

Northern Marianas College
Board of Regents Policy

SUBJECT:	Personnel	EFFECTIVE:	September 26, 2013
SECTION:	5009	POLICY NAME:	EQUAL OPPORTUNITY; SEXUAL HARASSMENT; DIVERSITY
ACCJC Standard/Policy:	III.A		

EQUAL OPPORTUNITY

It is the policy of the Board of Regents that every vacant position shall be filled based upon applicants' qualifications and performance requirements of the job. Discrimination based upon sex, race, color, religion, age, physical or mental disability, status with regard to marriage or public assistance, sexual orientation, participation in lawful activity off the employer's premises during nonworking hours or on information which is protected by the Genetic Information Nondiscrimination Act ("GINA") in appointment, promotion, salary, or conditions of employment is prohibited.

SEXUAL HARASSMENT

The Northern Marianas College explicitly condemns sexual harassment of students, regents, or employees. Since some members of the College community hold positions of authority that may involve the legitimate exercise of power over others, they have the responsibility to be sensitive to that power. It is the responsibility of all members of the College community, in their relationship with students and subordinates to be aware of potential conflicts of interest, possible compromise of their evaluative capacity, and abuse of power they may hold over others.

Because there is an inherent power difference in these relationships, the potential exists for the less powerful person to perceive a coercive element in suggestions regarding activities outside of those appropriate to the professional relationship. The responsibility of the College community is to behave in such a manner that words and actions cannot reasonably be perceived as sexually coercive, abusive, or exploitive, nor do they create a hostile working environment in this regard.

Cultural interpretations are not grounds for making sexual harassment permissible. The College community maintains its own unique culture, the values of which do not permit sexual harassment.

A. Definitions and Examples of Sexual Harassment

While the definition of sexual harassment is ultimately victim-based, sexual harassment may be defined as unwelcome sexual advances, requests for sexual favors, and/or other verbal expressive or physical conduct commonly understood to be of a sexual nature when:

- (1) Submission to, or toleration of, such conduct on or off campus is made, either explicitly or implicitly, a term or condition of instruction, employment, or participation in College activities; or
- (2) Submission to, or rejection of, such conduct is used as a basis for employment, or for academic decisions or assessments affecting the individual's status as an employee or student; or such conduct has the purpose or effect of unreasonably interfering with the

individual's activities or creating an intimidating, hostile, or offensive work or educational environment.

B. Examples

Sexual harassment may involve the behavior of a person of either sex toward a person of the opposite or same sex. Examples of behavior that would be considered sexual harassment include, but are not limited to the following:

- (1) Physical assault;
- (2) Direct or implied threats that submission to sexual advances will be a condition of employment, work status, promotion, grades, or letters of recommendation;
- (3) A pattern of conduct, annoying or humiliating in a sexual way, that includes comments of a sexual nature and/or sexually explicit statements, questions, jokes or anecdotes;
- (4) A pattern of conduct that would annoy or humiliate a reasonable person at whom the conduct was obviously directed. Such conduct includes, but is not limited to gestures, facial expressions, speech, or physical contact understood to be sexual in nature or which is repeated after the individual signifies or signals that the conduct is perceived to be offensively sexual.

C. Consenting Relationships

Romantic and / or sexual relationships between a faculty member and his or her student are prohibited. Taking note of the respect and trust accorded an instructor by a student, and of the power exercised by the instructor, a relationship between a faculty member and a student should be considered one of a professional and a client, and accordingly inappropriate. Romantic and/or sexual relationships between a supervisor and a subordinate are discouraged, but may be permitted if disclosed to the President in accordance with procedures adopted by the institution after steps have been taken to avoid conflicts of interest and other improprieties.

Relationships between students, when one student has some supervisory responsibility for the other (such as tutor, teacher's aide, etc.) are covered by this Policy. Other relationships included are those between a student or an employee, administrator, coach, program director / coordinator, counselor, or staff member who has responsibility for or authority over that student or employee.

D. Protection of the Complainant and Others

No Student or employee of the College may be subjected to any form of reprisal for investigating or filing a sexual harassment complaint, or serving as a witness in a proceeding involving a complaint of sexual harassment. Any retaliation will be a violation of this Policy and will be grounds for disciplinary action. . (See also, Board of Regents Policy 5007 –Whistleblowers).

E. Responsibility of Supervisors

Supervisory personnel are charged with maintaining an atmosphere that discourages sexual harassment and ensuring that this Policy is enforced in their areas. Supervisors are directed to discourage all behavior that might be considered sexual harassment and to respond promptly to sexual harassment complaints. College officials who knowingly condone incidents of sexual harassment or instances of reprisal for reporting such complaints will be subject to disciplinary action.

DIVERSITY

The College is committed to the significant educational role played by persons of diverse backgrounds and encourages positive efforts to encourage such diversity. The Human Resources Office shall take steps to promote diversity in hiring.

HISTORY:	Supersedes BOR Policy 4074
-----------------	-----------------------------------