

BERKELEY COLLEGE Equal Opportunity Policy

Purpose

Recognizing that its diversity greatly enhances the workplace and opportunities for learning, Berkeley and BES are firmly committed to providing all associates, including faculty, and students equal access to its programs, resources, opportunities, and facilities.

Scope

This Policy applies to all Berkeley College students, trustees and associates and all BES directors and associates. For purposes of this policy and any procedures promulgated in connection with it, the term "College" shall include Berkeley College and BES, the associates of which shall be collectively referred to as "associates."

A. Prohibited Conduct

Discrimination based on gender and sexual harassment (including sexual assault), race, color, creed, religion, national origin, age, genetic characteristics, ancestry, disability, veteran or marital status, or civil union are prohibited by various federal and state laws including, without limitation, Title VII of the Civil Rights Act of 1964 (associates) and Title IX of the Education Amendments of 1972, part of a statute that governs institutions of higher education that participate in certain federally funded programs.

The College does not tolerate (a) discrimination or harassment on the basis of gender/sex or sexual orientation, race, color, creed, religion, national origin, age, genetic characteristics, ancestry, disability, veteran or marital status or civil union; (b) sexual assault (which is an extreme form of sexual/gender harassment); (c) bullying of students by other students, including but not limited to cyber-bullying; or (d) retaliation for complaints, reports, or testimony in connection with this Equal Opportunity Policy. Violations of this Policy may result in disciplinary action, including but not limited to termination of employment (associates) or dismissal from the College (students).

This Policy declares the College's goal to achieve zero tolerance of sexual harassment, including sexual assault and unlawful discrimination or harassment; it is not designed or intended to limit the authority or discretion of College officials with regard to decisions about discipline, discharge or other corrective action concerning conduct that the College deems unacceptable.

The following individual has been designated to handle inquiries regarding Title IX related matters (including sexual discrimination, sexual harassment, including sexual assault) and to serve as the overall College coordinator for purposes of Title IX compliance: Dr. Ed Hughes, Vice President, Student Development and Campus Life who can be reached at 973-278-5400 x1318; ejh@BerkeleyCollege.edu. For additional contact information, see also Section "E" of this Policy.

B. Definitions

For purposes of this Policy and related procedures, the following definitions apply:

1. Discrimination Based on Gender or Sexual Orientation, Race, Color, Creed, Religion, National Origin, Age, Genetic Characteristics, Ancestry, Disability, Veteran or Marital Status, or Civil Union

Discrimination based on gender or sexual orientation, race, color, creed, religion, national origin, age, genetic characteristics, ancestry, disability, veteran or marital status, or civil union, involves the unequal treatment of an individual – for example, granting or denying opportunities, benefits, or services in the workplace, academic pursuits, or in College-sponsored social situations - because of one or more of those characteristics.

2. Sexual Harassment

Sexual harassment may involve an attempt by someone in a position of power to require sexual favors in exchange for providing opportunities, benefits or services, or alternatively, denying said opportunities, benefits or services when such sexual advances have been rejected. Sexual harassment may also involve unwelcome verbal, physical or expressive behavior of a sexual nature (including, but not limited to, graphic verbal commentary about a person's body; sexually degrading words to describe an individual; the display of sexually suggestive objects or pictures; repeated and unwelcome flirtation or requests for "dates"; sexual slurs and jokes; inquiries about a person's sexual habits; and unnecessary touching) that is sufficiently severe, persistent or pervasive as to create a hostile employment environment or unreasonably interfere with a student's ability to participate in or benefit from the College's educational programs or activities. Sexual harassment can also include sexual assault.

3. Sexual Assault

Sexual assault is a crime prohibited by state law, and is also considered a form of sexual harassment prohibited by Title IX of the Education Amendments of 1972 (Title 20 U.S.C. Sections 1681-1688). Sexual assault includes any sexual act directed against another person involving the use of force; against that person's will; in violation of law; or under circumstances where the victim is deemed physically, mentally, or legally incapable of giving consent.

4. Bullying

Bullying generally includes any gesture, any written, verbal or physical act, or electronic communication by a student of the College against another student or group of students of the College, whether it be a single incident or a series of incidents, that is reasonably perceived as being intended to maliciously harass, insult, defame, intimidate, or embarrass such student or group of students in a way that could disrupt or interfere with the orderly operation of the College.

5. Disability

Consistent with the governing laws and regulations, a disability is a physical or mental impairment that is expected to or does limit one or more major life activities or major bodily functions for a period of more than 6 months; a record of such an impairment; or being regarded as having such an impairment. Medical documentation may be required to substantiate a disability.

C. Registered Sex Offenders

Federal regulations also require the College to inform you that registered sex offenders are listed on the Internet at njsp.org/info/reg_sexoffend.html (New Jersey) and <http://criminaljustice.state.ny.us/nsor> (New York).

D. Reasonable Accommodation of Disabilities

Reflecting the College's unwavering commitment to equal opportunity for all students and associates, Berkeley is committed to ensuring that qualified individuals with disabilities are provided with equal access to participation in all College programs, events, classes, activities and employment. In accordance with the Americans with Disabilities Act ("ADA") and Section 504 of the Rehabilitation Act of 1973, the College makes every reasonable effort to offer equal employment or educational opportunities to qualified associates and students, respectively, with documented disabilities. While associates and students are expected to meet the institution's employment or academic standards and requirements, respectively, the College encourages associates and students with documented disabilities who seek reasonable accommodations to submit their requests and documentation as soon as the need becomes apparent, so that the circumstances may be evaluated in a timely manner. Berkeley College will strive to make reasonable modifications to its policies, practices, and procedures unless, in the sole discretion of the College, doing so would fundamentally alter the nature of the service, program, or activity, or pose an undue administrative or financial burden.

E. Equal Opportunity Procedures

The College has adopted procedures to implement this policy. Equal Opportunity Complaint Procedures (including contact information for Berkeley's Equal Opportunity Officers; Title IX Officer and Coordinators; ADA Coordinators, and the United States Department of Education Office of Civil Rights) and Procedures for Requesting a Reasonable Accommodation of Disabilities are available at http://berkeleycollege.edu/berkeley_bc/2038.htm.

In the event that a complaint arising under this Policy involves both a student and an associate, the Equal Opportunity Complaint Procedures for Students shall be followed. However, in such instances the Vice President of Human Resources (or her delegee) and the appropriate Dean, Student Development and Campus Life, shall share the role of Title IX Coordinator.