

# Sexual Harassment Policy

## 1. Policy

The college prohibits any form of sexual harassment involving its employees in the employment relationships or involving any college employee and a student of the college in the college relationship, whether it is in the form of a college employee sexually harassing a college employee or student or a student sexually harassing a student or an employee. The college has a firm belief and has established a policy that all employees are entitled to work and all students are entitled to learn in an environment free of discrimination or intimidation based on an intimate, amorous relationship. Any act, comment, or behavior that is of a sexually suggestive or harassing nature and that in any way interferes with an employee's or a student's performance or creates an intimidating, hostile, or offensive environment is strictly prohibited.

## 2. Definition of Sexual Harassment

The Equal Employment Opportunity Commission defines sexual harassment as "unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature." Examples of such behavior include the following:

- a. Verbal harassment - Making sexual comments about a person's body, telling sexual jokes or stories, spreading rumors about a co-worker's sex life, or asking or telling about sexual fantasies, preferences, or history.
- b. Non-verbal harassment - Giving unwanted personal gifts, following a person, staring at a person's body, or displaying sexually suggestive materials such as pornographic photos.
- c. Physical harassment - Brushing up against or touching another person suggestively or touching oneself in a sexual manner in front of another person.

Such behavior constitutes sexual harassment when:

- a. Submission to such conduct is a term or condition of employment.
- b. Submission to such conduct becomes a basis for employment-related decisions.
- c. Such conduct unreasonably interferes with a student's academic performance or an employee's job performance or creates a hostile or intimidating environment

## 3. Consensual Relationships

The college's educational mission is promoted by professionalism in the following relationships: student-faculty, faculty-supervisor, student-supervisor, and employee-supervisor.

Professionalism is fostered by an atmosphere of mutual trust and respect. Actions of college employees that harm this atmosphere undermine professionalism and hinder fulfillment of the college's educational mission. Trust and respect are diminished when those in positions of

authority abuse, or appear to abuse, their power. Those who abuse, or appear to abuse, their power in such a context violate their duty to the college community.

#### **4. Investigation Procedures**

##### **a. Informal Complaint**

1. Any complaint relating to sexual harassment should be referred to the vice president of student development and technology services. (Note: If said party is directly involved, the complainant should be referred to the vice president of operations and finance.)
2. The vice president of student development and technology services counsels the complainant as to the options available under this policy and at the complainant's request, may help the complainant resolve the complaint informally and/or help the complainant draft a formal complaint if the complainant decides to pursue that option.
3. The vice president of student development and technology services does not inform the accused of the complainant's action without the consent of the complainant.

##### **b. Formal Complaint**

1. If the complaint cannot be resolved informally, the complainant may ask the vice president of student development and technology services to assist him/her in drafting a statement of grievance relating to violation of the sexual harassment policy.
2. An investigation is conducted by appropriate personnel to establish whether there is a reasonable basis for believing that the alleged violation of this policy has occurred. In conducting the investigation, the appropriate administrator(s) may interview the complainant, the accused, and the other persons believed to have pertinent factual knowledge. The investigation involves as small a group as possible to ensure confidentiality of all information. The investigation affords the accused a full opportunity to respond to the allegations.
3. Possible outcomes of the investigation are a determination by the aforementioned administrator(s) and the vice president of student development and technology services that the allegations are not warranted or that there is a reasonable basis for believing the alleged violation of this policy has occurred, resulting in sanctions of either warning for a first offense or termination of employment for a repeated violation of the policy.

##### **c. Sanctions**

Disciplinary measures up to and including dismissal are taken if necessary.

##### **d. Appeal Procedures**

An employee or student who disagrees with the results and/or sanctions of the investigation may request a hearing with the President. The request must be submitted in writing within five calendar days after receipt of the investigation results. After the hearing with the President is requested, the President has ten calendar days from the date of the written appeal to conduct a hearing and to render a decision. The decision of the President is final.

##### **e. Protection of Complainant and Others**

1. Investigations of complaints are initiated only with the complainant's consent. The complainant is informed fully of steps taken during the investigation.
  2. All reasonable actions are taken to assure that the complainant and those testifying on behalf of the complainant or supporting the complainant in other ways do not suffer any retaliation as the result of their involvement in the process.
- f. Protection of the Accused
1. At the time the investigation commences, the accused is informed of the allegations, the identity of the complainant, and the facts surrounding the allegations.
  2. In the event the allegations are not substantiated, all reasonable steps are taken to restore the reputation of the accused if it were damaged by the proceedings.
- g. Protecting Both Parties
1. To the extent possible, the proceedings are conducted in a manner that protects the confidentiality interests of both parties.
  2. After the investigation, the parties are informed of the facts developed in the course of the investigation.
  3. The parties are informed promptly about the outcomes of the proceedings.

## **5. Employee - Specific**

### **a. Responsibility**

Supervisors are responsible for ensuring that the institution's sexual harassment policy is followed and for maintaining an environment free of harassment.

### **b. Consensual Relationships**

No college employee will have an intimate, amorous relationship (consensual or otherwise) with an employee that he/she supervises directly or who is under the supervisor's chain of command. Intimate, amorous relationships between employees outside the supervisory relationship may lead to difficulties but are not prohibited.

## **6. Student - Specific**

### **a. Rationale**

Faculty/staff supervisors exercise power over students, whether in giving them praise or criticism, evaluating them, making recommendations for their further studies or their future employment, or conferring any other benefits on them. Intimate, amorous relationships between faculty members or staff supervisors and students are wrong when the faculty member has professional responsibility for the student. Such situations greatly increase the chances that the faculty member will abuse his/her power and sexually exploit the student. Voluntary consent by the student in such a relationship is suspect, given the fundamentally asymmetric nature of the relationship. Moreover, other students and faculty/staff supervisors may be affected by such unprofessional behavior because it places the faculty member/staff supervisor in a position to favor or advance one student's interest at the expense of others and implicitly makes obtaining benefits contingent on amorous or sexual favors. Therefore, the college views it as unethical if faculty members/staff supervisors engage in intimate, amorous relations with students enrolled in their classes or subject to their supervision, even when both parties appear to have consented to the relationship. The college does not tolerate the involvement of faculty members/staff supervisors in such intimate, amorous relationships.

### **b. Consensual Relationships in the Instructional/Supervisory Context**

No faculty member/staff supervisor will have an intimate, amorous relationship (consensual or otherwise) with a student who is enrolled in a course being taught by the

faculty member or whose work is being supervised by the faculty member or other staff supervisor.

c. Consensual Relationships Outside the Instructional/Supervisory Context

Intimate, amorous relationships between faculty members/staff supervisors and students occurring outside the instructional context may lead to difficulties. Particularly when the faculty member and the student are in the same academic unit or in units that are academically allied, relationships that the parties view as consensual may appear to others to be exploitative. Furthermore, in such situations (and others that cannot be anticipated), the faculty member/staff supervisor may face serious conflicts of interest and should be careful to distance himself/herself from any decisions that may reward or penalize the student with whom the faculty member/staff supervisor currently has or has had in the past an amorous relationship. The college strongly discourages these relationships.