

# HARASSMENT POLICY (PERSONAL)

## 1. Statement

Beloit College seeks to maintain the campus as a place of work and study for faculty, staff, and students that fosters an atmosphere conducive to the building of community and personal growth. Personal harassment of students or employees subverts this goal of the college and is against college policy.

## 2. Definition

Personal harassment (“Harassment”) is verbal or physical conduct, including actions motivated by bias, that denigrates or shows hostility or aversion toward an individual. Harassment may include behavior that targets an individual because of race, color, religion, sex, perceived, or actual sexual orientation, gender identity or expression, national origin, age, disability, pregnancy, marital or family status, military or veteran status, citizenship or any other characteristic protected by law. Harassment also includes any kind of nonverbal, verbal, or physical conduct involving either intimidation or promise of reward where:

- a) such conduct has the purpose or effect of substantially interfering with an individual’s academic or professional performance or creating an intimidating, hostile, or demeaning educational or employment environment; or
- b) submission to such conduct is made either explicitly or implicitly a term or condition of an individual’s employment or academic advancement; or
- c) submission to or rejection of such conduct by an individual is used as the basis for employment decisions or academic decisions affecting that individual.

While harassment may be indicated by frequent or repetitive acts, it is possible that one severe act could constitute a violation of the harassment policy. Incidents of harassment can occur whether or not the act or actions were intended to harass; the effect of the conduct will determine whether harassment occurred. The effect of the conduct in question will be evaluated from the perspective of a reasonable person in the alleged victim’s position.

Any retaliation against a person who reports alleged harassment, or against a witness or other participant in an investigation, is strictly prohibited and will be considered a violation of this policy. It is also a violation of this policy to make a false accusation of harassment or knowingly provide false information pertaining to a harassment complaint.

An administrative investigation of assault, misconduct, or harassment does not itself constitute harassment.

## 3. Reporting Options

### a. Students

Students who believe they have been the subject of harassment should notify one of the following persons: Senior Associate Dean for Student Life or one of Residence Life Coordinators.

### b. Faculty or Staff

Faculty or staff members who believe they have been the subject of harassment should notify the director of human resources.

Individuals who feel threatened or have concerns about their safety because of harassment should call campus security. If you believe you are in immediate danger, contact the police.

#### **4. Procedures**

Individuals who believe they have been harassed by another member of the college community should follow the procedures stated below.

a) Students – please see Student Handbook (available on the college website) for information on the Student Judicial System.

b) Faculty or Staff

##### **Personal Harassment Committee**

The Personal Harassment committee will consist of two elected faculty members elected by the faculty, one administrative staff member appointed by the president, and one support staff member appointed by the president; staff appointments will be based on recommendations by the dean of students, vice president for human resources and operations, and provost. These members of the committee will serve two year, staggered terms. The director of human resources will serve as an ex officio member and shall have all of the rights of a member of the committee. A chair will be selected by and from within the committee. The Vice President for Human Resources and Operations will only serve in a chair capacity for Title IX student appeals cases. In the event of a conflict of interest, a committee member must withdraw and be replaced by the first runner-up from the election or a designated alternate. An up-to-date list of committee members may be obtained from the human resources office, the provost's office, or dean of students office.

c) Informal Complaints

Current Beloit College faculty, staff or students who believe that they have been a victim of harassment by a current faculty or staff member may speak informally with the director of human resources or the vice president for human resources and operations, who will offer preliminary consultation and may draw upon other support and counseling services to assist the complainant. Once an informal complaint has been filed, the director or vice president will make a determination about whether to continue the investigation. With the consent of both parties, the director or vice president may attempt to mediate the complaint. If the complainant does not agree with the resolution of an informal complaint, the individual has the opportunity to file a formal complaint. The director or vice president will keep records of informal complaints and their dispositions. Such records will remain confidential to the extent possible consistent with adequate investigation and appropriate corrective action.

d) Formal Complaints

Beloit College faculty, staff and students may file a formal complaint if they believe they have been the victim of harassment by a current faculty or staff member. This formal option is initiated when the complainant identifies the person against whom the complaint is made and lodging a signed, written complaint. Once a formal complaint has been filed, the committee may continue its investigation and resolution even if the complainant wishes to withdraw the complaint.

A formal complaint may be filed with any member of the committee or with the director of human resources, the provost, vice presidents, dean of students, or president. A copy of the complaint will be circulated to each of the committee members as well as the senior supervisor of the accused. The college may at any time take action necessary to protect the safety of the complainant or any other persons.

Upon receipt of the complaint, the committee will begin an investigation. The director of human resources will undertake the investigation, and present a report to the committee members. The committee will make its decision by gathering any further information it deems necessary, which may include review of documents and/or meetings with the complainant, the accused, or the witnesses. At any time in this process, the complainant and the accused may be accompanied by an advisor from the college's current faculty, staff, or students; however, the advisor may not speak on behalf of either party. During the investigation, the committee will provide a copy of the complaint to the accused, and such other information as the committee deems appropriate, and notify him/her of his/her rights. The investigation and determination by the committee typically is concluded within forty-five (45) working days. Depending on the complexity of facts, the number of witnesses, witness availability, and other factors, the committee may extend this period.

Once the investigation is concluded, the committee may:

- i. determine that no case of substance exists and decide to take no further action on the complaint;
- ii. attempt mediation or recommend mediation by an individual who is not a member of the committee;
- iii. develop a written recommendation for further action that will be forwarded to two senior staff members, one being the senior supervisor of the accused. In the case of a complaint by or against a senior staff member, the committee's report will be forwarded to the president. In the case of a complaint by or against the president, the report will be sent to the chair of the board of trustees. Recommended actions may include but are not limited to an oral or written reprimand, a written warning, dismissal of a non-tenured employee, or a hearing for the termination for cause of a tenured faculty member.

Action on the Committee's recommendation will be taken by the individuals to whom the recommendation was forwarded. They will reach a decision and communicate it in writing to the accused, the complainant, and the chair of the committee. The complainant or accused may appeal the decision to the president, or, if the accused is the president, to the board of trustees. Normally, the president or board of trustees will make a determination on any appeal within thirty (30) working days. Depending on the complexity of the matter and other factors, this time period may be extended. The decision of the president or the board of trustees is final.

During the committee's investigation, the accused has the following rights:

- a) To be informed in writing of the specific charges and a time to appear before the committee.
- b) To be informed of the rights here listed.
- c) To know the name of his or her accuser(s).
- d) To present and/or request relevant evidence.
- e) To make an oral statement.

At any point during its investigation and any deliberations, the committee, president, and board of trustees may consult with the college's legal counsel. Records of formal complaints will be maintained by the college. All such records shall remain confidential to the extent possible consistent with adequate investigation and appropriate corrective action.

**f) Confidentiality**

Confidentiality will be maintained to the extent consistent with adequate investigation and appropriate corrective action. All parties will be advised of the need to maintain confidentiality regarding the information discussed.

**g) Reporting**

At the end of each academic year, the committee shall report the number of informal and formal complaints it received and their disposition to the vice president for human resources and operations. Any complaint which is also a Title IX complaint shall be reported to the Title IX coordinator.

Employees who seek advice or support services are encouraged to contact the college's Employee Assistance Program, Family Service Association of Beloit, Beloit WI at (608) 365-1244. Students may contact the campus student counselor located in the Health and Wellness Center, Porter Hall, ground floor. The College's counselor is employed by Beloit Physicians Hospital Organization, Beloit, Wisconsin. Discussions with individuals from these organizations will be confidential, however, as they are not Beloit College employees, no complaints will be lodged nor action taken as a result of these consultations.

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