

**SEXUAL HARASSMENT POLICY  
AND GRIEVANCE PROCEDURE  
FOR STUDENT CLAIMS OF HARASSMENT  
BY A FACULTY MEMBER,  
ADMINISTRATOR, EMPLOYEE<sup>1</sup>  
GUEST OR CONTRACTOR**

*Harassment complaint of a student by a faculty member, administrator, employee, guest or contractor:*

Complaints should be submitted to the Office of the Dean of Student Services for the campus at which the alleged harassment occurred.

*Harassment complaint of a faculty member, administrator or employee by a contractor, guest, faculty member, administrator or employee:*

Complaints should be submitted to the Office of the Compliance Officer or the Human Resources Department.

#### **A. Sexual Harassment Prohibited**

The college abides by the principle that its students, faculty, staff and administrators have a right to be free from sex discrimination in the form of sexual harassment by any member of the college community. The highest standards of professional conduct pertain to all members of the college community in their dealings with one another; the relationships between and among students, faculty, administrators, and members of the staff at all levels should be governed by these standards. No member of the college community should tolerate sexual harassment from a faculty member, administrator, colleague, employee, supervisor, student or other member of the college community.

Behavior on the part of any member of the college community that inappropriately introduces any form of sexual harassment, as defined below, into a teaching, learning or working relationship, or into any other relationship arising from college activities will n(r)-1, ge ac8thep a/(S209( 1 9(ge)(ip )-181(a)4(rising) Tm[ ef69(c)a(r 1)4(a)-7ang

Sexual harassment of a student by another student or sexual harassment of a college faculty member, guest, administrator or employee by a student is governed by the Student

Sexual harassment is defined as unwelcome sexual advances, requests for sexual favors and other expressive or physical conduct of a sexual nature or conduct directed at a person because of his or her sex, including, but not limited to, when

- *submission to such conduct is explicitly or implicitly made a term or condition of employment or status in a course, program or activity, or*
- *submission to or rejection of such conduct is used as a basis for an academic or employment decision affecting the individual, or for a decision regarding an individual's status in a course, program or activity, or*
- *such conduct has the purpose or effect, when judged from the perspective of a reasonable person in the position of the complaining individual, of substantially interfering with an individual's academic or work performance, or*
- *such conduct has the purpose or effect, when judged from the perspective of a reasonable person in the position of the complaining individual, of creating an intimidating, hostile or offensive environment for working or learning.*

In determining whether sexual conduct creates an intimidating, hostile or

intimidating or offensive conduct not legitimately related to the subject matter of the course. However, a single egregious incident of harassment may be sufficient to constitute a violation of this policy; the more egregious the harassment, the less need to show a repetitive series of incidents. This is particularly so when the harassment is physical.

Examples of inappropriate conduct covered by this policy (subject to the above conditions) include, but are not limited to, the following:

- *unwanted flirtation, advances or propositions of a sexual nature;*
- *insults, humor, jokes or anecdotes that belittle or demean an individual's or a group's sex or sexuality;*
- *unwelcome comments of a sexual nature about an individual's body or clothing;*
- *unwarranted displays of sexually suggestive objects or pictures;*
- *unwelcome touching, such as patting, pinching, hugging or brushing against an individual's body;*
- *explicit or implied suggestions that submission to or rejection of sexual advances will affect decisions regarding such matters as an individual's employment, work assignments or status, salary, academic standing, grades, participation in programs or activities, athletic opportunities, receipt of financial aid, grants, leaves of absence, letters of recommendation, or other*



**D. Retaliation**

No individual shall be retaliated against in any way by a member of the college community for his or her participation in this complaint procedure. No complainant or witness shall be retaliated against in any way by a member of the college community for his or her nonparticipation in this complaint procedure. Every effort should be made to protect members of the college community so that they may use or participate in the sexual harassment complaint procedure without fear of reprisal or retaliatory action. Threats, other forms of intimidation, and retaliation against the complainant or any other individual implementing or using this policy and, thus, may be grounds for disciplinary action.

If an employee is found to have made a malicious or false statement, he or she may be subject to disciplinary action under the applicable collective bargaining agreement. If a student is found to have made a malicious or false statement, he or she may be referred to the Student Disciplinary Committee Board for appropriate action. Individuals who believe they have been retaliated against

for determining if there is sufficient cause for an investigatory hearing to be held to determine whether sexual harassment has taken place.

The Dean of Student Services shall notify the Compliance Officer and the Administrative Director of Human Resources that a complaint has been made. In addition, as documents are received or created by the Dean of Student Services during the course of the investigation, copies shall be forwarded to the Human Resources Department, where they shall be maintained in a confidential file.

**2. Timing of Complaint**

A complaint of sexual harassment must be made within one year of the most recent occurrence of alleged sexual harassment. The Dean of Student Services is authorized to waive this timeliness requirement in extenuating circumstances including but not limited to circumstances wherein the complainant was subject to duress, or otherwise coerced or threatened by the respondent from filing the complaint.

**3. Initial Discussion; Preparation of Written Complaint; Respondent's Answer**

The initial discussion between the complainant and the Dean of Student Services should be kept confidential to the extent possible. The Dean of Student Services shall attempt to informally resolve the matter through discussion with the complainant and the respondent within five (5) days<sup>3</sup> of receiving the complaint. The complainant will prepare and sign a written complaint when he or she first meets with the Dean of Students. Within his or her discretion, the Dean of Student Services shall deliver to the respondent by hand delivery or by certified mail, return receipt requested, either a copy of the written complaint or a summary prepared by him or her of the allegations contained in the complaint



The respondent shall have the right to submit a written response to the allegations, accompanied by any relevant documents or other materials he or she may wish to include (including a witness list) within five (5) days of receiving a copy of the allegations. The answer shall be either hand delivered to the Dean of Student Services or sent certified mail, return receipt requested. Within the discretion of the Dean of Student Services, the respondent may submit a written summary or a summary prepared by the Dean of Student Services of the contents of the answer.

If the complainant fails or refuses to submit a written complaint or otherwise cooperate with the investigation, or if the Dean of Student Services learns of alleged sexual harassment from a person other than the alleged victim, the Dean of Student Services shall conduct an investigation based on the information available to him or her.

Once the Dean of Student Services has completed the investigation, he or she will determine whether, based on a preponderance of the evidence, there is sufficient cause for an investigatory hearing to be held to determine whether sexual harassment has taken place. Complainant and respondent shall be promptly notified in writing (either personally delivered or sent certified mail, return receipt requested) of the determination of the Dean of Student Services. If some other form of misconduct is uncovered, the Dean of Student Services will notify complainant that the complaint has been forwarded to the proper forum.

If sufficient cause is found, then the Dean of Student Services will forward the file to the Sexual Harassment Committee for an investigatory hearing. If respondent admits to the allegations made against him or her, no investigatory hearing shall be held. Instead, the Dean of Student Services will forward the file to the Sexual Harassment Committee, which will make a recommendation to the Executive Dean as to appropriate sanctions. If no sufficient cause is found, then complainant shall have five (5) days from receipt of such notice in which to submit a written appeal of the finding to the Vice President for Student Affairs.

#### **5. Appeal of a No Sufficient Cause Determination**

Upon receipt of a written appeal of a determination of no sufficient cause, the Dean of Student Services shall forward the file to the Sexual Harassment Committee for an investigatory hearing.



extenuating circumstances, the Committee may extend this time period for up to an additional fourteen (14) days.

The hearing serves both an investigatory and an adjudicative function. Both parties shall be notified of their right to seek advice from counsel or a union representative and of their right to have their advisor present at the hearing. The power of examination and cross



**4. Appeal to the President**

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Upon completion of all stages of the Sexual Harassment Complaint Procedure, the original file and all copies will be maintained in the Human Resources Department for at least the statutorily required time. No copies of the file will be maintained in any other Office or Department.

Board of Trustees  
August 8, 2002