



## **Harassment and Bullying**

It is the policy of Walnut Hill College that all of its students, school staff and faculty have an educational setting that is safe, secure and free from harassment and bullying of any kind. The College will not tolerate bullying and harassment of any type. Conduct that constitutes bullying and harassment, as defined herein, is prohibited.

Walnut Hill College's goal is full compliance with provisions of Federal Title IX; Federal Title II (the Jeanne Clery Disclosure of Campus Security and Campus Crime Statistics Act, 2009), and the Federal Higher Education Opportunity Act (2008).

Furthermore, Walnut Hill College regulations, which prohibit discrimination on the basis of sex in education programs or activities operated by recipients of Federal financial assistance. Title IX also states that the sexual harassment of students, which includes acts of sexual violence, is a form of sex discrimination. Sex discrimination includes all forms of sexual and gender-based harassment, sexual misconduct, sexual violence, sexual assault, domestic violence, dating violence and stalking.

### **Harassment Policy**

For the purposes of this policy, Walnut Hill College states that harassment shall consist of verbal, written, graphic, physical or sexual conduct relating to an individual's race, color, national origin/ethnicity, gender, age, disability, sexual orientation, religion or any other legally protected characteristic, which results in any form of harassment of students, faculty or staff. Including but not limited to conditions of harassment cited in this paragraph, harassment in any form is strictly prohibited at Walnut Hill College.

The College encourages any student who has been harassed in connection with College programs or activities to promptly report such incidents to the Vice President of Administrative Services who is the College's Title IX coordinator or any staff or faculty member that the student is comfortable with.

Employees who have been harassed in connection with performance of professional duties or any College program or activity are encouraged to report such incidents to the Vice President of Administrative Services.

## **Sexual Harassment Policy**

In accordance with the Federal Title IX stipulations, sexual harassment is defined as any unwelcome conduct of a sexual nature. Sexual violence is a form of sexual harassment prohibited by Title IX.

The College's Sexual Harassment Policy includes, but is not limited to, prohibitions of the following: (a) unwelcome sexual advances or requests for sexual favors, (b) any forcible or non-forcible sex offense (including sexual harassment, sexual assault, sexual misconduct, sexual exploitation, stalking, dating violence and domestic violence.), (c) verbal, written, graphic, or physical conduct of a sexual nature, or (d) other gender-motivated offensive conduct when submission to or rejection of such conduct is made a basis for decisions affecting any student or employee, e.g.: favorable critique or review of work, attainment of a grade, employment advantage, or access to college-based services or programs.

Sexual harassment shall also consist of either isolated or repeated incidents of conduct severe or pervasive enough that the purpose or effect of such conduct is to create an intimidating, hostile, or offensive learning or working environment—directly or indirectly—for students, faculty or staff.

Instances of harassment of students that involve physical contact with injury (e.g., rape, acquaintance rape, abuse involving manual blows or weapons, etc.) should immediately be reported to any available member of the faculty, administration or staff. Walnut Hill College personnel approached with this kind of information should escort students to (or contact) the Chief Academic Officer, Student Success Advisors or Vice President of Administrative Services. Faculty and staff should seek out or be escorted to their supervisor or to the Vice President of Administrative Services.

Victims of violence or sexual abuse or persons coming to their aid should not alter any physical or environmental evidence of an incident—preserving evidence for proof of a criminal offense is critical. If requested, students or employees will be assisted in notifying the Philadelphia Police Department or other local resources providing intervention and help. Students will be offered an immediate advising session with a Student Success Advisor. Referrals and Resources can be offered.

## Definitions

**Bystander Intervention:** Techniques by which an individual can safely and actively intervene if it appears someone is at risk for sexual assault. Techniques include: distraction in a friendly manner (e.g., if you can't change the tone, change the conversation); never be aggressive or use violence; get help from other bystanders if necessary; never hesitate to call the police if a situation becomes too serious.

**Consent:** Informed, freely and actively given communication of permission between or among all persons involved in a sexual encounter. Verbal communication of consent that is ongoing is best and must be mutually understood by all parties. Silence cannot be interpreted as consent.

**Dating Violence:** Violence that is committed by someone who is or has been in a social or intimate relationship with the victim. The existence of this sort of relationship will be determined based on the following factors: the length of the relationship; the type of relationship and the frequency of interaction between persons involved in the relationship. Dating violence includes but is not limited to sexual or physical abuse or the threat of such abuse.

**Domestic Violence:** A felony or misdemeanor crime of violence against a victim by a current or former spouse or a person with whom the victim has a child in common or who is living with the victim as a spouse and fits the definition of a spouse according to the domestic or family violence laws of the Commonwealth of Pennsylvania. Domestic violence may also be committed against an adult or youth victim who is protected from such acts under the domestic or family violence laws of the Commonwealth of Pennsylvania.

**Intimidation:** Attempting to keep someone from making a report of sexual harassment or misconduct through fear tactics or threats of physical or emotional harm to that person or anyone associated with him/her.

**Sexual Assault:** The term 'sexual assault' means an offense classified as a forcible or non-forcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation. Sexual assault offenses can include but are not limited to:

*Non-consensual contact.* Any sexual touching of another person by a male or female without that person's consent or making another person touch another male or female in a sexual manner without their consent.

*Non-consensual intercourse.* Any sexual intercourse by a man or woman with another person without that person's consent.

*Sexual exploitation.* Taking non-consensual or abusive sexual advantage of another person for one's own advantage or benefit or the advantage or benefit of anyone else. Examples include but are not limited to: watching or making a video of someone undressing or engaging in sexual acts; prostituting another person and knowingly transmitting an STD or HIC to someone else.

**Retaliation:** Any attempt at retribution against someone who has reported activities prohibited by this policy or against anyone who has participated in a policy-related investigation or proceeding.

**Stalking:** Engaging in a course of conduct directed at a specific person and of a nature that a reasonable person would have cause to fear for his or her own safety or the safety of others and to experience substantial emotional distress.

Whoever initiates sexual contact must be sure of what their partner wants and does not want sexually. Previous relationships and consent to an earlier sexual encounter do not stand as consent to subsequent sexual activity. Consent can be withdrawn at any time. Consent cannot be gained by force and it cannot be given by minors, mentally disabled persons or persons whose judgment is impaired at the time by drugs or alcohol. The initiator of sexual contact cannot use intoxication or impaired judgment caused by alcohol or drugs as an excuse for not being responsible for obtaining consent as defined here.

Bullying means systematically and chronically inflicting physical hurt or psychological distress on one or more students or staff member , including: unwanted and repeated written, verbal, or physical behavior, this includes any threatening, insulting, or dehumanizing gesture that is severe or pervasive enough to create an intimidating, hostile or offensive educational environment; cause discomfort or humiliation; or unreasonably interferes with the individual's school performance or participation.

Harassment means any threatening, insulting or dehumanizing gesture, use of data or computer software, written, verbal or physical conduct directed against a student or staff member by a student or staff member.

Bullying and Harassment includes cyber stalking which means to engage in a course of conduct to communicate, or to cause to be communicated, words, images, or language by or through the use of electronic mail or electronic communication, directed at a specific person, causing substantial emotional distress to that person and serving no legitimate purpose. Cases of cyber stalking will be reported to law enforcement.

The Restaurant School at Walnut Hill College requires that students, staff and faculty conduct themselves as appropriate for their respective level of development, maturity and demonstrate capabilities with a proper regard for the rights and welfare of other students, staff and faculty as otherwise set forth in College policies.