

## **Bard College Harassment Policies**

### **To report incidences of harassment**

Report sexual or other unlawful harassment in the workplace to your manager.

If your manager is unavailable or you believe it would be inappropriate to contact that person, you should immediately contact:

Director of Human Resources, Fiona Smarrito ext. 7245 or [smarrito@bard.edu](mailto:smarrito@bard.edu)

Reports specifically involving students, or of any kind may be made to the College's:

Title IX Coordinator, Tamara Stafford, ext. 7542 or [titleix@bard.edu](mailto:titleix@bard.edu)

In addition,

An off campus representative is also available through the SEXUAL HARRASSMENT HOTLINE at 1-888-323-4198. Representatives will provide information or investigate your complaint promptly.

## Sexual and Other Unlawful Harassment

Bard College is committed to providing a work environment that is free from all forms of discrimination and conduct that can be considered harassing, coercive, or disruptive, including sexual harassment. Actions, words, jokes, or comments based on an individual's sex, race, color, national origin, age, religion, disability, sexual orientation, or any other legally protected characteristic will not be tolerated.

Sexual harassment is defined as unwanted sexual advances, or visual, verbal, or physical conduct of a sexual nature. This definition includes many forms of offensive behavior and includes gender-based harassment of a person of the same sex as the harasser. The following is a partial list of sexual harassment examples:

- Unwanted sexual advances.
- Offering employment benefits in exchange for sexual favors.
- Making or threatening reprisals after a negative response to sexual advances.
- Visual conduct that includes leering, making sexual gestures, or displaying of sexually suggestive objects or pictures, cartoons or posters.
- Verbal conduct that includes making or using derogatory comments, epithets, slurs, or jokes.
- Verbal sexual advances or propositions.
- Verbal abuse of sexual nature, graphic verbal commentaries about an individual's body, sexually degrading words used to describe and individual, or suggestive or obscene letters, notes, or invitations.
- Physical conduct that includes touching, assaulting, or impeding or blocking movements.

Unwelcome sexual advances (either verbal or physical), requests for sexual favors, and other verbal, visual 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 the conduct is used as a basis for making employment decisions; or, (3) the conduct has the purpose or effect of interfering with work performance or creating an intimidating, hostile, or offensive work environment.

If you experience or witness sexual or other unlawful harassment in the workplace, report it immediately to your manager. If the manager is unavailable or you believe it would be inappropriate to contact that person, you should immediately contact the Human Resources Department at ext. 7245. You can raise concerns and make reports without fear of reprisal or retaliation. An off campus representative is also available through the SEXUAL HARRASSMENT HOTLINE at 1-888-323-4198. Representatives will provide information or investigate your complaint promptly.

All allegations of sexual harassment will be quickly and discreetly investigated. To the extent possible, your confidentiality and that of any witnesses and the alleged harasser will be protected against unnecessary disclosure. When the investigation is completed, you will be informed of the outcome of the investigation.

Any manager who becomes aware of possible sexual or other unlawful harassment must immediately advise the Director of Human Resources so it can be investigated in a timely and confidential manner. Anyone engaging in sexual or other unlawful harassment will be subject to disciplinary action, up to and including termination of employment.

### **Consensual Relations**

The College strongly discourages amorous or sexual relationships between faculty members and students, administrators and students, and staff members and students. Although the College recognizes that adults, including young adults, may make choices regarding personal relationships, amorous or sexual relationships between students and faculty, administrators or staff raise serious concerns about conflicts of interest, validity of consent, and preferential treatment, jeopardizing a student's educational program, as well as the learning environment for all students. These relationships may be less consensual than perceived by the individual whose position confers power. The relationship also may be viewed in different ways by each of the parties, particularly in retrospect. Furthermore, circumstances may change, and conduct that was previously welcome may become unwelcome. Even when both parties have consented at the outset to a romantic or sexual involvement, this past consent may not remove grounds for a later charge of a violation of applicable sections of the faculty/staff handbooks.

Faculty and staff engaged in such relationships should be sensible to the constant possibility that they may be placed unexpectedly in a position of responsibility for the student's instruction or evaluation. Individuals who hold positions of power put both themselves and the College at risk when they engage in such relationships. Risks may include loss of professional standing with colleagues and students, allegations and charges of sexual harassment, disciplinary action by the College, and legal liability. A faculty member, administrator or staff member who is involved in an amorous or sexual relationship with any student must make the relationship known to his or her divisional chair, dean or supervisor and must cooperate fully in making alternative arrangements for the supervision, evaluation, teaching, grading or advising of the student and/or assist in making such arrangements for the future. Failure to do so can result in disciplinary action ranging from verbal warning to dismissal.

### **Workplace Violence**

Workplace violence are acts or threats of physical violence, including intimidation, harassment, and/or coercion, that involve or affect the college or that occur on any of Bard College properties. This prohibition against threats and acts of violence applies to all persons involved in college operations, including, but not limited to, Bard College personnel, casual workers, temporary employees, and anyone else on Bard College property or conducting college business off college property. Violations of this policy, by any individual, may lead to disciplinary and/or legal action as appropriate including, without limitation, termination of employment.

This policy is intended to bring Bard College into compliance with existing legal provisions requiring employers to provide a safe workplace; it is not intended to create any obligations beyond those required by existing law.

Workplace violence is any intentional conduct that is sufficiently severe, offensive, or intimidating to cause an individual to reasonably fear for his or her personal safety or the safety of his or her family, friends, and/or property such that employment conditions are altered or a hostile, abusive, or intimidating work environment is created for one or more Bard College employees. Workplace violence may involve any threats or acts of violence occurring on college premises, regardless of the relationship between the college and the parties involved in the incident. It also includes threats or acts of violence that affect the business interests of the college or that may lead to an incident of violence on college premises. Threats or acts of violence occurring off college premises that involve employees, agents, or individuals acting as a representative of the college may also constitute workplace violence. Specific examples of conduct that may constitute threats or acts of violence under this policy include, but are not limited to, the following:

- Threats or acts of physical or aggressive contact directed toward another individual;

- Threats or acts of physical harm directed toward an individual or his/her family, friends, associates, or property;
- The intentional destruction or threat of destruction of college property or another employee's property;
- Harassing or threatening phone calls;
- Surveillance;
- Stalking;
- Veiled threats of physical harm or similar intimidation; and
- Any conduct resulting in the conviction under any criminal code provision relating to violence or threats of violence that adversely affects the college's legitimate business interests.

Workplace violence does not refer to occasional comments of a socially acceptable nature. These comments may include references to legitimate sporting activities, popular entertainment, or current events. Rather, it refers to behavior that is personally offensive, threatening, or intimidating.

Any person who engages in a threat or violent action on college property may be removed from the premises as quickly as safety permits and may be required, at the college's discretion, to remain off college premises pending the outcome of an investigation of the incident.

When threats are made or acts of violence are committed by an employee, a judgment will be made by the college as to what actions are appropriate with respect to that employee, including potential medical evaluation and/or disciplinary action up to and including discharge.

**Important Note:** Bard College will make the sole determination of whether, and to what extent, the college will act upon threats or acts of violence. In making this determination, the college may undertake a case-by-case analysis in order to ascertain whether there is a reasonable basis to believe that workplace violence has occurred. No provision of this policy alters the at-will nature of employment at Bard College.