2.6 SEXUAL HARASSMENT

Board of Trustees Approval Date: January 21, 1999
Area of Administrative Responsibility: Office of the President

Rockland Community College is committed to providing an environment that respects and encourages the development and growth of all students, staff, and faculty. Harassment of employees or students violates an individual’s rights and is inconsistent with the College policies of equal employment and academic opportunity without regard to age, sex, sexual orientation, alienage or citizenship, religion, race, color, national or ethnic origin, disability, veteran, or marital status. Sexual harassment is illegal under Federal, State, and County Laws, and will not be tolerated by the College.

1. Definition of Sexual Harassment

Sexual harassment is defined as unwelcome sexual advances, requests for sexual favors, and other oral or written communications or physical conduct of a sexual nature when:
   a) Submission to such conduct is made either explicitly or implicitly a term or condition of an individual’s employment or academic standing; or
   b) Submission to or rejection of such conduct by an individual is used as a basis for employment or academic decision affecting such individual; or
   c) Such conduct has the purpose or effect of interfering with an individual’s work or academic performance or creating an intimidating, hostile, or abusive work or academic environment.

2. Sexual harassment refers to behavior that is not welcome, that is personally offensive, that fails to respect the rights of others, that lowers morale, or creates an intimidating, hostile, or otherwise offensive work or academic environment. This conduct includes:
   a) Unwanted physical contact including sexual flirtations, touching, advances, or propositions;
   b) Verbal harassment such as lewd comments, jokes, or offensive personal references, innuendos, sexual propositions, threats, and demeaning, insulting, intimidating, or suggestive comments about an individual’s personal appearance;
   c) Non-verbal harassment such as suggestive or insulting sounds, leering, whistling, obscene gestures, graphic commentaries, or the display in the workplace of demeaning, insulting, intimidating, or sexually suggestive objects, pictures, or photographs;
   d) Demeaning, insulting, intimidating, or sexually suggestive written, recorded, or electronically transmitted messages.

3. Sexual harassment can occur between individuals of different sexes or of the same sex.

4. Consensual relationships between a faculty member and student, or persons in supervisory-subordinated positions, are strongly discouraged. They give rise to legal concerns as well as ethical concerns. Rockland Community College strongly discourages consenting romantic or sexual relationships between members of the College community when one person has power or authority over the other. The College considers such power relationships to be improper. Where such a power differential exists, if a charge of sexual harassment is brought, the defense of mutual consent will be difficult to prove.
5. The academic or work relationship between parties extends at times beyond the physical College site and beyond College work hours. Therefore, evidence of harassment can include, but is not limited to, conduct at offsite or after-hours functions and events under the aegis of the College.

Any of the above conduct, or other offensive conduct directed at individuals because of their age, sexual orientation, alienage or citizenship, religion, race, color, or national or ethnic origin, disability, and veteran or marital status is also prohibited.

Complaint Procedure

Any member of the College community who witnesses or who has been subjected to actions or words constituting harassment is encouraged to report the situation to the Affirmative Action Officer as soon as possible. All complaints will be investigated promptly and in as impartial and confidential manner as possible. All members of the College community are required to cooperate in any investigation of a harassment complaint. A timely resolution of each complaint will be reached and communicated to the parties.

Employees and students are encouraged to notify the alleged harasser that the behavior in question is offensive and unwelcome. However, failure to do so will not preclude filing a complaint. In addition, by utilizing the College’s complaint process, the complainant does not lose the right to file a complaint with any outside enforcement agencies.

The Affirmative Action Office or designee will investigate all complaints. Every effort will be made to respect the confidentiality of all persons involved, consistent with the officer’s duty to investigate and resolve such complaints under Federal and State regulations. An attempt will be made to resolve the complaint on an informal basis. If the matter cannot be resolved on an informal basis, the complainant will be encouraged to file a formal complaint. A copy of the complaint will be provided to the person against whom the complaint is being made. The Affirmative Action Officer or designee will notify the President of the complaint and conduct a prompt and impartial investigation. The Affirmative Action Officer or designee will endeavor, whenever possible, to report the results of the investigation, including the response of the person against whom the complaint is made, to the President within 45 working days of receipt of the formal complaint. The Affirmative Action Officer will notify the parties of the action to be taken.

Any attempt at retaliation or threat of retaliation against any person exercising the right to make a formal or informal complaint, or to testify or offer evidence connected with a complaint is a violation of this policy.

Sanctions

There is a range of corrective actions and penalties available to the College for violations of this policy. Such penalties might range from oral reprimand to termination or dismissal. If a suspension or termination of an employee is contemplated, the contractual provisions of the various collective bargaining groups shall apply.