

SEXUAL AND OTHER UNLAWFUL HARASSMENT

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The Board will not tolerate unlawful harassment of employees or students including harassment of an individual because of that person’s race, color, age, religion, gender, sexual orientation, national origin, disability, veteran status, or other legally protected status. Any employee who engages in any form of unlawful harassment will be disciplined. Discipline may include, but is not limited to, transfer, demotion, suspension, or discharge. Any student who engages in any form of unlawful harassment will be disciplined. Discipline may include, but is not limited to, suspension or expulsion. The College also forbids retaliation of any type against an employee or student for reporting any type of unlawful harassment.

In addition to this Policy, sexual harassment shall be prohibited as required by Title IX of the Education Amendments Act of 1972 (and the Civil Rights Restoration Act of 1987 as applicable), which states in part: "No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance."

Prohibited Conduct

Harassment prohibited by this policy occurs when unwelcome conduct based upon an individual's age (40 or older), color, disability, gender identity, genetic information, national origin, race, religion, sex (including pregnancy), sexual orientation or veteran status is sufficiently severe or pervasive to:

For Students:

- deny or limit a student's ability to participate in or benefit from programs or activities; or
- create an intimidating, threatening or abusive educational environment.

For Employees:

- create an intimidating, hostile or offensive working environment.

A hostile environment is determined by looking at whether the conduct is objectively offensive (i.e., a reasonable person would find it to be) and subjectively offensive (i.e., the person who is the object of the conduct finds it to be offensive and unwelcome).

"Unwelcome" signifies conduct that is not requested or invited and is regarded as offensive or undesirable.

Neither the definitions nor any other provisions in this policy are intended to operate as speech codes, promote content and viewpoint discrimination or suppress minority viewpoints in the academic setting. That a student's speech or expression is deemed offensive by others does not by that fact alone mean it constitutes discrimination or harassment.

In applying these definitions, the speech or expression shall be considered in its context and totality consistent with the following standard: the alleged victim subjectively views the conduct as illegal discrimination or harassment and the conduct is objectively severe or pervasive enough that a reasonable person would agree that the conduct is discriminatory or harassing.

The College prohibits any form of sexual or other unlawful harassment involving any of its employees in the employment relationship or involving any of its students in the educational relationship. Harassment, retaliation, coercion, interference, or intimidation of an employee or student due to his or her race, color, religion, gender, sexual orientation, age, national origin, disability, or other legally protected status is strictly forbidden. Occasional compliments of a socially acceptable nature do not constitute harassment absent other compelling factors. Similarly, circumstances such as the nature of course materials, educational programs, or other educational activity will be considered before a determination is made that behavior in such a context is prohibited conduct. Furthermore, this Policy does not limit employees and students from reasonably and legally speaking to, discussing, presenting, teaching, assigning, and/or testing upon any material and subject that could be considered controversial.

Complaints by Employees

Employees, without any fear of reprisal, have the responsibility to bring any form of sexual or other unlawful harassment (whether by a co-worker, a student, or someone else encountered during the course of performing their job duties) to the attention of their supervisor or department head, so that an appropriate investigation may be begun into the circumstances of the incident and the alleged harassment. If an employee is uncomfortable with reporting the harassment to his or her supervisor or department head, the employee should go directly to the Executive Director of Human Resources or to one of the Vice Presidents. Any person who receives a report of sexual or other prohibited harassment must notify the Executive Director of Human Resources immediately.

The President shall promulgate and implement appropriate procedures that will provide employees with information as well as the means of obtaining assistance and remedy in the event of any harassment prohibited by this Policy.

Complaints by Students

Students, without any fear of reprisal, are encouraged to bring any form of sexual or other unlawful harassment (whether by another student, a staff member, or someone else encountered during the course of their education at the College) to the attention of the College's Title IX Coordinator, Confidential Advocate, or Clery Compliance Officer, so that an appropriate investigation may be begun into the circumstances of the incident and the alleged harassment.

The President shall promulgate and implement appropriate procedures that will provide students with information as well as the means of obtaining assistance and remedy in the event of any harassment prohibited by this Policy.

[Return to Table of Contents](#)