



Revision Responsibility: Vice President of Academic Affairs
Responsible Executive Office: President/CEO

Purpose:

To explain the procedure relative to the orderly resolution of complaints of sexual or racial harassment at Platt College. Fair and prompt consideration shall be given to all complaints of harassment in accordance with the procedures set forth below. These procedures may be utilized by any employee, applicant for employment or student who believes he or she has been subjected to sexual or racial harassment (See Discrimination/Harassment Complaint Form).

Policy:

I. General Statement

Sexual harassment and racial harassment have been held to constitute forms of discrimination prohibited by Title VI, Title VII of the Civil Rights Act of 1964, as amended and Title IX of the Educational Amendments of 1972.

A. Sexual Harassment

Generally, sexual harassment may be defined as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when one of the following criteria is met:

1. submission to such conduct is made either explicitly or implicitly a term or condition of the individual's employment or of the individual's status in a program, course or activity;
2. submission to or rejection of such conduct by an individual is used as a basis for employment decisions, a criterion for evaluation, or a basis for academic or other decisions affecting such individual; or

3. such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or educational experience or creating an intimidating, hostile or offensive work or educational environment.

Sexual harassment can take many forms, but most sexual harassment falls into three categories: verbal, visual, and physical. Some examples of behavior that may constitute sexual harassment are:

- Refusing to hire, promote, or grant or deny certain privileges because of acceptance or rejection of sexual advances.
- Promising a work-related benefit or a grade in return for sexual favors.
- Suggestive or inappropriate communications, e-mail, notes, letters, or other written materials displaying objects or pictures which are sexual in nature that would create hostile or offensive work or living environments.
- Sexual innuendoes, comments, and remarks about a person's clothing, body or activities.
- Suggestive or insulting sounds.
- Whistling in a suggestive manner.
- Humor and jokes about sex that denigrate men or women.
- Sexual propositions, invitations, or pressure for sexual activity.
- Use in the classroom of sexual jokes, stories, remarks or images in no way germane to the subject matter of the class.
- Implied or overt sexual threats.
- Suggestive or obscene gestures.
- Patting, pinching, and other inappropriate touching.
- Unnecessary touching or brushing against the body.
- Attempted or actual kissing or fondling.
- Coerced sexual intercourse.
- Sexual assault.

The examples listed above are not exclusive, but simply represent types of conduct that may constitute sexual harassment. College policies may delineate additional examples.

Not every act that might be offensive to an individual or a group will be considered harassment. Whether the alleged conduct constitutes sexual harassment depends upon the record as a whole and the totality of the circumstances, such as the nature of sexual advances in the context within which

the alleged incident occurs. Harassment does not include verbal expressions or written material that is relevant and appropriately related to course subject matter or curriculum.

Please note that sexual assaults may be criminal acts and as such, investigation and processing by the criminal justice system, local police, and crisis intervention centers may supersede or occur in addition to the process developed under this policy.

B. Racial Harassment

Generally, racial harassment is defined as any person's conduct which unreasonably interferes with an employee's or student's status or performance by creating an intimidating, hostile, or offensive working or educational environment. Harassment on the basis of race, color, or national origin, includes offensive or demeaning treatment of an individual, where such treatment is based on prejudiced stereotypes of a group to which that individual may belong. It includes, but is not limited to, objectionable epithets, threatened or actual physical harm or abuse, or other intimidating or insulting conduct directed against the individual because of his/her race, color, or national origin. Title VII requires employers to take prompt action to prevent bigots from expressing their opinions in a way which abuses or offends their coworkers.

The College must take measures to periodically educate and train employees regarding conduct that could constitute a violation of this guideline. All employees, including faculty members, are expected to participate in annual education to be knowledgeable of policies and guidelines concerning harassment.

All faculty members, students and staff are subject to this guideline. Any faculty member, student or staff found to have violated this guideline by engaging in behavior constituting sexual or racial harassment will be subject to disciplinary action which may include dismissal, expulsion or termination, or other appropriate sanction.

All faculty members, students and staff, particularly management and supervisory personnel, are responsible for taking reasonable and necessary action to prevent and discourage sexual or racial harassment, and are required to promptly report conduct that could be in violation of Platt College's institutional policies and guidelines. Such reporting should occur when information concerning a complaint is received formally or informally.

All faculty and staff members are required to cooperate with investigations of alleged sexual or racial harassment. Failure to cooperate may result in disciplinary action being taken up to and including termination. Students are also required to cooperate with these investigations; failure to do so may result in disciplinary action up to and including expulsion.

Consensual Relationships

Engaging in a consensual relationship with a student over whom the faculty member has either grading, supervisory, or other evaluative authority constitutes a conflict of interest. These relationships could lead to undue favoritism or the perception of undue favoritism, abuse of power, compromised judgment or impaired objectivity. The faculty member must take steps to remove the conflict by assigning a different individual to supervise the student; resigning from the student's academic committees; or by terminating the relationship at least while the student is in his/her class. Likewise, it is a conflict of interest for a supervisor to engage in a consensual relationship with a subordinate over whom he or she has evaluative or supervisory authority. The supervisor must take action to resolve the conflict of interest by, for example, assigning another individual to supervise and/or evaluate the subordinate.

Procedures

A. General

In situations that require immediate action because of safety or other concerns, the institution may take any administrative action which is appropriate, e.g., administrative leave with pay pending the outcome of the investigation. Students may be placed on interim suspension under the appropriate circumstances pending the outcome of the investigation.

Each employee, applicant for employment and student shall be notified of the name, office, and telephone number of the Director of Financial Aid who is the designated, Title VI or Title IX officer(s) responsible for assuring compliance with this guideline, College policy, and federal law.

The Colorado Department of Education is responsible for assuring compliance with this guideline and may be contacted at <http://www.cde.state.co.us/> or 1-303-866-6600 or by contacting the EEO/AA at www.eeoc.gov or by contacting Platt College's accrediting body ACCSC at www.accsc.org/ or 1-703-247-4212

B. Filing Complaints

1. Any current student, applicant for employment or current employee who believes he or she has been subjected to harassment at Platt College or who believes that he/she has observed harassment taking place shall present the complaint to the Director of Financial Aid responsible for compliance with Title VII of the Civil Rights Act of 1964, Title VI, or Title IX of the Education Amendments of 1972. The Director of Financial Aid will notify the Vice President of Academic Affairs.
2. Complaints must be brought within fourteen (14) days of the last incident of harassment. Complaints brought after that time period will not be pursued absent extraordinary circumstances.
3. Every attempt will be made to get the Complainant to provide the complaint in writing. The complaint shall include the circumstances giving rise to the complaint, the dates of the alleged occurrences, and names of witnesses, if any. *A Discrimination/Harassment Complaint Form* must be completed and signed in order to officially file a complaint. The complaint shall be signed by the Complainant. However, when the Complainant refuses to provide or sign a written complaint, the matter will still be investigated and appropriate action taken. Complaints made anonymously or by a third party must also be investigated to the extent possible.
4. If the complaint does not rise to the level of harassment, the Vice President of Academic Affairs (who will conduct the investigation) may determine to dismiss the complaint without further investigation. The Complainant should be informed of other available processes such as the grievance or informal complaint process (See Grievance Policies 02:16:00 and 05:15:00).

C. Investigation

1. If the allegation of harassment is against the President of the institution, the Vice President of Academic Affairs will notify the Chair of the Board of Directors and he/she will assign a college investigator to avoid a conflict of interest.
2. When the Respondent is a student, the Vice President of Academic Affairs will investigate the complaint in compliance with the procedures outlined in this

guideline. If a finding of violation is made, any resulting disciplinary action will be undertaken in compliance with the College's student disciplinary procedures.

3. When a student is involved as the Complainant, the Respondent or an individual interviewed, all documentation referring to that student shall be subject to the provisions and protections of the Family Educational Records and Privacy Act (FERPA). To the extent possible, the investigation will be conducted in such a manner to protect the confidentiality of both parties. However, the Complainant, Respondent and all individuals interviewed shall be informed that the institution has an obligation to address harassment and that, in order to conduct an effective investigation, complete confidentiality cannot be guaranteed. However, information about the complaint should be shared only with those who have a need to know about it. The Complainant and Respondent shall also be informed that a request to inspect documents made pursuant to the Public Records Act may result in certain documents being released.

A Complainant may be informed that if he or she wants to speak privately and in confidence about harassment, he or she may wish to consult with a social worker, counselor, therapist or member of the clergy who is permitted, by law, to assure greater confidentiality.

Additionally, the Complainant may be given assurances that measures will be taken against the Respondent should there be retaliation against him or her. Retaliation is prohibited and should be reported to the Vice President of Academic Affairs immediately.

5. If either the Complainant or the Respondent is a student, the Vice President of Academic Affairs should communicate the prohibition against disclosure of personally identifiable information with regard to the student, based on FERPA.