POLICY CONCERNING SEXUAL HARASSMENT

Sexual harassment of a student, an employee or any other person in the College is unlawful, unacceptable, impermissible and intolerable.

Sexual harassment is a form of sex discrimination. It occurs in a variety of situations which share a common element: the inappropriate introduction of sexual activities or comments into the work or learning environment. Often, sexual harassment involves relationships of unequal power and contains elements of coercion as when compliance with requests for sexual favors becomes a criterion for granting work, study or grading benefits. However, sexual harassment may also involve relationships among equals, as when repeated sexual advances or demeaning verbal behaviors have a harmful effect on a person's ability to study or work in the academic setting.

For general purposes, sexual harassment may be described as unwelcome advances, requests for sexual favors, and other physical conduct and expressive behavior of a sexual nature when

1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or education;
2) submission to or rejection of such conduct by an individual is used as the basis for academic or employment decisions affecting that individual; or
3) such conduct has the purpose or effect of substantially interfering with an individual's academic or professional performance and creating an intimidating, hostile, or demeaning employment or educational environment.

Examples of conduct which may, depending on the circumstances, constitute sexual harassment, include:

- repeated offensive sexual flirtations, advances, or propositions
- continued or repeated verbal abuse or innuendo of a sexual nature
- uninvited physical contact such as touching, hugging, patting, or pinching
- display of sexually suggestive objects or pictures
- jokes or remarks of a sexual nature in front of people who find them offensive
- making obscene gestures or suggestions or insulting sounds
- indecent exposure
- the demand for sexual favors accompanied by an implied or overt threat concerning an individual's employment or student status or promises of preferential treatment.

In addition to sexual harassment being unlawful, it is also unlawful to retaliate against a student, employee or any other person in the College for filing a complaint of sexual harassment or for cooperating in an investigation of sexual harassment.

A student, employee or any other person in the College who is found to have engaged in sexual harassment is subject to discipline up to and including termination of employment or expulsion. All disciplinary proceedings will be conducted in accordance with applicable collective bargaining agreements and/or personnel policies.

When a student, employee or any other person in the College believes he/she has been the subject of sexual harassment, the grievance process is a mechanism for redress. A grievant may seek recourse through informal efforts or by filing a formal grievance in writing. In the latter case, a grievant may obtain an Affirmative Action Grievance Form from the College's Affirmative Action Officer. This form must be completed and returned to the Affirmative Action Officer within thirty (30) days from when the grievant knew or should have known of the alleged discriminatory action.
either case, all grievants must contact the College’s Affirmative Action Officer before proceeding under the Affirmative Action Policy’s Grievance and Hearing Procedure. If, however, the Affirmative Action Officer is the subject of the sexual harassment complaint, the grievant may report his/her complaint to the supervisor of the Affirmative Action Officer. All reasonable efforts will be made to maintain confidentiality during the grievance process.

The Massachusetts Commission Against Discrimination (MCAD) is responsible for investigating and handling complaints of sexual harassment filed in the Commonwealth. The MCAD is located at 1 Ashburton Place, Boston, MA, 02108-1518, and can be reached at 617-727-3990. At the federal level, the Equal Employment Opportunity Commission (EEOC) is charged with investigating and handling complaints of sexual harassment filed under Title VII of the 1964 Civil Rights Act and Title IX of the 1972 Educational Amendments. The EEOC is located at 1 Congress Street, Floor 10, Boston, MA, 02114, and can be reached at 617-565-3200.

In keeping with these regulations, a concerted effort will be made to protect employees, students, and others from sexual harassment as defined. The final authority and ultimate responsibility for the prevention of sexual harassment will rest with the President of each Community College. The President or his/her designee will take reasonable measures to prevent sexual harassment and will act positively to investigate alleged harassment and to effect a remedy when an allegation is determined to be valid, whether or not a formal grievance has been filed. However, the Affirmative Action Officer will have the responsibility for the overall development, administration and monitoring of all programs, policies, procedures and regulations related to sexual harassment.

The College’s policies and procedures on sexual harassment shall be distributed to all College community members. In addition to formal procedures, each College shall ensure that appropriate opportunities are available to students and employees to obtain counseling concerning their rights under the law and effective means of informally resolving grievances.

Approved by Board of Higher Education
October 23, 1996

Cape Cod Community College Contacts:

Affirmative Action Officer and Title IX Coordinator - Sexual Harassment Roseanna Pena-Warfield ext. 4315

Implemented by Board of Trustees November 4, 1996

(Related Information in the Affirmative Action Plan, Appendix A. This Policy was updated due to reorganization September 1, 2000.)
CAMPUS SEXUAL HARASSMENT - POLICY AND PROCEDURE

Sexual harassment is a form of sex discrimination and a violation of Title VII of the Civil Rights Act of 1964 and Title XI of the Educational Amendments of 1972. In May of 1984 the Massachusetts Board of Regents of Higher Education approved an Affirmative Action Plan covering the fifteen (15) Community Colleges. That plan contains a specific policy statement regarding sexual harassment which reads:

Sexual harassment of a student, an employee, or any other person in the College is unacceptable, impermissible, and intolerable.

Sexual harassment is a form of sex discrimination. It occurs in a variety of situations which share a common element: the inappropriate introduction of sexual activities or comments into the work or learning situation. Often, sexual harassment involves relationships of unequal power and contains elements of coercion - as when compliance with requests for sexual favors becomes a criterion for granting work, study, or grading benefits. However, sexual harassment may also involve relationships among equals, as when repeated sexual advances or demeaning verbal behaviors have a harmful effect on a person's ability to study or work in the academic setting.

For general purposes, sexual harassment may be described as unwelcome advances, requests for sexual favors, and other physical conduct and expressive behavior of a sexual nature when

(1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or education;
(2) submission to or rejection of such conduct by an individual is used as the basis for academic or employment decisions affecting that individual; or
(3) such conduct has the purpose or effect of substantially interfering with an individual's academic or professional performance and creating an intimidating, hostile, or demeaning employment or educational environment.

Such behavior is expressly forbidden by federal and state regulations; and recent action by the federal government has established that such behaviors are actionable under provisions of Title VII of the 1964 Civil Rights Act and the provisions of Title IX of the 1972 Educational Amendments.

In keeping with these regulations, a concerted effort will be made to protect employees, students, and others from sexual harassment as defined. The final authority and ultimate responsibility for the prevention of sexual harassment will rest with the President of each community college. The President will take all reasonable measures to prevent sexual harassment and will act positively to investigate alleged harassment and to effect remedy when an allegation is determined to be valid. However, the Director of Affirmative Action/Affirmative Officer will have the responsibility for the overall development, administration, and monitoring of all programs, policies, procedures, and regulations related to sexual harassment. Complaints about sexual harassment should be registered with the Director of Affirmative Action/Affirmative Action Officer.
The Affirmative Action Plan also outlines a grievance process which is available to any college employee who believes that he/she has been subjected to discriminatory employment practices including, e.g., sexual harassment. Of particular note is the informal process which allows the employee to discuss his/her concern with any college official who may be helpful to an informal resolution. An employee who believes that he/she has been subjected to sexual harassment may therefore utilize the informal process to discuss the problem with a college official of the same sex, if desired. A complete copy of the Affirmative Action Plan and Grievance Procedure is available for review through the College's Office of Personnel/Affirmative Action.

Students who believe they have been subject to discriminatory educational practices including, e.g., sexual harassment are asked to first seek advice through the Assistant Dean of Student Support Services or another appropriate college official. Reference may also be made to the College's Student Grievance Procedure.