

## **SEXUAL HARASSMENT POLICY**

### **A. Policy**

The Board of Trustees of Butler County Community College shall not tolerate any behavior by an employee or student that constitutes sexual harassment. Sexual harassment is any unwelcome sexual advance, request for sexual favors, or other verbal or physical conduct of a sexual nature when:

1. Submission to such conduct is made either explicitly or implicitly a condition of an individual's employment or academic success.
2. Submission to or rejection of such conduct by an individual is used as the basis for employment or academic decisions affecting such individual.
3. Such conduct has the purpose or effect of unreasonably interfering with an individual's work or academic performance, or of creating an intimidating, hostile, or offensive work or academic environment.

The College is committed to maintaining an academic environment in which its members can freely work together, both in and out of the classroom. The College cannot thrive unless each member is accepted as an autonomous individual and is treated civilly, without regard to his or her sex or, for that matter, any other factor irrelevant to participation in the life of the College.

Every member of the College community must recognize that sexual harassment compromises the integrity of the College, its tradition of intellectual freedom, and the trust placed in its members. It is the intention of the College to take all necessary actions to prevent, correct, and, where indicated, discipline sexual harassment.

Sexual harassment by any member of the College community is prohibited. This prohibition includes peer harassment among students, staff, or faculty. Sexual harassment by a faculty member, of a student over whom he or she has authority, or by supervisors of a staff member is particularly serious. Such conduct may easily create an intimidating, hostile, or offensive environment.

Sexual harassment can take many forms. Some of these are overt and unambiguous, while others may be more subtle and indirect. Direct forms of sexual harassment include sexual assault and sexual advances accompanied by an offer of reward or threats of reprisal. Such behavior constitutes serious misconduct, and a single incident establishes grounds for complaint. Other forms of sexual harassment include sexual advances, physical or verbal, that are repeated and unwanted.

Romantic relationships that might be appropriate in other contexts may, within a College, create the appearance of an abuse of power or of undue advantage. Even when both parties have consented at the outset to a romantic involvement, such consent does not preclude a subsequent charge of sexual harassment against the instructor or supervisor. Because of its relevance to sexual harassment, the College views consensual relations in cases where one person has educational or supervisory authority over another, as unwise and inappropriate. In matters such as this, appropriate action will be taken.

### **B. Consensual Relations between Faculty or Staff and Students**

Because those who teach or interact with students are entrusted with guiding students, judging their work, giving grades for papers and courses, writing letters of recommendation, advising and supervising co-curricular experiences, faculty and staff are in a delicate relationship of trust, influence, and power. This relationship must not be jeopardized by possible doubt of intent, fairness of professional judgment, or the appearance to other students of favoritism.

One of the unstated tenets of our policy and our commitment to a climate free from sexual harassment has been the view that it is unwise and inappropriate for faculty or staff who have romantic relations with students to teach such students in a class, advise or supervise them, or

recommend them for awards, or employment. Prudence and the best interest of the students dictate that in such circumstances of romantic involvement, the students should be aided to find other instructional or supervisory arrangements. Faculty and staff should keep in mind that initial consent to a romantic relationship does not preclude a charge of sexual harassment in the future.

## **GRIEVANCE PROCEDURE**

The College is committed to be in compliance with the Pennsylvania Human Relations Act (43 P. S. §§ 951-962.2) and the Pennsylvania Fair Educational Opportunities Act (24 P.S. § § 5001-5009). Employment and educational opportunities at Butler County Community College are available to all as required by Title VI, Title VII, Title IX, Section 504 of the Rehabilitation Act, the Pennsylvania Fair Educational Opportunities Act, the Pennsylvania Human Relations Act, and all applicable laws and regulations.

Any applicant, employee, or student who has a concern or complaint regarding race, color, religious creed, ancestry, national origin, handicap or disability, age, sex, sexual orientation, or gender identity or expression, genetic information, veteran status, marital status, family status, or other classification protected by applicable law related to admission, treatment, programs, activities, employment opportunities, policies, and practices, access, and/or accommodations at Butler County Community College has the following options:

### **Discrimination, Harassment, Sexual Harassment, and Accommodation Complaint Procedure**

These procedures are to provide an avenue to promptly and fairly address issues in the most equitable manner relating to the discrimination of applicants, employees, or students with regard to race, color, religious creed, ancestry, national origin, handicap or disability, age, sex, sexual orientation, or gender identity or expression, genetic information, veteran status, marital status, family status, or other classification protected by applicable law. An applicant, employee, or student may file a complaint. An individual filing an alleged complaint is known as the Complainant. A complaint is an allegation that some type of discrimination, harassment, or sexual harassment occurred with respect to race, color, religious creed, ancestry, national origin, handicap or disability, age, sex, sexual orientation, or gender identity or expression, genetic information, veteran status, marital status, family status, or other classification protected by applicable law.

### **Discrimination, Harassment, and Sexual Harassment**

All applicants, employees, and students have the right to be protected from any form of discrimination or harassment, which is based on race, color, religious creed, ancestry, national origin, handicap or disability, age, sex, sexual orientation, or gender identity or expression, genetic information, veteran status, marital status, family status, or other classification protected by applicable law. An applicant, employee, or student has the responsibility to avoid participating in any situation that may result in such discrimination, harassment, or sexual harassment.

### **Informal Process**

Any applicant, employee, or student who believes he or she has been discriminated against, harassed, sexually harassed, or denied access or accommodation shall request a meeting with the Executive Director of Human Resources/Equal Opportunity Compliance Officer within sixty (60) College work days of the occurrence or condition giving rise to the alleged complaint. A College work day is defined as a day on which College Administrative Offices are open for normal business excluding holidays, Saturdays, and Sundays. The informal process includes providing information, counseling, advising, mediation, and possibly fact-finding in an attempt to informally remedy the alleged complaint as early as possible. Every attempt will be made to protect the privacy of all individuals involved.

### **Formal Process**

A. If the alleged complaint is not resolved through the informal process, a Complainant may, within twenty (20) College work days after the informal process concludes, file a written complaint with the Executive Director of Human Resources/Equal Opportunity Compliance Officer. The written complaint should be submitted to the Executive Director of Human Resources/Equal Opportunity Compliance Officer, Butler County Community College, 107 College Drive, Butler, PA 16002,

using the Butler County Community College Discrimination, Harassment, Sexual Harassment, and Access/Accommodation Grievance Form (Grievance Form).

- B. The Executive Director of Human Resources/Equal Opportunity Compliance Officer shall have five (5) College work days following the receipt of the written complaint to schedule a meeting to promptly discuss the alleged complaint with the Complainant. Following the meeting with the Complainant, the Executive Director of Human Resources/Equal Opportunity Compliance Officer shall have fifteen (15) College work days to investigate the allegation, discuss it with the accused individual(s) and other individuals who may be involved or can provide additional information, and submit a written response to the Grievance Form. A copy of the Grievance Form and the response shall be reviewed with the President and respective Vice President, if deemed appropriate by the President, prior to the Executive Director of Human Resources/Equal Opportunity Compliance Officer providing a disposition of the alleged complaint.
- C. The disposition of a complaint against a student shall be made in accordance with the disciplinary procedures as outlined in the Student Code of Conduct and in consultation with the Executive Director of Human Resources/Equal Opportunity Compliance Officer.
- D. The disposition of all other complaints shall be made by the Executive Director of Human Resources/Equal Opportunity Compliance Officer after conducting an internal investigation and convening meeting(s) to discuss the alleged complaint with the Complainant, the accused individual(s), other individuals who may be involved or can provide additional information, and a meeting with the President and respective Vice President, if deemed appropriate by the President, to discuss the grievance prior to providing a disposition of the complaint. The written decision of the Executive Director of Human Resources/Equal Opportunity Compliance Officer regarding the validity of the grievance and the corrective action plan, if any, shall be given to the Complainant within fifteen (15) College work days following the initial meeting with the Complainant unless an extension is necessary and mutually agreed to by the Complainant and the Executive Director of Human Resources/Equal Opportunity Compliance Officer. The decision of the Executive Director of Human Resources/Equal Opportunity Compliance Officer shall be the final decision rendered through the grievance process.
- E. Every attempt will be made to protect the privacy of all individuals involved.

#### **Time Limitation**

The filing of any complaint during the informal or formal process shall be completed within the time limits specified above. In the event additional time is necessary, the specified time limits may be extended upon mutual written agreement by both the Complainant and the Executive Director of Human Resources/Equal Opportunity Compliance Officer.

#### **Rights of the Complainant and Other Individual(s) Involved**

- A. The College will not retaliate or tolerate any retaliatory action(s) against any applicant, employee, or student for filing a harassment or discrimination complaint, or assisting, testifying, or participating in the investigation of such a complaint. Appropriate disciplinary action will be taken for violations of the anti-retaliation policy. Any suspected retaliation should be reported to the Executive Director of Human Resources/Equal Opportunity Compliance Officer, Butler County Community College by telephone at (724) 287-8711, Ext. 8353, or in writing at 107 College Drive, Butler, PA 16002.
- B. The Complainant, the accused, and any other individual(s) involved may be accompanied by a representative during the informal or formal process. Notice should be provided to the Executive Director of Human Resources/Equal Opportunity Compliance Officer in advance of any such appearance. The College reserves the right to have their attorney participate at any time during this process, if deemed necessary.

- C. A complaint may be withdrawn at any time during the informal or formal process by the Complainant.

**U. S. Office of Civil Rights**

Complaints may also be filed with the Philadelphia Office, Office of Civil Rights, U.S. Department of Education, 100 Penn Square East, Suite 515, Philadelphia, PA 19107-3323.

**Pennsylvania Human Relations Commission**

Complaints may also be filed with the Pennsylvania Human Relations Commission, Pittsburgh Regional Office, 301 Fifth Avenue, Suite 390, Piatt Place, Pittsburgh, PA 15222.

**BUTLER COUNTY COMMUNITY COLLEGE  
DISCRIMINATION, HARASSMENT, SEXUAL HARASSMENT,  
AND ACCESS/ACCOMMODATION GRIEVANCE FORM**

If you have any questions in regard to how to complete this form or acquire assistance, please contact the Executive Director of Human Resources/Equal Opportunity Compliance Officer at (724) 287-8711, Ext. 8353.

Please print and complete the following:

**Today's Date:** \_\_\_\_\_

**Complainant's Name:** \_\_\_\_\_  
Last Name First Name Initial

**Address:** \_\_\_\_\_

**City:** \_\_\_\_\_ **State:** \_\_\_\_\_ **Zip Code:** \_\_\_\_\_

**Home Telephone Number:** \_\_\_\_\_ **Cell Telephone Number:** \_\_\_\_\_

**Circle Your Relationship to BC3:** Applicant Employee Student

**If employee, list position held at BC3:** \_\_\_\_\_

**Circle Area(s) for Grievance:**

Discrimination Harassment Sexual Harassment Access/Accommodation

**Describe Specific Area of Violation** (i.e. race, color, religious creed, ancestry, national origin, handicap or disability, age, sex, sexual orientation, or gender identity or expression, genetic information, veteran status, marital status, family status, or other classification protected by applicable law, type of harassment, etc.): \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Specifics of Complaint** (describe in detail the nature of the alleged incident, including name of individual(s) responsible for the alleged incident(s) (if known), when and where the alleged incident(s) occurred, describe what occurred, provide the name(s) and contact information of any witnesses(s) (if known), and any additional information that you feel is relevant to the alleged incident.) Attach additional page(s), if necessary.

**Please describe any corrective action you would like to see taken with regard to the alleged incident.** Attach additional page(s), if necessary.

\_\_\_\_\_  
Signature of Complainant

**BUTLER COUNTY COMMUNITY COLLEGE  
DISCRIMINATION, HARASSMENT, SEXUAL HARASSMENT,  
AND ACCESS/ACCOMMODATION GRIEVANCE FORM**

To be completed by the Executive Director of Human Resources/Equal Opportunity Compliance Officer and maintained for a minimum of three (3) years.

**Name of Complainant:** \_\_\_\_\_

**Name of Equal Opportunity Compliance Officer:** \_\_\_\_\_

**Date Grievance Form Received:** \_\_\_\_\_

**Date and Time of Initial Meeting with Complainant:** \_\_\_\_\_

**Date Response Due to Complainant:** \_\_\_\_\_

**Additional Date and Time Meeting(s) are Scheduled with Complainant:** \_\_\_\_\_

\_\_\_\_\_

**Decision of the Equal Opportunity Compliance Officer provided on:** \_\_\_\_\_

**Decision regarding the Grievance:**      Action to be Taken      Denied

**Copy of Decision Attached:**                      Yes              No

**Note Nature and Date of Action Taken:** \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_  
Equal Opportunity Compliance Officer Signature

\_\_\_\_\_  
Date

Attachment