

POLICY

Sexual harassment is prohibited by Federal and State Law. Ocean County College, acting in accordance with the law, is committed to creating an environment which is responsible and supportive for all students and employees. The use of implicit or explicit sexual harassment to control, influence, or affect the performance or status of an individual, regardless of where such conduct is initiated, will not be tolerated. This applies to employee/employee, employee/student, student/employee and student/student interactions. Training will be provided to inform all members of the college community of the nature of sexual harassment, the laws which prohibit it, and the college's policy and procedure. Appropriate corrective action will be taken should any student or employee violate this policy.

DEFINITION OF SEXUAL HARASSMENT

The United States Government Equal Employment Opportunity Commission defines sexual harassment as unwelcome sexual behavior, requests for sexual favors, and other verbal or physical conduct of sexual nature when:

- 1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or status in an educational course, program, or activity; or
- 2) submission to, or rejection of, such conduct is used as a basis for employment or educational decisions affecting an individual; or
- 3) such conduct has the purpose or effect of unreasonably interfering with an individual's work or educational performance, or of creating an intimidating, hostile, or offensive working/learning environment.

Forms of sexual harassment include but are not limited to:

1. Sexist remarks or behavior
2. Sexual propositions or inappropriate behavior *e.g.*, touching, patting, caressing, kissing, sexual comments, sexual conversation, emailing or displaying sexual jokes/web links, etc. which occur without threat or punishment or promise of reward
3. Sexual propositions, behavior, and/or conversation accompanied by promised rewards or threat of punishment concerning compliance
4. Physical violence or unwanted sexual intimacy, either following or apart from sexual propositions, behavior, or conversation.

ADOPTED: December 9, 1991

Revised: June 23, 2003

PROCEDURE

Purpose: The Sexual Harassment Complaint Procedure is to provide an internal monitoring process to investigate and alleviate sexual harassment complaints of employees and students.

Confidentiality: The college has a legal responsibility to create and maintain a safe environment. All proceedings will be conducted in a manner which protects the confidentiality interests of those involved to the extent possible.

Complaint: A complaint is defined as any allegation by an employee or student that he/she has been the victim of sexual harassment. The college and each of its officers have a legal obligation to take all complaints seriously. The two methods of initiating, exploring and resolving complaints are described below. An individual may initiate the procedure at either the informal or the formal level.

Informal Procedure

1. Any individual who has questions, concerns, etc. arranges to meet with a college employee who is a member of the Sexual Harassment Response Team. The names of the response team members and their contact information are published in the College's Sexual Harassment Awareness brochure. The contact information is also available from the College Health Service, Advising and Counseling Services, Security, Human Resources, the OCC website and the Student Handbook.
2. The purpose of the meeting between any individual with concerns and the member of the Sexual Harassment Response Team is to provide guidance on both formal and informal procedures and to develop a plan for prompt resolution.
3. With written permission of the individual raising the concern and upon assessing the probability of resolving the issue, a member of the Sexual Harassment Response Team may intervene and attempt to resolve the problem informally. The Sexual Response Team member shall document all discussions and any attempts to resolve the issues.

Formal Procedure

If the complaint cannot be resolved informally to the satisfaction of the individual who raised it, or if an individual chooses to initiate the process at the formal level, the complaint shall be put in writing. This document shall include the individual's detailed version of the harassing behavior, the names of any individual who attempted to resolve the matter and any other pertinent information.

1. The written complaint and other written documentation must be forwarded to the following College officials:
 - A. Students submit complaint to the Vice President of Student Affairs.
 - B. College employees submit complaints to the Director of Human Resources.

2. A discreet investigation will be completed by the College official to whom the complaint was submitted within three weeks of receipt of the complaint, if possible. In the event that the above-mentioned individual is the subject of the complaint, an alternate, designated by the President, will conduct the investigation/appeal.
3. A written response will be forwarded to all parties involved within two weeks of completion of the investigation.
4. Within two weeks after receipt of the decision issued by the College official, either party may file exceptions to the decision with the President of the College. If exceptions are filed, the College official shall submit to the President a written record of the proceedings at the previous level and all support documentation collected through the complaint process. Within two weeks of the receipt of the exceptions, the record and the support documentation, the President will affirm, modify, or reject the decision rendered by the above mentioned College official.

Miscellaneous:

1. Meetings held under this procedure shall be conducted at a time and place which will afford a fair and reasonable opportunity for all persons entitled to be present to attend.
2. Time limits provided in this procedure may be extended by written mutual agreement of the individual bringing the complaint and the appropriate Vice President.
3. No employee or student who brings forward, in good faith, a complaint of sexual harassment or participates in the investigation of a complaint will be retaliated against. Retaliation against anyone reporting or thought to have reported sexual harassment is prohibited. Such behavior will be subject to disciplinary action.
4. If a formal complaint is filed under this procedure, the individual bringing the complaint should exhaust this procedure before filing any complaint with any union/associations or any other grievance or complaint procedure.
5. An individual whose allegations are found to be false may be subject to disciplinary action.

ADOPTED: December 17, 1991

Revised: April 30, 1996

Revised: April 25, 2000

Revised: November 21, 2000

Revised: June 24, 2003

Revised: February 14, 2007