



**Supporting Documents: Faculty/Staff Relations with and Sexual Harassment of Students Definitions and Guidelines**

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**Policy Category:** Administrative Services - Human Resources

**Policy Number:** 64.002

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**Definitions**

1. **Sexual Harassment** – refers to any unwanted and unwelcome sexual attention, advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature when:
  - a. Submission to such conduct is made explicitly or implicitly a term or condition of a student’s status in a course, program, or activity, or of employment by a faculty member;
  - b. Submission to or rejection of such conduct is used as a basis for decisions affecting the individual;
  - c. Such conduct has the purpose or effect of unreasonably interfering with the individual’s work, academic performance, or educational experience or creating an intimidating, hostile, or offensive environment for work or learning.

Sexual harassment can include a number of prohibited activities including, but not limited to,

- physical assault;
- subtle or overt pressure for sexual favors accompanied by implied or overt threats concerning one’s job, grades, or letters of recommendation;
- inappropriate display of sexually suggestive objects, pictures, or computer images;
- direct proposition of a sexual nature; or
- pattern of conduct that would cause discomfort or humiliate a reasonable person to whom the conduct was directed.

Examples of the latter category of sexually harassing acts include unwelcome touching, pinching, patting, or brushing against another’s body. The use of sexually abusive language including remarks about a person’s clothing, body, bodily movement, or sexual activities, are also examples of a pattern of conduct that would cause discomfort to a reasonable person. Finally, unwelcome and unwanted teasing and joking of a sexual nature can be deemed harassment based upon the totality of the circumstances.

2. **Improper Amorous or Sexual Relationship** – includes any sexual relationship, dating relationship, or romantic pursuit between a faculty member and a student or between a staff member and a student where the faculty or staff member has supervisory authority over the student. Whether the relationship is consensual or not is irrelevant to whether an improper, amorous or sexual relationship exists.

3. **Supervisory Authority** – A faculty or staff member has supervisory authority over a student if the faculty or staff member has responsibility for the teaching, evaluation, grading, supervision, advising, coaching, mentoring, or counseling of the student in the course of carrying out his/her responsibilities as a professional educator or a staff person. Supervisory authority can exist on or off campus and in curricular, co-curricular or extra-curricular activities.
4. **Faculty Member** – is any employee of the college whose duties include teaching. This includes, but is not limited to, all full-time and part-time tenured faculty, non-tenured faculty, adjunct instructors, and teaching assistants.
5. **Staff Member** – is an employee of the college who is not a faculty member.

### **Prohibited Conduct**

- A. No faculty or staff member may have an improper, amorous or sexual relationship with any student.
- B. No faculty or staff member shall engage in sexual harassment of any student.
- C. Any student, faculty member or staff employee who knowingly makes a false report of sexual harassment or an improper, amorous or sexual relationship under this policy will be subject to disciplinary action. In the case of faculty or staff members, that disciplinary action includes, but is not limited to, suspension or dismissal. In the case of a student, the false report would constitute dishonesty as discussed in the Student guide and would subject the student to the sanctions described for violation of Code I and/or Code II offenses as described in the Student Guide.
- D. No one shall suffer penalty or retaliation, including any actions that may dissuade a reasonable person from making out or supporting a charge, for reporting an improper, amorous or sexual relationship or sexual harassment that violates this policy. Any person found to have engaged in retaliatory conduct will be subject to disciplinary action.

### **Enforcement**

Any student who has knowledge of, or has been subject to, an improper, amorous or sexual relationship or sexual harassment is encouraged to report that conduct to the Dean of Student Affairs, the appropriate department head or the Human Resources department promptly. Prompt reporting is encouraged so that the College is better able to investigate the alleged conduct while memories are still fresh and remedial action is still effective. Any person receiving a complaint of conduct violating this policy is expected to promptly notify the President of that complaint.

Any faculty or staff member, who learns of an improper, amorous or sexual relationship or of sexual harassment of a student, must report that information to the Human Resources department or an appropriate department head. Failure to report as required by this policy is grounds for disciplinary action against the faculty or staff member. No person who has received a complaint of conduct violating this policy, or who otherwise knows of such conduct, should attempt to investigate or respond to that complaint on his or her own.

Upon receiving a complaint of sexual harassment, the Human Resources Director will conduct an investigation of the allegation. The investigation will permit both the complainant and the accused an opportunity to provide a description of the events at issue, as well as witnesses who might support their respective positions. The investigation will also include a review of any applicable documentation that might be relevant to the allegations. Upon concluding the investigation, the Human Resources, in

consultation with the President and others as appropriate, will determine whether any disciplinary action should be taken, and if so, what level of discipline is appropriate.

Upon receiving a report of an improper, amorous or sexual relationship, the Human Resources Director, in consultation with the President and others necessary or advisable, will determine whether acceptable alternative arrangements may be made that will remove the supervisory authority of the faculty/staff member vis-a-vis the student. The alternative arrangements should avoid negative consequences for the student. If acceptable alternative arrangements cannot be made, the improper, amorous or sexual relationship cannot continue.

The President may, if the President deems it helpful or necessary, appoint a special committee to provide advice and input regarding the administration of this policy. Each appointee to this committee shall have a minimum of five years' experience at the College and will serve at the President's pleasure.

Any faculty or staff member discipline under this Policy shall be entitled to utilize any grievance process available to him or her. This includes the grievance and arbitration procedure under the collective bargaining agreement, if applicable to the faculty or staff member, or the grievance procedure outlined in the College's Employee Handbook.

### **Academic Freedom**

Nothing in this policy is intended to limit or diminish faculty members' pursuit of legitimate academic instructional goals. If the conduct that is the basis for a complaint under this policy occurred in the course of instruction, the investigation of the complaint will take into account any appropriate, reasonable and accepted pedagogical goals of the faculty members.

Approved by the Hocking College Board of Trustees at their regular Board meeting May 26, 2009.

Cross References: Equal Employment Opportunity and Non-Discrimination