

HARASSMENT AND NONDISCRIMINATION

Harassment and Nondiscrimination Policy

Blackhawk Technical College is committed to providing an atmosphere that is free of all forms of discrimination and harassment. Blackhawk has developed policies and procedures that comply with College values, as well as federal and state laws and regulations. Blackhawk is committed to Equal Opportunity/Affirmative Action for its employees and students as required by law in its admissions, employment, and educational programs and activities. These policies apply to all members of the Blackhawk Technical College community. All members of the College community share a collective responsibility for creating and maintaining an environment that is free from discrimination and harassment. Should a violation occur, the College will follow the Student Code of Conduct procedures to impose appropriate sanctions.

This policy applies to all Blackhawk programs, activities, practices, operations, and behaviors that take place on any college property, facility, or building, and any on, or off-campus college-sponsored events.

All actions by a member of the college community that involve the use of the College's networks and/or technology from a remote location including, but not limited to, accessing email accounts, are considered to have occurred on-campus. This policy may also apply to off-campus or online conduct when the college determines that the conduct affects a substantial College interest. A substantial College interest is defined to include:

- Any action that constitutes a criminal offense as defined by law.
- Any situation where it appears that the accused may present a danger or threat to the health or safety of self or others.
- Any situation that significantly imposes upon the rights, property, or achievements of a student or causes significant social disruption.

Any online postings or other electronic communication by students and employees, including cyber-bullying/harassment that occurs completely outside of the college's control will be subject to this policy when the online behaviors cause a substantial on-campus disruption or use the college's networks and/or technology. While Blackhawk may not control websites, social media, and other venues in which harassing communications are made, the college maintains a responsibility to review and attempt to resolve the situation when such communication is reported to the college.

Discrimination

Discrimination is an unfair or unequal treatment on the actual or perceived basis of age, ancestry, arrest or conviction record, color, religion or religious creed, disability, gender and gender identity, genetic testing, marital status, military service, national origin, political affiliation, race, sex, sexual orientation, or any other protected status. Discrimination includes actions that deprive, limit, or deny other members of the community of educational or employment access, benefits, or opportunities. The College reserves the right to address discrimination and harassment even if it is not based on a protected status and/or not does create a hostile environment.

Harassment

Harassment is unwelcome verbal, physical, or other actions that intimidate, harass, threaten, coerce, or otherwise endanger the health or safety of any person based upon a student's age, ancestry, arrest or conviction record, color, religion or religious creed, disability, gender and gender identity, genetic testing, marital status, military service, national origin, political affiliation, race, sex, sexual orientation, or any other protected status. Offenses, outside of those covered by Title IX, that are additionally prohibited as harassment under this policy when directed toward an individual with actual or perceived membership in a protected class include, but are not limited to, the following offenses:

- Sexual Exploitation is defined as taking non-consensual or abusive sexual advantage of another for one's own advantage or benefit, or to benefit or advantage anyone other than the one being exploited, and that behavior does not otherwise constitute sexual harassment under this policy.
- Threatening or causing physical harm, extreme verbal abuse, or other conduct which threatens or endangers the health or safety of any person.
- Ostracism or exclusion of any person within the College community, when related to admission, joining or any other group-affiliation activity.
- Intimidation, defined as implied threats or acts that cause an unreasonable fear of harm in another.
- Bullying, defined as repeated and/or severe aggressive behavior, likely to intimidate or intentionally hurt, control, or diminish another person, physically or mentally; that is not speech or conduct otherwise protected by the First Amendment.

The College reserves the right to address harassment even if it is not based on a protected status and/or not does create a hostile environment.

Discriminatory Harassment

Discriminatory harassment is unwanted, deliberate, or repeated unsolicited comments, slurs, demeaning references, gestures, graphic materials, physical contact, solicitation of favors, advances, bullying, or other adverse treatment when:

- Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment, student status, or academic participation.
- Submission to or rejection of such conduct by an individual is used as the basis for employment or academic decisions affecting an individual.
- The conduct has the purpose or effect of substantially creating an intimidating, hostile, or offensive environment that tangibly affects or interferes with an individual's job performance, academic performance, or academic opportunities.

Disability Discrimination and Accommodations

Blackhawk Technical College is dedicated to providing an environment that supports students with disabilities achieve their goals. The College is committed to full compliance with the American with Disabilities Act of

1990 (ADA and ADAAA) and Section 504 of the Rehabilitation Act of 1973, which prohibit discrimination against persons with disabilities, as well as other federal and state laws pertaining to individuals with disabilities. An individual with a disability is defined by the ADA as a person who has a physical or mental impairment that substantially limits one or more major life activities, a person who has a history or record of such an impairment, or a person who is regarded by others as having such an impairment. Access shall not be denied because of the need to make reasonable accommodations to an individual's disability. The exceptions to providing accommodations are if doing so would cause undue hardship or pose a direct threat to the health and safety of others at Blackhawk.

First Amendment Statement

Speech or conduct protected by the First Amendment will NOT be considered a violation of Blackhawk Technical College's Harassment and Nondiscrimination Policy. Discrimination, harassment, and retaliation against members of the College community are NOT protected expression or the proper exercise of academic freedom. The College considers academic freedom in the investigation of reports of discrimination or harassment that involve an individual's statements or speech in an academic context. The College is committed to the protection of individual rights under the First Amendment (and related principles of academic freedom) and in preserving the widest possible dialogue within its educational environment. Off#campus discriminatory or harassing speech may be regulated by the College only when such speech is made in an official college capacity, is directed at other college community members, or has the propensity to create a hostile environment in the educational or work activities of the College.

Retaliation Policy

Retaliation is defined as any adverse action taken against a person because they have reported harassment or provided information in support of a violation. Retaliation is a serious violation of Blackhawk Technical College's Harassment and Nondiscrimination Policy. Retaliation includes but is not limited to; ostracizing the person, pressuring the person to drop the complaint, providing false or misleading information, or engaging in conduct that may reasonably be perceived to affect adversely that person's educational, living, or work environment. Further violations include threatening, intimidating, or coercing the person, otherwise discriminating against any person for exercising their rights or responsibilities under this policy.

Confidentiality

The College makes every effort to preserve the confidentiality of reports that fall under this policy. Generally, those individuals with a role in the Student Conduct Procedures will be informed about the complaint to preserve the rights and privacy of the involved parties. The College reserves the right to designate which college officials have a legitimate interest in being informed about incidents that fall within this policy. The College cannot ensure confidentiality in every situation.

Supportive Measures

Upon receiving a report of an alleged policy violation, the College will offer supportive measures to involved parties as appropriate. These measures are made available when the College is provided actual knowledge of allegations of harassment, discrimination, or retaliation. Supportive measures may include, but is not limited to, the following:

- Counseling
- Extensions of deadlines or other course-related adjustments
- Modifications of work or class schedules
- Campus escort services
- Mutual restrictions on contact between parties
- Increased security and monitoring of certain areas of campus
- Issuance and enforcement of no-contact orders
- Or similar measures

Reporting Policy Violations

- Report online, using the Behavior Intervention Report (<https://blackhawk.edu/About/Safety-Security/Behavior-Intervention-Team/>) located on the College's website.
- Report directly to the Title IX/Equal Opportunity/ADA Coordinator.

Dr. Deb Gilster, Coordinator of Access and Accommodations

Central Campus, Student Success Center

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- If you need further clarification or wish to report the violation on an informal basis, you may seek the assistance of the Student Services Department.