or were residing together in the same household; (6) have a child in common regardless of whether they have ever married or lived together; (7) have the relationships described in W. Va. Code § 48-27-204.

3.5.3 “Dating Violence” means violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim and where the existence of such a relationship shall be determined based on a consideration of the following factors: the length of the relationship; the type of relationship; and the frequency of interaction between the persons involved in the relationship. The view of the Complainant shall generally be controlling in determining whether such a relationship existed. Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse. Dating violence, for purposes of this Policy, does not include emotional abuse.

3.6 “Stalking” means engaging in a course of conduct directed at a specific person that would cause a reasonable person to (i) fear for his or her safety or the safety of others; or (ii) suffer substantial emotional distress. One engages in an impermissible course of conduct under this definition if one engages in two or more acts that include, but are not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person in a way prohibited as described above, or interferes with a person’s property. A “reasonable person”, for purposes of this definition, means a reasonable person under similar circumstances and with similar identities to the victim. “Substantial emotional distress”, for purposes of this definition, means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

### 3.7 Consequences & Corrective Action.

Violators of this Policy are subject to appropriate disciplinary action that may include sanctions such as warning, suspension, or discharge of an employee, suspension or expulsion of a student in accord with the Student Code of Conduct, or other action depending on the particular circumstances. In addition, prohibited conduct that constitutes a criminal law violation will be referred to the appropriate authorities for prosecution.

Furthermore, although conduct may not violate this Policy, it may still be prohibited by the University under a different policy or standard of behavior. Accordingly, in such cases, the University reserves the ability to take any necessary action.

### 3.8 Consensual Relationships.

Although consensual relationships are within the purview of individual privacy, those engaging in such relationships that occur between persons in inherently unequal and closely related positions at the University or employees within the same reporting line, including those between supervisors and supervisees, must remain aware that such relationships could lead to circumstances that result in harassment or sexual or domestic misconduct.

In these specific cases of consensual relationships, the individuals shall notify their immediate supervisor or other appropriate administrator. The supervisor or administrator shall be responsible for making arrangements to eliminate or to mitigate any conflict of interest or other legitimate occupational interest related to employment, the consequences of which might prove detrimental to the University or to either party in the relationship. In some instances, if no suitable way to eliminate or mitigate the conflict is reasonably feasible, one or both individuals may be separated from employment at the University.

It is important to note that these types of consensual relationships also may result in a hostile or offensive environment affecting other employees or students. For example, others may perceive a person involved in the consensual relationship as receiving favorable treatment in employment or educational decisions and actions.

### 3.9 Teacher-Student Relationships.

A faculty member or instructor is prohibited from engaging in consensual relationship with a student whom the faculty member or instructor evaluates, supervises, instructs, or advises.

Where there is a pre-existing consensual relationship, the faculty member or instructor shall notify his or her immediate supervisor or other appropriate administrator. The supervisor or other appropriate administrator shall be responsible for making arrangements to eliminate or to mitigate any conflict, the consequences of which might prove detrimental to the University or to either party in the relationship.

#### **Section 4: Reports of Misconduct and Complaints.**

##### **4.1 Coordinator.**

The President or the President's designee shall appoint an administrator to act as the University's Coordinator to handle all reports of prohibited conduct and complaints under this Policy, including acting as the University's Title IX Coordinator. The Coordinator will oversee all complaints filed under this Policy generally and identify and address any patterns or systemic problems that arise during the review of such complaints. The Coordinator is further responsible for coordination of training, education, communications, and administration of complaint procedures for faculty, staff, students, and other members of the University community. The Coordinator may also appoint deputy coordinators to assist the University in furthering this policy.

##### **4.2 Reporting.**

Any member of the University community who believes he or she has been subject to any of the prohibited conduct set forth in Section 3, or he or she has witnessed or is aware of such prohibited conduct, is encouraged to report this information.

##### **4.2.1 All Responsible Employees must report incidents of prohibited conduct to the University's Title IX Coordinator at:**

Title IX Coordinator  
Equity Programs  
Old Main 206  
One John Marshall Drive  
Huntington, WV 25755  
Phone: 304-696-2597 | Fax: 304-696-6844  
Email: [titleIX@marshall.edu](mailto:titleIX@marshall.edu)  
<http://www.marshall.edu/eoaa/>

##### **4.2.2 "Responsible Employees" are those employees in a leadership or supervisory position, or who have significant responsibility for the welfare of students or employees. The term includes Deputy Title IX Coordinators; University Police Officers; senior staff members in Housing and Residence Life, Student Affairs and Athletics; senior administrators in each of the University's campuses and colleges; resident assistants; faculty; and athletic**

team coaches and their staff.

- 4.2.3 Confidential resources are available for members of the University community who have been subject to prohibited conduct. Specifically, individuals may contact:

**Marshall University Counseling Center**  
1<sup>st</sup> Floor Prichard Hall, One John Marshall Drive  
Huntington, WV 25755  
Phone: 304 696-3111

**Marshall University Women's Center**  
143 Prichard Hall, One John Marshall Drive  
Huntington, WV 25755  
Phone: 304 696-3112  
Email: wcenter@marshall.edu

**CONTACT Rape Crisis Center**  
P.O. Box 2963  
Huntington, WV 25728-2963  
Office Phone: 304 523-3447  
24-hour crisis hotline: (304) 304-399-1111  
(Serving: Cabell, Wayne, Lincoln and Mason Counties)

**REACH Family Counseling Connection**  
Phone: (304) 292-5100  
(Serving: Kanawha, Jackson, and Putnam Counties)

**Cabell Huntington Hospital**  
Emergency Department  
304-526-2200  
[http://cabellhuntington.org/services/emergency-trauma/?mi=1\\_10116](http://cabellhuntington.org/services/emergency-trauma/?mi=1_10116)

**St. Mary's Medical Center**  
Emergency Services  
304-526-1111  
<https://www.st-marys.org/centers-services/emergency-services/>

**Charleston Area Medical Center (CAMC) – General**  
304-388-7498  
<http://www.camc.org/generaler>

For a more detailed list of confidential resources available to members of the University community, please see:

Marshall University Counseling Center Staff  
Marshall University Women's Center Staff

## Marshall University Psychology Clinic Staff

### 4.3 Filing a Complaint.

Any member of the University community who believes he or she has been subject to, has witnessed, or is aware of any of the prohibited conduct set forth in Section 3 may file a complaint in any manner set forth in the applicable procedure.

### 4.4 Procedure for Responding to Complaints.

The President or the President's designee(s) shall formulate a complaint procedure to investigate and respond to all complaints regarding alleged misconduct in violation of this Policy. In all cases, complaints will be handled in such a manner so as to achieve a prompt and equitable resolution. Further, the University will take the appropriate steps to end the misconduct, prevent any further misconduct or retaliation, remedy the effects of misconduct, and eliminate any hostile environment that has been created.

If a student has been accused of prohibited conduct, the complaint will be handled pursuant to Marshall University Board of Governors Policy No. GA-16, which can be found at

<http://www.marshall.edu/board/board-of-governors-policies/>

If an employee has been accused of prohibited conduct, the complaint will be handled pursuant to the Office of Equity Programs complaint procedure, which can be found here:

<http://www.marshall.edu/eeoaa/complaint-procedure/>

Any investigation resulting from a complaint will be separate from and in addition to any criminal investigation that may result.

### 4.5 Disclosure and Confidentiality.

The University respects the privacy of those reporting prohibited conduct and will endeavor to respect requests for confidentiality to the extent permissible by law.

However, the University has certain legal obligations to address this conduct and to prevent its recurrence and, as a result, cannot guarantee confidentiality to a complainant in all cases. In determining whether, an individual's request for confidentiality that could preclude a meaningful investigation or potential discipline of the alleged perpetrator, the University may consider a range of factors, including: whether there have been other sexual violence complaints about the same alleged perpetrator; whether the alleged perpetrator has a history of arrests or records from a prior school indicating a history of violence; whether the alleged perpetrator threatened further sexual violence or other violence against the complainant or others; whether the sexual violence was committed by multiple perpetrators; whether the complainant's report or allegation reveals a pattern of perpetration (e.g., via illicit use of drugs or alcohol) at a given location or by a particular group; whether the sexual violence was perpetrated with a weapon; the age of the complainant subject to the sexual violence; and whether the University possesses

other means to obtain relevant evidence (e.g., security cameras or personnel, physical evidence).

That said, as set forth in Section 4.2.3., there are places where a victim can receive confidential services and the complaint procedure must identify clearly additional resources, if any, where a victim can go to receive such services without having to risk confidentiality.

#### 4.6 Dishonest or Frivolous Complaints.

If a party is found to have intentionally or maliciously been dishonest, reckless, or frivolous in making allegations of a violation under this Policy, that party shall be subject to appropriate disciplinary action.

### **Section 5: Retaliation Prohibited.**

- 5.1 No individual may retaliate against any Reporter or Complainant, any person that assists a Complainant in the filing of a complaint of prohibited conduct, or a witness. Complaints of retaliation for such activities will be treated the same way as other complaints under this policy.
- 5.2 “Retaliate” means to take an adverse action against an individual or subject an individual to conduct that has the purpose or effect of unreasonably interfering with that individual’s educational experience, work or academic performance, or creates an educational experience or academic or work environment that a reasonable person would find intimidating or hostile because of something that individual did to further this Policy, including but not limited to filing a complaint or being a witness in or supporter of or against a complaint. This includes interfering with the reporting of or the investigation of prohibited behavior, such as tampering with or destroying relevant evidence; intimidating, threatening or attempting to influence, in any way, the testimony or information of a Reporter, Complainant, or witness.