

## A. Harassment, Sexual Harassment and Violence

The College prohibits harassment against anyone (including any employee or student) based on the individual's race, color, gender, national origin, religion, disability, age, veteran or marital status, or sexual orientation, or based on those aspects in an individual's relatives, friends or associates. Harassment means threats, intimidation or hostile acts. Harassment also includes threats of violence against any individual or property of any individual. It is not the intent of this policy to inhibit the peaceful, free expression of ideas, which is an essential mission of the College.

Harassing an employee or student will lead to disciplinary action. In the case of employees, such discipline may include termination. In the case of students, such discipline may include expulsion.

### 1. Sexual Harassment

The College prohibits any person, including employees, invitees, and students, from making unwelcome sexual advances, or requests for sexual favors, or any other unwelcome verbal or physical conduct of a sexual nature where such advances, requests or conduct have the purpose or effect of: (1) unreasonably interfering with an individual's work or academic performance or creating an intimidating, hostile or offensive work or educational environment; or (2) when it is obvious or implied that submission to such conduct is a condition of an individual's employment or academic evaluation or will be used for the basis of any employment or academic decision (all such conduct is described in this policy as "Sexual Harassment").

The College does not tolerate Sexual Harassment in any form. No employee, invitee, or student should be subjected to unsolicited and unwelcome sexual overtures or behavior. No employee, invitee or student should be lead to believe that any employment or academic opportunity or benefit will in any way depend on his or her cooperation with sexual demands or submission to an offensive sexual environment.

Members of the College community, whether faculty members or administrative staff, put academic and professional trust and ethics at risk when they engage in amorous romantic/sexual relationships with people whose academic and/or professional benefits and opportunities are, or appear to be, subject to their authority, supervision, or influence. Accordingly, the College prohibits such relationships, as well as any attempt to initiate or engage in such

relationships. Any faculty member or administrator who engages in, or attempts to engage in, an amorous relationship with a student or subordinate shall report any such relationship or attempt to the EEO Officer.

Sexual harassment of an employee or student will lead to disciplinary action. In the case of employees, such discipline may include termination. In the case of students, such discipline may include expulsion.

Courts and administrative agencies generally draw a distinction between "*quid pro quo*" and "hostile environment" sexual harassment.

- a. *Quid pro quo* sexual harassment occurs when submission to, or rejection of, unwelcome sexual conduct is used as a basis for academic, educational, or employment decisions affecting an individual. *Quid pro quo* sexual harassment is perpetrated by someone who is in a position of authority over the victim. Such harassment can occur between members of the opposite or same sexes. The law does not require the victim of sexual harassment to expressly notify the perpetrator that the conduct is unwelcome. Nor does the law require that the perpetrator explicitly or deliberately base a decision on submission to or rejection of the conduct. Circumstantial evidence linking sexual conduct with an adverse or favorable employment or educational decision may justify a finding of *quid pro quo* sexual harassment by a jury, court, or administrative tribunal. Examples of *quid pro quo* sexual harassment include, but are not limited to:
  1. direct propositions of a sexual nature that expressly or by implication link employment, work status, promotion, wage increases, course or program status, grades, letters of recommendation, or other tangible employment or educational actions to submission to sexual advances;
  2. direct or implied promises or threats linking employment, work status, promotion, wage increases, course or program status, grades, letters of recommendation, or other tangible employment or educational actions to submission to sexual advances.
- b. Hostile environment sexual harassment is unwelcome conduct, generally, although not necessarily, of a sexual nature, that insults, demeans, ridicules or evinces hostility toward a person because of his or her gender, and that is

sufficiently severe or pervasive that it alters the conditions of employment or education and creates an environment that a reasonable person would find hostile, intimidating, or offensive. In determining whether conduct has created an impermissibly hostile environment, all of the relevant circumstances must be considered. These circumstances include, but are not limited to, the severity and frequency of the conduct, its context, and whether it is physically threatening, or humiliating.

Hostile environment sexual harassment can be perpetrated by students, faculty, staff, or administrators, and by some third parties authorized to use the college facilities, such as contract employees and service and repair personnel.

Hostile environment sexual harassment can occur between peers (co-workers and fellow students) and between members of the opposite or same sexes. The conduct must offend the victim, but it does not have to be offensive to everyone. Conduct that offends the victim but would not offend a reasonable person in his or her position does not constitute hostile environment sexual harassment. The test is whether, considering all of the circumstances, the conduct would offend a reasonable person in the victim's position. As with quid pro quo sexual harassment, a finding of hostile environment sexual harassment may be justified even if the perpetrator did not intend to offend the victim.

The following subparagraphs describe some, but not all, kinds of conduct that can constitute sexual harassment if they are sufficiently severe or pervasive to alter the conditions of employment or education and create an environment that a reasonable person would find hostile, intimidating, or offensive:

1. sexual assault (nonconsensual physical contact of a sexual nature);

Note: Sexual assaults are also criminal acts. All sexual assaults should be reported to the local law enforcement agency with jurisdiction over the crime.

2. direct propositions of a sexual nature;
3. conduct which is offensive or humiliating in nature that includes, but is not limited to:
  - a. sexually explicit comments, statements,

- questions, jokes or anecdotes;
- b. comments, statements, questions, jokes anecdotes, or innuendoes with sexual connotations;
- c. display of sexually explicit materials in the workplace or classroom or their use in the classroom without a defensible academic purpose;
- d. unnecessary touching, patting, hugging, or brushing against a person's body;
- e. remarks about sexual activity or speculation about sexual experiences;
- f. "wolf whistling," obscene sounds, or obscene gestures;
- g. non-sexual physical or verbal conduct which insults, demeans, ridicules or otherwise evinces hostility toward a person because her or his sex. Examples include, but are not limited to, hazing, pranks, horseplay, and ridicule.

## 2. Violence

The College has zero tolerance for violence. Any employee or student who is violent or who threatens to be violent in the College, whether toward any employee, invitee, student, or member of the public, will be subject to discipline. In the case of employees, such discipline may include termination. In the case of students, such discipline may include expulsion. All such conduct shall be reported to appropriate law enforcement authorities.

## 3. Reporting Harassment, Sexual Harassment or Violence

Employees and students have an important responsibility in the effective implementation of the College policies against harassment, sexual harassment and violence. Any employee or student who believes that he or she has been subjected to harassment or sexual harassment, or who has witnessed anyone else connected with the College experience or commit such conduct, should promptly report such conduct to the appropriate office.

The College will promptly investigate a complaint or report of harassment, sexual harassment or violence made in accordance with this subsection A.3. The College will make reasonable efforts to preserve the confidentiality of everyone involved with any harassment, sexual harassment or violence complaint and

investigation. The College will protect complaining employees, students and witnesses against retaliation for making a harassment, sexual harassment or violence complaint or report pursuant to this subsection A.3. This policy shall not be used to bring frivolous or malicious charges. Disciplinary action may be taken under the appropriate College policy against any person bringing a charge of harassment, sexual harassment or violence in bad faith.

4. The President shall formulate a policy for the reporting, investigation and disposition of complaints of harassment, sexual harassment, and violence, for inclusion in this Handbook. 

