Bergen Community College
Board of Trustees

SECTION B: PERSONNEL/HUMAN RESOURCES
BH: POLICY PROHIBITING DISCRIMINATION
BHA: POLICY PROHIBITING SEXUAL HARASSMENT

Bergen Community College is committed to providing its students and employees with an academic and work environment free from sexual harassment or discrimination. Sexual harassment in any form constitutes prohibited, unprofessional and unacceptable conduct, and is a violation of Title VII of the Civil Rights Acts of 1964 and 1990 as amended, Title IX of the Education Amendments of 1972, the New Jersey Law Against Discrimination, established case law and State policies. The policy applies to all persons: administrators, faculty, staff, students, guests, and visitors are all covered.

The College will not tolerate, condone or allow sexual harassment of any of its students or employees, by any instructional, supervisory, managerial or administrative personnel, co-workers, other students, independent contractors, vendors or others with whom the College does business. Bergen Community College will enforce this policy and expects all employees and students to be diligent in preventing, detecting and reporting any incidents of sexual harassment. Bergen Community College expects each employee and student to avoid any acts or statements that may constitute sexual harassment and to ensure that his or her conduct complies with this policy. The College will take appropriate disciplinary action when an investigation reveals that an individual has engaged in any such prohibited conduct.

For the purposes of this policy, Sexual Harassment is defined as unwelcome sexual advances or sexually explicit comments, requests for sexual favors and/or other verbal or physical conduct based on the gender of the affected individual when:

1. Submission to such conduct is made either explicitly or implicitly a term or condition of employment or academic achievement; or

2. Submission to or rejection of such conduct by an individual is used as the basis for employment or academic decisions affecting that individual; or

3. Such conduct has the purpose or effect of unreasonably interfering with an individual's work or academic performance or creating an unreasonably intimidating, hostile or offensive working or educational environment. Hostile environment sexual harassment includes, but is not limited to:

   a. Generalized gender-based remarks and behavior;
b. Inappropriate, unwanted, offensive physical or verbal sexual advances and comments;

c. Solicitation of sexual activity or other sex-linked behavior by promise of reward;

d. Coercion of sexual activity by threat of punishment; and

e. Gross sexual imposition such as touching, fondling, grabbing or assault.

An individual need not be a personal target of harassment to file a complaint. The individual instead may show that other individuals were sexually harassed and that this harassment created a hostile or intimidating work or academic environment.

Conduct under "a - e" above by any instructional, supervisory, managerial or administrative personnel, co-workers, students, independent contractors, vendors or others with whom the College does business constitutes prohibited sexual harassment when a reasonable person of the same sex as the aggrieved individual would consider it sufficiently severe or pervasive to alter the conditions of employment or education or to create an intimidating, hostile or offensive working or educational environment.

It shall be the responsibility of each administrator, support staff, faculty member, student to:

1. Ensure that the college environment is free from acts of sexual harassment by supervisors, employees, non-employees and students;

2. Make all employees and students aware of the policy against sexual harassment and of the procedure for filing complaints when sexual harassment has occurred;

3. Immediately report any incident alleging sexual harassment to the Human Resources Compliance Office.

4. Take immediate and corrective action when sexual harassment has occurred.

Employee and student complaints of sexual harassment shall be processed in accordance with the procedures outlined by the College.

Disciplinary action can range from reprimand to dismissal for employees and students.

CONSENSUAL RELATIONSHIPS
Consensual romantic and sexual relationships between supervisor and employee or between faculty and student are strongly discouraged. These relationships may be subject to concerns about the validity of consent, conflicts of interest, and unfair treatment of other students or employees. Further, such relationships can undermine the atmosphere of trust essential to the educational process and the employment relationship. A person involved in a consensual
relationship cannot have a direct responsibility for evaluating the employment or academic performance or for making decisions regarding the promotion, tenure, or compensation of the other party to the relationship.

STUDENT-ON-STUDENT HARASSMENT
Student-on-student harassment is a violation of Bergen Community College's Sexual Harassment Policy and must be reported to the Human Resources Compliance Office. Unwelcome sexual conduct by another student, student-on-student harassment, that disrupts a student's ability to learn or conduct that creates a hostile learning environment will be handled through the College's policies that address student conduct, including the Rules and Regulations found in the College Catalog, not the Complaint Process for resolving Sexual Harassment Complaints.

Section B: BH:BHA
Adopted: 10/21/86, 2/2/94
Resolution: P8
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