

BLACK HAWK COLLEGE
HARASSMENT POLICY

I. POLICY STATEMENT

Black Hawk College (“College”) is committed to fostering a positive learning and working environment. The College will not condone harassment or related retaliation of or by any employee or student. Individuals who violate this policy will be disciplined and subjected to corrective action, up to and including termination or expulsion.

The College is committed to a work environment in which all individuals are treated with respect and dignity. Each individual has the right to work in a professional atmosphere that promotes equal employment opportunities and prohibits discriminatory practices, including harassment. Therefore, Black Hawk College expects that all relationships among employees or students will be free of bias, prejudice and harassment.

II. SCOPE

This policy applies to all faculty, students, staff and vendors while on College campuses or worksites and while participating in College-sponsored activities located off-campus.

III. PROHIBITED CONDUCT

Sexual Harassment, Discriminatory Harassment, Retaliation, Reprisals, False Claims

A. SEXUAL HARASSMENT

For the purposes of this policy, sexual harassment means unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct 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 and/or educational evaluation; (2) submission to or rejection of such conduct by an individual is used or may be used as the basis for tangible employment or educational decisions affecting such individual; or (3) such conduct has the purpose or effect of unreasonably interfering with an individual’s work or academic performance or creating an intimidating, hostile, or offensive working or educational environment.

Hostile environment sexual harassment is unwelcome sexual conduct that is sufficiently severe or pervasive that it alters the conditions of education or employment and creates an environment that a reasonable person would find intimidating, hostile, uncomfortable, or inappropriate. The determination of whether an environment is “hostile” must be based on all of the circumstances and not based on the intent of the offender. These circumstances could include the frequency of the conduct, its severity, and whether it is threatening or humiliating.

EXAMPLES OF SEXUAL HARASSMENT

Sexual harassment can range from unwelcome sexual flirtation to sexual assault. The following is a list of examples of conduct that may violate this policy:

1. physical assault;
2. direct or implied threats that submission to sexual advances will be a condition of employment, work status, promotion, grades, or letters of recommendation;
3. direct proposition of a sexual nature;
4. subtle pressure for sexual activity;
5. idle chatter of a sexual nature and graphic sexual descriptions;
6. offensive “risqué” jokes or “jesting” and “kidding” about sex or gender-specific traits;
7. comments or questions about the sensuality of a person, or his or her spouse or significant other;
8. inappropriate touching, patting, hugging, or brushing against a person’s body;
9. sexual slurs, sexual innuendos, and other comments about a person’s clothing, body, and/or sexual activities;
10. displaying objects or pictures which are sexual in nature and which may create a hostile or offensive work environment;
11. unwelcome attempts to change a professional or academic relationship into a personal one;
12. telephone calls of a sexual nature, by an employee or student to an employee’s or student’s residence;
13. derogatory comments of a sexual nature.

Note: This list is not an exhaustive list.

B. OTHER FORMS OF DISCRIMINATORY HARASSMENT

Harassment on the basis of any other protected characteristic is also strictly prohibited. Under this policy, harassment is verbal or physical conduct that shows hostility or aversion toward an individual because of his/her race, color, religion, gender, sexual orientation, national origin, age, disability, marital status, citizenship or any other characteristic protected by law or that of his/her relatives, friends or associates and that: (a) has the purpose or effect of creating an intimidating, hostile, or offensive work or educational environment; (b) has the purpose or effect of unreasonably interfering with an individual’s work or educational performance; or (c) otherwise adversely affects an individual’s employment or educational opportunities.

Harassing conduct includes, but is not limited to: epithets, slurs or negative stereotyping; threatening, intimidating or hostile acts; offensive jokes; and written or graphic material that shows hostility or aversion toward an individual or group

and that is placed on walls or elsewhere on the College's premises or circulated at the College.

The following is a list of examples of conduct that may violate this policy:

- Criticizing or belittling another's form of religious worship
- Continued proselytizing severe and pervasive enough to interfere with another's academic life
- Jokes expressing religiously offensive ideas
- Repeated or severe religious ridicule or insult
- Ethnic slurs
- Offensive conduct directed towards an individual's birth country, ethnicity, culture, or foreign accent
- Treating another less favorably because that individual either belongs to a particular ethnic group or, alternatively, because that individual does NOT belong to a particular group
- Repeated comments, slurs, or insults regarding one's skin color, hair texture, or facial features
- Coercing participation or non-participation in a religious ceremony or practice
- Offensive jokes directed at any of the protected characteristics
- Written or graphic materials that show hostility or an aversion toward an individual or group based on any protected characteristic and that is circulated or otherwise shared on the College campus
- E-mails containing derogatory jokes, slurs, or comments that are offensive or demeaning to any of the protected characteristics
- Threatening, intimidating, or hostile acts toward another due to a protected characteristic

While there is no bright-line test, relevant factors in evaluating whether harassment rises to the level of creating a hostile environment may include any of the following:

- Whether the conduct was physically threatening or intimidating;
- How frequently the conduct was repeated;
- Whether the conduct was hostile and/or blatantly offensive;
- The context in which the harassment occurred; and
- The relationship between the accused and the accuser.

Note: This list is not an exhaustive list.

C. RETALIATION

For the purposes of this Policy, retaliation means adverse actions against individuals because they have, in good faith, reported instances of harassment or provided information in support of a harassment complaint. Retaliation is not only against this Policy; it is illegal as well. A person engaging in retaliatory conduct will be subject to corrective action, up to and including termination or expulsion.

D. REPRISAL AGAINST AN ALLEGED HARASSER

It is against this Policy to take into account the filing of a complaint against an individual when making such determinations as reappointment, tenure, promotion, grades, merit, or any other evaluation unless a final determination has been made that the individual did in fact violate this Policy. The fact that a complaint has been filed is not proof of the prohibited conduct and should not be treated as such.

E. FALSE CLAIMS

Allegations of harassment are extremely damaging by their very nature. All claims of harassment must be made in good faith. Any claims that are brought while knowingly false, with malicious intent, or out of retaliation are a violation of this Policy. Individuals who violate this Policy will be disciplined and subjected to corrective action, up to and including termination or expulsion.

IV. CONSENSUAL RELATIONSHIPS

A sexual or romantic relationship between an employee and a student or between two employees creates a conflict of interest when one of the individuals has direct evaluative authority over the other. Voluntary consent to a relationship of this nature is inherently suspect given the dynamics of the relationship. Therefore, it is a violation of this policy for a faculty member to have a sexual or romantic relationship with a student enrolled in a course being taught by the faculty member or whose work that faculty member supervises. In addition, it is a violation of this policy for an employee to have a sexual or romantic relationship with another employee over whom he or she has direct supervision or evaluative responsibilities.

Relationships of this nature can affect other students, faculty and staff because it places the employee in a position to favor or advance one student's or employee's interest at the expense of the others. This relationship may also send an implicit message that obtaining benefits is contingent on a sexual or romantic relationship.

If a supervisory or faculty-student relationship exists between husband and wife or those in a pre-existing romantic relationship, the faculty member or supervisor must notify his or her supervisor so that appropriate arrangements can be made.

V. IMPLEMENTATION

The Affirmative Action/Equal Employment Opportunity Officer (AA/EEO) is responsible for overseeing the implementation of the Harassment Policy. The AA/EEO is responsible for the harassment training of all College faculty and staff and shall keep a record of the names and dates of the individuals who have attended the training. The AA/EEO oversees all harassment complaints and ensures proper procedures are followed in each case. When there is a conflict of interest, the AA/EEO is unavailable, or the AA/EEO is a party to the complaint, the Director of Human Resources will take over the role of the AA/EEO.

Records of all complaints are maintained by the AA/EEO. The AA/EEO tracks the report and confirmed incident rate for statistical purposes. Annually, a report will be given to the College President summarizing the data. These records will be held in confidence.

VI. PRACTICAL STEPS

A. STOP HARASSMENT BEFORE IT STARTS

Pay attention to the people around you. Think about what impact what you say or do will have on those in your work/learning environment. Some behaviors that are socially acceptable in some situations are not appropriate at school or work. Notice whether what you say or do makes others around you uncomfortable. Don't assume that everyone around you enjoys hearing comments about their appearance, sexually-oriented jokes, or being touched, stared at, or propositioned. Do not assume what you might find to be a welcome sexual invitation will be viewed as such by your peer. No matter what, when you are asked to discontinue a behavior, stop it immediately. Do not instruct others to "put up with" or "deal with" it. Most importantly, read this policy thoroughly. If you have any questions, contact the AA/EEO to discuss the Policy. By simply respecting those who surround us in our work and academic environment, we can avoid offensive situations.

B. YOU BELIEVE YOU HAVE BEEN HARASSED – WHAT NEXT?

You have some choices with regard to how you can handle the situation. You can take steps to address the situation yourself or seek College intervention. You are encouraged to discuss your options with the AA/EEO.

C. WHAT YOU CAN DO

There are some actions you can take to address the offensive behavior immediately and on your own. Sometimes, simply letting the individual know how you feel will stop any offensive behavior. The following are steps you may take to address the offensive behavior:

1. Say "NO" to your harasser. Let the individual know unequivocally that the behavior is unwelcome. Be direct, this is not the time to worry about embarrassing your harasser.
2. It would be helpful if you keep a record. You are encouraged to keep a detailed record describing the offensive behavior and be sure to include the names of any witnesses. Record the place, date, time, and any action you took in response to the offensive behavior.

While you are encouraged to address the situation immediately upon its occurrence, **you are not required to handle it on your own.**

D. REPORTING REQUIREMENTS

If you think you are the victim of harassment you may file either an informal or formal complaint. The informal complaint procedure attempts to resolve the situation informally with a meeting between the complainant, the alleged harasser, and the AA/EEO. If there is no resolution through the informal complaint procedure or you choose that you want to proceed under the formal procedure, you may then file a request for a formal hearing before the Advisory Committee on Harassment. The informal complaint procedure may be skipped if the AA/EEO determines it would be inappropriate or unproductive in the situation.

Supervisors and faculty members are required to report any offensive conduct they experience, witness, or become aware of, to the AA/EEO. This applies even if the harassment is taking place in another department or the harasser is someone outside the College. It is also necessary to report alleged harassment even if the employee or student never actually complained or didn't file a complaint.

Allegations of harassment are taken seriously. All reports will be handled promptly and in a manner appropriate to the circumstances of each individual case. If harassment is found to have occurred, immediate and appropriate action will be taken to stop the harassment and deter its recurrence.

VII. COMPLAINT

A. INFORMAL COMPLAINT

An informal complaint is made with the AA/EEO and must be made within three hundred (300) days of the alleged incident or incidents. If there is a conflict of interest, the AA/EEO is unavailable, or the AA/EEO is a party to the complaint, the complaint may be made with the Director of Human Resources.

When an informal complaint is made, the following will occur:

1. The complainant will be requested to put the informal complaint in writing.
2. The AA/EEO will discuss the situation with the complainant and answer any questions.
3. The AA/EEO will notify the alleged harasser that an informal complaint has been filed against him/her and will give him/her a copy of the Harassment Policy and the allegations to review.
4. The AA/EEO will meet with the complainant and the alleged harasser, separately.
5. The AA/EEO will speak to any witnesses named by the complainant or alleged harasser that the AA/EEO deems necessary and appropriate.
6. The AA/EEO will determine whether or not the complaint has merit. If the complaint is without merit, the procedure ends. A complaint is without merit when under no circumstances could the

alleged conduct be a violation of Black Hawk College policy. However, finding a complaint has merit does not mean a formal determination has been made that the alleged conduct occurred or violates Black Hawk College policy. It is merely a procedural determination.

7. If a complaint has merit, the AA/EEO will hold an informal meeting with both parties present; or if it is determined that an informal meeting would be futile, the complainant, the alleged harasser, or the AA/EEO will have the right to file a request for a formal hearing.
8. If a resolution between the parties is agreed upon, it will be put in writing and signed by both parties. A copy of this agreement will be kept in the AA/EEO's records.

When someone other than the alleged victim first notifies the AA/EEO of possible inappropriate behavior, the AA/EEO will first contact the alleged victim and discuss the report. The AA/EEO will ask the alleged victim if he or she would like to make a formal complaint and, if so, begin the informal complaint process. The alleged victim will then become the complainant. If the alleged victim chooses not to make a complaint, the AA/EEO will still investigate the original complaint. If the AA/EEO finds the complaint has merit, the AA/EEO will become the complainant and the formal hearing process will begin, pursuant to Section XI.

NOTE: A resolution agreement between the parties does not constitute a formal finding of harassment by the College. However, the agreement may be used against alleged harasser at subsequent hearings when relevant.

B. FORMAL HEARING REQUEST

Anyone who believes that he or she is the victim of harassment may file a request for a formal hearing before the Advisory Committee on Harassment.

A formal hearing request is filed with the AA/EEO. A request must be filed within 300 days of the alleged incident or incidents. This time period will be counted during the pendency of a timely filed informal complaint. If there is a conflict of interest, the AA/EEO is unavailable, or the AA/EEO is a party to the complaint the request may be made with the Director of Human Resources.

Upon the timely filing of a request for a formal hearing, the College will initiate a formal investigation followed by a formal hearing to determine whether harassment has occurred and impose appropriate disciplinary sanctions.

C. ADVISORY COMMITTEE ON HARASSMENT

Formal hearings are brought before the Advisory Committee on Harassment. The Committee is comprised of five (5) members. Included on the Committee are two

(2) administrators selected by the President and three (3) union or support staff members selected by the Director of Human Resources. A minimum of two union members from each unit and two support staff (selected by the Director of Human Resources) and two administrators (selected by the President) will receive training regarding their role as an Advisory Committee member. Members selected will sit on the Committee on a three-year basis; forced removal is for good cause only. Upon the vacancy of any position, a new member will be chosen from the respective representative pool by the Director of Human Resources or the President. Though all members will be trained, only five members will be selected for a hearing as needed. Whenever a member has a conflict of interest or even the appearance of a conflict, that member shall not sit for the hearing creating that conflict.

D. FORMAL COMPLAINT PROCEDURE:

1. The AA/EEO will notify the alleged harasser that a request for a formal hearing has been filed. A copy of the Harassment Policy will be given to the alleged harasser to review, unless already received during an informal complaint process, and the allegations to review.
2. The AA/EEO will conduct a thorough investigation into the allegation. During the investigation procedure the AA/EEO shall:
 - a. review the records of both the complainant and the alleged harasser to determine if there are similar or previously filed complaints;
 - b. thoroughly ascertain all facts in connection with the alleged incident, beginning by meeting separately with the complainant and the alleged harasser;
 - c. interview any witnesses;
 - d. determine the type, duration, and frequency of the conduct; and
 - e. ascertain the identity of and the relationship between the complainant and the alleged harasser.
3. The AA/EEO will prepare a report of the investigation findings and simultaneously submit a copy of the final report to the alleged harasser, the complainant, and the Advisory Committee on Harassment.
4. Upon receipt of the investigation report the Committee will schedule a hearing date and time.
5. The AA/EEO will notify the alleged harasser and the complainant of the scheduled hearing date, time, and place.

6. The hearing is held. The following guidelines are intended to assure the fairness of the hearing process:
 - a. Both parties shall attend the hearing
 - b. Neither party may be compelled to testify
 - c. The alleged harasser is entitled to have legal counsel present.
 - d. Both parties have a right to present evidence and call a reasonable number of witnesses. The Committee will determine what is considered reasonable. Witnesses may only be present when testifying.
 - e. A witness may not testify about the misconduct of a party other than to speak of the conduct at issue.
 - f. Both parties have a right to question all witnesses. However, harassment of a witness will not be tolerated.
 - g. The Committee will use a general relevance standard to determine what testimony or evidence will be permitted at the hearing.
7. The Committee will take into account, among other factors, the nature of the harassment, the gravity of the harassment, the frequency of the conduct, and any related past conduct of the alleged harasser.
8. Recommendation of the Committee. The Committee will determine whether the conduct alleged did occur and whether that conduct violates College policy. It may recommend that either the complaint be dismissed as unfounded or appropriate corrective action be taken. However, the final decision for action shall rest with the President or with the Board, if required by an applicable contract provision or Illinois State Statute or if the President is the alleged harasser.
9. The Committee shall submit a written report to the AA/EEO listing the findings of the panel and recommendations to the President regarding disciplinary sanctions.
10. The complainant and the alleged harasser shall each receive a copy of the Committee's report from the AA/EEO.
11. As applicable, the AA/EEO will send a copy of the report to the supervisor of the harasser. It will be the responsibility of that individual, in conjunction with the Director of Human Resources, to implement the remedial action.

NOTE: It is recommended that both parties attend the hearing to protect their interests. Failure to appear will not be weighed against an individual; however, the Committee bases its recommendation on the AA/EEO's report and the testimony it receives. Failure

to appear denies an individual the ability to rebut statements made by the adverse party or any witnesses.

VIII. APPEALS

The complainant or the alleged harasser, if dissatisfied with the corrective action determined by the President, can request the decision be appealed through the grievance process, or applicable contract provision, if available.

If the complainant remains dissatisfied with the actions taken by the College, he or she is invited to contact either the Illinois Department of Human Rights or the Equal Employment Opportunity Commission.

Illinois Department of Human Rights
State of Illinois Building, Suite 10-100
Chicago, IL 60601
Telephone: (312) 814-3337

Illinois Department of Human Rights
222 South College Street, Room 101A
Springfield, IL 62704
Telephone: (217) 785-5100

Equal Employment Opportunity Commission
500 W. Madison, 28th Floor
Chicago, IL 60661
Telephone: (312) 353-2713

IX. ACADEMIC FREEDOM

The College strongly supports the principles of academic freedom. Academic freedom includes the right to present controversial subjects and/or ideas that are germane to the course objectives. The College's Harassment Policy is not intended to interfere with the principles or policy of academic freedom at the College. Discrimination and harassment prohibited by this policy are neither legally protected nor the proper exercise of academic freedom. The American Association of University Professors advises that intimidation and harassment are inconsistent with the maintenance of academic freedom on campus. This statement is no less germane if one is being made unwelcome because of sex, rather than unwelcome because of race, religion or other protected classification.

Because the boundaries of academic freedom are not definite, views vary depending on the circumstances at issue. Any individual who raises academic freedom as a defense to a complaint may produce witnesses knowledgeable in the area of the protected characteristic and academic discipline and/or related field.

X. DEFINITIONS

AFFIRMATIVE ACTION/EQUAL EMPLOYMENT OPPORTUNITY OFFICER (AA/EEO) – The AA/EEO is responsible for overseeing all harassment complaints. The AA/EEO is available to answer any questions you have relating to this policy and to receive any comments or suggestions regarding this policy.

XI. LEGAL RECOURSE

This policy is more restrictive than federal and state harassment laws; however, there may be times when the offensive behavior violates not only this policy, but also federal or state law. An alleged victim who wishes to seek additional relief beyond that available at the College may file a complaint with a state or federal agency at any time.

XII. COMPLAINT FILED BY THE AA/EEO

The AA/EEO may file a complaint against an individual if, based on the number or seriousness of complaints filed against the individual, the AA/EEO has reason to believe that the individual has engaged in harassment. In this situation, the AA/EEO will act as the complainant and the Director of Human Resources and/or the appropriate Vice President will fill the role of the AA/EEO.

XIII. CONFIDENTIALITY

The AA/EEO and all other individuals involved in the implementation of this policy will attempt to maintain the privacy and confidentiality of the complainant, the alleged harasser, and the participants in the investigation to the extent reasonably possible.

XIV. COUNSELING AND SUPPORT

Harassment can leave an individual with feelings of anger, guilt, shame, confusion, depression, or embarrassment, among other feelings. Stopping the harassment won't necessarily make those feelings go away. Those emotions can be hard to handle and may affect your work or academic life. It is important that you recognize any feelings you may have arising from harassment. To help resolve those feelings you are encouraged to seek assistance from a counselor, psychologist, or psychiatrist. Counseling services for students are available at the Black Hawk College Counseling Department, located in Building 1, 6600 34th Ave., Moline, IL or Building A, 26230 Black Hawk Road, Galva, IL. Employees may utilize the College's Employee Assistance Program by contacting Precedence EAP at (309) 779-2273 or (800) 383-7900.

XIV. CONTACT DEPARTMENT AND PHONE NUMBER

Manager of Training and AA/EEO:	Jo Johnson	796-5005
Director of Human Resources:	Karen Boyd	796-5225

Black Hawk College Counseling Departments:

Quad-Cities Campus	East Campus
6600 34th Avenue	26230 Black Hawk Road
Moline, IL 61265	Galva, IL 61434-9476
(309) 796-5100	(309) 854-1711
800-334-1311, Ext. 5100	800-233-5671, Ext.1711