

BRYN MAWR COLLEGE

POLICY ON SEXUAL HARASSMENT AND OTHER FORMS OF HARASSMENT AND DISCRIMINATION

I. Policy

It is the policy of Bryn Mawr College (“the College”) to maintain a work and academic environment free from discrimination and offensive or degrading remarks or conduct. Unlawful harassment, including sexual harassment, will not be tolerated.

II. Definition of Harassment

The College is committed to maintaining an environment in which all members of the community, staff, student and faculty, are treated with respect and dignity. It is the policy of the College not to discriminate on the basis of sex, including sexual orientation, in any of its programs, activities, or employment practices. Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct constitute sexual harassment when:

- a. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual’s employment or academic treatment, or is accompanied by implied or overt threats concerning one’s job, grades, letters of recommendation, etc.;
- b. Submission to or rejection of such conduct by an individual is used as a basis of employment or academic decisions affecting such individual; or
- c. Such conduct has the purpose or effect of interfering with an individual’s work performance or academic performance or creating an intimidating, hostile, or offensive environment.

The College also prohibits this type of behavior when it is based on race, color, age, national origin, and religion or on any other basis prohibited by law. Harassment on the basis of one’s sexual orientation can also constitute discrimination on the basis of sex.

III. Behavior That Can Constitute Sexual Harassment

Sexual harassment can include verbal behavior such as unwanted sexual comments, suggestions, jokes or pressure for sexual favors; nonverbal behavior such as suggestive looks or leering; and physical behavior such as pats, where such behaviors are severe, offensive, and occur repeatedly unless a single instance is so severe that it warrants immediate action.

Some specific examples of behaviors that are inappropriate include:

- Continuous and repeated sexual slurs or sexual innuendoes
- Offensive and repeated risqué jokes or kidding about sex or gender-specific traits
- Repeated unsolicited propositions for dates and/or sexual relations.

IV. Definition of Discrimination

Discrimination is unequal or disparate treatment of groups or individuals, including their exclusion from any of the College's programs or activities, or any attempt to hinder their access to the College's resources on the basis of race, religion, color, age, national origin, physical ability, sex or sexual orientation. It is important to recognize that not all conduct that might be offensive to an individual or a group necessarily constitutes discriminatory conduct. Whether a specific act constitutes discrimination must be determined on a case-by-case basis in the light of all relevant circumstances.

V. Individuals Covered Under This Policy

This Policy covers all staff members, faculty members as well as students. The College will not tolerate, condone or allow harassment, whether engaged in by fellow staff members, students, faculty members or non-employees who conduct business with the College.

VI. Reporting a Complaint of Harassment or Discrimination

If College community members believe they are being harassed or discriminated against by staff members, students, or faculty members or any other person in connection with a community member's obligations at the College, or if a community member is aware that another member has been harassed or discriminated against, it is the community member's responsibility to take the following steps:

- a. Staff or faculty members should take action immediately by discussing their concerns with their Supervisor, the Director of Human Resources or the Equal Opportunity Officer.
- b. Students should take action immediately by discussing their concerns with their Dean or the Equal Opportunity Officer.

If for any reason community members are uncomfortable discussing this issue with these individuals, community members may contact the President of the College, who will help community members to find appropriate College officials with whom they may discuss their concern.

The College encourages prompt reporting of complaints so that a rapid response and appropriate action may be taken. No retaliation against a community member who makes a good-faith report of a violation of this policy will be tolerated.

VII. Investigating the Complaint

The College will investigate promptly all complaints of violations of this policy. The investigation may include interviews with the parties who are directly involved and possibly with others. Each situation will be handled as discreetly as possible.

VIII. Resolving the Complaint

If the College determines that this policy was violated, it will take corrective action as warranted by the circumstances. Resolution of complaints can include an apology, transfer, direction to stop the behavior, counseling or training, suspension without pay or termination of employment or, in the case of students, temporary or permanent separation from the College.

If an investigation results in a finding that the complainant falsely accused another of harassment knowingly or in a malicious manner, the complainant will be subject to appropriate sanctions, up to and including termination of employment or, in the case of students, up to and including permanent separation from the College.

POLICY CONCERNING SEXUAL RELATIONSHIPS

Sexual relationships between a staff member and a student are inappropriate. The College cannot enforce a prohibition against such relationships, but does consider them to be unethical, primarily because of the unequal nature of the respective roles. In order to discourage such relationships, in acting on complaints that come to the College's attention, it will be presumed that any complaint of sexual harassment by a student against a staff member is valid if sexual relations have occurred between them. This presumption is not irrebuttable, but will be difficult to overcome. In short, any staff member enters at his or her peril into sexual relations with a student.