

# Sexual Harassment Policy

Title IX of the Education Amendments of 1972 prohibits discrimination on the basis of sex, including sexual harassment. An individual may use the grievance procedure outlined in this document to file a complaint alleging a violation of sexual harassment. This grievance procedure would apply to students and employees.

## I. Policy Statement

All employees and students of The Restaurant School at Walnut Hill College are entitled to an environment free of sexual harassment. Sexual harassment has been shown to have a devastating impact on victims and the College is committed to preventing and eliminating such misconduct in the workplace. To accomplish these goals, the College's policy against sexual harassment shall be clearly and regularly communicated to the College community. In addition, this policy shall be implemented through the complaint investigation procedures set forth below.

All complaints of sexual harassment or retaliation shall be promptly and thoroughly investigated. Particular care shall be taken in the course of investigations to protect the confidentiality of all involved. Should it be determined that a student or employee has committed sexual harassment, immediate and appropriate corrective and/or disciplinary action shall be taken. This may include discharge and/or other forms of discipline.

## II. Policy Purpose - Statement of Prohibited Conduct

Harassment and discrimination based on sex are illegal under Federal and state law and shall not be tolerated. Maintenance of a discriminatory work environment is also prohibited. Every working person has a duty to observe the law and shall be subject to disciplinary action up to and including termination for failing to do so.

The following definition of sexual harassment is intended to describe the conduct prohibited by this policy

### Sexual Harassment

Harassment on the basis of sex constitutes unlawful sex discrimination. Unwelcome sexual advances, requests for sexual favors, and other verbal, non-verbal and/or physical conduct of a sexual nature constitute sexual harassment when:

- submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or receipt of services;
- submission to or rejection of such conduct by an individual is used as the basis for employment or services decisions affecting such individual, or

- such conduct has the purpose or effect of unreasonably interfering with an individual's work performance, receipt of services, or creating an intimidating, hostile or offensive working or learning environment.

Any supervisor who threatens or suggests, either explicitly or implicitly, that an employee's refusal to submit to sexual advances or other conduct of a sexual nature will adversely affect her/his employment, evaluation, wages, advancement, duties, shifts, or other terms or conditions of employment has committed sexual harassment. As well, any instructor who threatens or suggests, either explicitly or implicitly, that a student's refusal to submit to sexual advances or other conduct of a sexual nature will adversely affect her/his education has committed sexual harassment.

Other sexually harassing conduct, whether committed by supervisory or non-supervisory personnel, or instructor is also prohibited. Such conduct includes, but is not limited to: verbal abuse of a sexual nature; offensive sexual behavior; graphic verbal comments about an individual's body; sexually degrading words to describe an individual; brushing, touching, patting, or pinching an individual's body; sexually explicit gestures; the display on the College campus of sexually suggestive, sexually demeaning, or pornographic objects, pictures, posters, or cartoons; inquiring or commenting about sexual conduct or sexual orientation or preferences; verbal abuse consistently targeted at only one sex, even if the content of the abuse is not sexual.

In order to rise to the level of actionable sexual harassment, conduct creating a hostile work environment must be severe or pervasive. However, it is the intent of the State to prevent conduct from escalating to the point that a hostile environment exists. To that end, the conduct described above is considered inappropriate and is prohibited at the College regardless of whether it rises to the level of being severe or pervasive.

Sexual harassment is unlawful and hurts. When such misconduct creates or contributes to a discriminatory atmosphere in the College community, it harms not only the direct victim, but all others in the community. Accordingly, anyone who engages in sexual harassment shall be subject to disciplinary action up to and including termination.

### III. Rights & Responsibilities - What To Do

If you are aware of behavior that may constitute sexual harassment or retaliation, either by hearing of such behavior or witnessing it, you must take immediate and appropriate action to stop the behavior and secure a safe environment.

Anyone: If you witness or are subjected to behaviors that may constitute sexual harassment or retaliation you may

- Ask the offender to stop;
- Contact your or any other Director, Instructor or Vice President to report it;
- Call the Title IX Compliance Officer, Ms. Peggy Liberatoscioli, 267-295-2315, pl@walnuthillcollege.edu.

All complaints reported will be referred to the Title IX Compliance Officer who shall then assign investigators in accordance with the State policy. No person shall be required to file a complaint with an staff member who is hostile to that person and/or who engages in conduct or has been alleged to have engaged in conduct which could be considered sexual harassment. If the complaint involves sexual assault, rape or conduct of a criminal nature, the Philadelphia Police Department shall be contacted and a report of the incident made.

Anyone who has observed sexual harassment or retaliation against a person who has reported sexual harassment should report it to the investigator or the Title IX Compliance Officer.

#### IV. Investigation

All complaints shall be investigated expeditiously by the investigator. All interested persons shall be afforded an opportunity to submit information relevant to a complaint. Investigations shall be conducted with particular care to preserve the confidentiality of all persons involved. Only those who have an immediate need to know, including, but not limited to, the investigator, the complainant and the alleged harasser or retaliator shall be provided with the identity of the complainant and the allegations. All parties contacted in the course of an investigation shall be advised of the necessity of confidentiality and that any breach of confidentiality shall be treated as a misconduct subject to disciplinary action.

Investigation shall be completed and a written report issued within thirty (30) days of the receipt of the complaint, unless precluded by extenuating circumstances. The reason for each delay, and the anticipated completion date, will be documented immediately in the investigation file. The investigator's report shall be disclosed to the complainant and the alleged harasser. If the investigator makes a determination that the complaint was proven by a preponderance of the evidence, the investigator shall include in the report a recommendation for corrective action and/or disciplinary action. The recommendation shall be based on the severity of the offense which shall be determined according to the totality of the circumstances. The intensity, frequency and duration of the prohibited conduct shall be considered by the investigator. Within 15 days of receiving the report and recommendations (if any), the College may choose to follow the recommendation for any action.

The complainant may either accept the proposed recommendation(s)/resolution or decide whether or not to pursue other avenues available. If the complainant accepts the resolution and the recommendation(s) are implemented, the complaint will be considered resolved. The investigator will follow up with the complainant to ensure that no retaliation has occurred.

The complainant may also, or instead, file a complaint with the PA Human Relations Commission, the Office for Civil Rights and/or the Equal Employment Opportunity Commission in Philadelphia at the following addresses:

Pennsylvania Human Relations Commission Philadelphia Regional Office  
110 North 8th Street, Suite 501  
Philadelphia, PA 19107

(215) 560-2496  
(215) 560-3599 TTY users only

Marlene Rey, Acting Regional Manager  
Office for Civil Rights  
U.S. Department of Health and Human Services  
150 S. Independence Mall West  
Suite 372, Public Ledger Building  
Philadelphia, PA 19106-9111  
Main Line (215)861-4441  
Hotline (800) 368-1019  
FAX (215)861-4431  
TDD (215)861-4440

Equal Employment Opportunity Commission, 801 Market Street, Suite 1300, Philadelphia, PA  
19107, 215-440-2606

#### V. Retaliation Complaints

Retaliation, of any kind against anyone who is involved in an allegation brought to the attention of the College under this policy is strictly prohibited and may result in disciplinary action, including termination. A complaint of retaliation will be handled by the process described under the Investigation Section of this policy.

#### VI. Education and Training

As part of general orientation, employees and students shall be provided a copy of this policy. In addition, supervisory staff who have attended a training seminar on sexual harassment, shall meet with their staff to advise them of the state's commitment to eliminate sexual harassment, the penalties for engaging in sexual harassment, and the procedures for reporting incidents of sexual harassment.