

PROCEDURE 2.20.0: STUDENT & EMPLOYEE HARASSMENT & SEXUAL HARASSMENT

Definitions

College representative

The college president, or other holder of any executive office on the administrative staff of the college and any member of the college faculty, including but not limited to a dean, department chair, professor, associate professor, assistant professor and a full- or part-time instructor or visiting professor, including a graduate assistant or other student employed on a temporary basis of less than full time as a teacher or instructor of any course or program of academic, business or vocational instruction offered by or through the college.

College personnel

College employees who don't meet the definition of "college representative" set forth above, volunteers, contractors or persons subject to the supervision and control of the college.

Third party

Persons who don't meet the definition of college representative or college personnel and who are participating in, observing or otherwise engaged in activities, including sporting events and other extracurricular activities, under the auspices of the college.

Prohibition of student and employee harassment

No Sandburg representative, personnel or third party may harass or intimidate a student. Harassing conduct includes verbal, physical or visual conduct that is sufficiently severe and pervasive to affect the student's tangible benefits of an educational program or activity, unreasonably interferes with a student's educational performance or learning opportunities, or creates an intimidating, hostile or offensive educational environment, and affects the employee's tangible job benefits, interferes unreasonably with an individual's work performance or creates an intimidating, hostile or offensive working environment. Such harassment may include jokes about another person's protected status, or kidding, teasing or practical jokes directed at a person based on their protected status.

Prohibition of student and employee sexual harassment

Students

HARASSMENT OF STUDENTS PROHIBITED

No college representative, college personnel or third party will harass or intimidate a student based upon a student's sex, color, race, religion, creed, ancestry, national origin, physical or mental disability, sexual orientation or other protected group status. Harassing conduct is conduct whether verbal, physical or visual, which is sufficiently severe and pervasive that it

affects tangible benefits of an educational program or activity, that unreasonably interferes with a student's educational performance or learning opportunities, or that creates an intimidating, hostile or offensive educational environment.

SEXUAL HARASSMENT OF STUDENTS PROHIBITED

The college prohibits sexual harassment of students. Sexual harassment includes any unwelcome sexual advances or requests for sexual favors made by a college representative to a student, or any conduct of a sexual nature exhibited by a college representative toward a student, when such conduct has the purpose of substantially interfering with the student's educational performance or creating an intimidating, hostile or offensive educational environment; or when the college representative either explicitly or implicitly makes the student's submission to such conduct a term or condition of, or uses the student's submission to or rejection of such conduct as a basis for determining:

1. Whether the student will be admitted to the college
2. The educational performance required or expected of the student
3. The attendance or assignment requirements applicable to the student
4. To what courses, fields of study or programs, including honors and graduate programs, the student will be admitted
5. What placement or course proficiency requirements are applicable to the student
6. The quality of instruction the student will receive
7. What tuition or fee requirements are applicable to the student
8. What scholarship opportunities are available to the student
9. What extracurricular teams the student will be a member of or in what extracurricular competitions the student will participate
10. Any grade the student will receive in any examination or in any course or program of instruction in which the student is enrolled
11. The progress of the student toward successful completion of or graduation from any course or program of instruction in which the student is enrolled
12. What degree, if any, the student will receive

Sexual harassment may also include circumstances in which a student, college personnel or third party engages in sexual harassment by making sexual advances, requesting sexual favors, or engaging in other verbal or physical conduct of a sexual or sex-based nature, imposed on the basis of sex toward a student that:

1. Denies or limits the provision of educational aid, benefits, services or treatment; or that makes such conduct a condition of a student's academic status
2. Has the purpose or effect of:
 - a. substantially interfering with a student's educational environment
 - b. creating an intimidating, hostile or offensive educational environment
 - c. depriving a student of educational aid, benefits, services or treatment
 - d. making submission to or rejection of such conduct the basis for academic decisions affecting a student

Sandburg prohibits sexual harassment of students, which includes any unwelcome sexual advances or requests for sexual favors made by a Sandburg representative to a student, or any conduct of a sexual nature exhibited by a college representative toward a student, when such conduct may substantially interfere with the student's educational performance or may create an intimidating, hostile or offensive educational environment; or when the college representative either explicitly or implicitly makes the student's submission to such conduct a term or condition of, or uses the student's submission to or rejection of such conduct as a basis for determining:

1. Whether the student is admitted to the Sandburg
2. The educational performance required or expected of the student
3. The attendance or assignment requirements applicable to the student
4. To what courses, fields of study or programs, including honors and graduate programs, the student is admitted
5. What placement or course proficiency requirements are applicable to the student
6. The quality of instruction the student receives
7. What tuition or fee requirements are applicable to the student
8. What scholarship opportunities are available to the student
9. What extracurricular teams the student is a member of or in what extracurricular competitions the student participates
10. Any grade the student receives in any examination or in any course or program of instruction in which the student is enrolled
11. The progress of the student toward successful completion of or graduation from any course or program of instruction in which the student is enrolled
12. What degree, if any, the student receives

Sexual harassment may also include circumstances in which a student, college personnel or third party (as defined in Policy 2.28 Prohibiting sex discrimination and harassment) engages in sexual harassment by making sexual advances, requesting sexual favors, or engaging in other verbal or physical conduct of a sexual or sex-based nature, imposed on the basis of sex toward a student that:

1. Denies or limits the provision of educational aid, benefits, services or treatment, or that makes such conduct a condition of a student's academic status
2. Has the purpose or effect of:
 - a. Substantially interfering with a student's educational environment
 - b. Creating an intimidating, hostile or offensive educational environment
 - c. Depriving a student of educational aid, benefits, services or treatment
 - d. Making submission to or rejection of such conduct the basis for academic decisions affecting a student

Employees

HARASSMENT OF EMPLOYEES IS PROHIBITED

Harassment consists of unwelcome conduct, whether verbal, physical or visual, that is based upon a person's protected status, such as sex, race, color, religion, national origin, age, disability, citizenship, marital status, veteran status, sexual orientation, or status in any group protected by applicable federal, state or local law. The college won't tolerate harassing conduct that affects tangible job benefits, interferes unreasonably with an individual's work performance, or that creates an intimidating, hostile or offensive working environment. Such harassment may include, for example, jokes about another person's protected status, or kidding, teasing or practical jokes directed at a person based on his or her protected status.

SEXUAL HARASSMENT OF EMPLOYEE IS PROHIBITED

Sexual harassment deserves additional comment. Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when:

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

Sexual harassment is conduct based on sex, whether directed towards a person of the opposite or same sex, and may include explicit sexual propositions or advances, sexual innuendo, suggestive comments, sexually oriented kidding, teasing or jokes, jokes about obscene printed or visual material or about gender specific traits, display of printed or visual material of a sexual, foul or obscene nature, foul or obscene language or gestures and physical contact such as patting, pinching, or brushing against another person's body.

The college prohibits sexual harassment of employees (as defined in Policy 2.28 Prohibiting sex discrimination and harassment), which also includes unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when:

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



Original: 8/04

Reviewed: 2/25

Revised: 2/25