



Policy Name: Policy Prohibiting Unlawful Harassment On The Basis of Sex

Policy Number: 3106

I. Policy Statement

Hebrew Union College-Jewish Institute of Religion (HUC-JIR) prohibits unlawful, discriminatory Quid Pro Quo harassment, Hostile Environment harassment, Abusive Conduct and/or Consensual Relations between employees and subordinate employees, and employees and students.

II. Purpose of Policy

The policy is intended to create a positive work environment for all employees and members of the HUC-JIR community; and protect employees from unlawful conduct. The College-Institute is committed to protecting the academic freedom and freedom of expression of all members of its community and respects the privacy rights of individuals. However, both are subject to intervention when it causes disruption or other harm to the working or academic environment.

III. Applicability (Audience)

This policy applies to employees, students, governors, advisory board members, alumni, business visitors and third party business partners and vendors.

Title IX Application

This policy against unlawful harassment applies to protected statuses other than sex. When the protected status at issue is sex, both this policy and the Sexual Misconduct Policy may apply. In that event, the procedures set forth under the Sexual Misconduct Policy, consistent with Title IX's requirements, will take precedence.

IV. Definitions

Unlawful harassment on the basis of sex - is a kind of discrimination based on a person's protected status as set forth in our EEOC policy and is prohibited.

Quid Pro Quo - a favor or advantage granted or expected in return for something.

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Hostile Environment - is one where the words and actions of a supervisor, manager or coworker negatively or severely impacts another employee's ability to complete their work.

Abusive Conduct - conduct by a member of the College-Institute community in the workplace or academic environment, with malice, that a reasonable person would find hostile, offensive and unrelated to the College-Institute's legitimate business or academic interests; including repeated infliction of verbal abuse (derogatory remarks, insults and epithets), verbal or physical conduct that a reasonable person would find threatening, intimidating or humiliating, or the gratuitous sabotage or undermining of a person's work or academic performance.

V. Procedures and Implementation

Student Procedures for Reporting Harassment and/or Abusive Conduct

A student immediately report any complaint of Prohibited Conduct by contacting the Title IX Coordinator or the Dean of your campus, either of whom may delegate responsibility for investigation to a Designated Campus Official ("Designated Campus Official"):

Title IX Coordinator: Global Director of Human Resources, 513- 487-3102

New York Campus Dean, Rabbi David Adelson, (212) 824-2217

Cincinnati Campus Dean, Rabbi Jonathan Hecht, (513) 487-3255

Los Angeles Campus Dean, Joshua Holo, (213) 749-3424

Jerusalem Campus Dean, Rabbi Naamah Kelman, 972-2-620-3331

Employee Procedures for Reporting Harassment and/or Abusive Conduct

Employees who have experienced or witnessed a perceived violation of this policy must immediately report the matter to their supervisor, Dean or Global Director of Human Resources. This can be done in person or in writing. The College-Institute wants the opportunity to take prompt action to investigate and resolve these situations. The individual may be accompanied by a peer advisor of his/her choice when meeting with the resource person.

Delay in reporting incident(s) may negatively affect the College-Institute's ability to respond effectively. For example, witnesses may be unable to recall events due to the

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passage of time, witnesses may have left the College, corroborating evidence may not be available and/or intervening events may have occurred.

While confidentiality cannot be promised, every effort will be made to treat with sensitivity information concerning an allegation of harassment. The intent is to be respectful of all who are involved.

Any sexual abuse of a minor by teachers, staff or volunteers affiliated with the College-Institute must be reported to the College-Institute and to law enforcement or a similar agency. This duty to report applies to medical personnel working at a dispensary, clinic, infirmary, student health center, athletic facility, or similar facility.

Procedures for Reporting Harassment and/or Abusive Conduct or Misconduct By Those External to the Community

The College-Institute will also take prompt remedial action to address real or perceived violations of this Policy by a vendor, visitor, customer or external third party with whom it has dealings. The reporting procedures above will apply, although the investigative and adjudicative processes may differ.

VI. Enforcement

Investigating Claims of Harassment or Abusive Conduct

Once a report under this Policy has been made, an investigative team of no fewer than two persons will talk with all parties, individuals named by the complainant and by the respondent and anyone else whom the investigators deem appropriate. Prior to commencing the investigation, the investigators will obtain from the complainant and respondent a signed agreement to participate in the process. Refusal by a party to participate in the process may impede the investigation and, where appropriate, result in disciplinary action.

After obtaining the agreements to participate, the investigators will give the respondent a copy of the complaint. The respondent must provide the investigators with a written response within five days. A copy of the response will be given to the complainant upon receipt by the investigators. The investigators will then commence interviews. Any written material provided by one party to the investigator during the investigation must be shared by the investigators with the other party unless to do so would adversely affect someone in the community.

The investigators will conduct a thorough, impartial, and timely investigation. The privacy of the parties will be respected to the fullest extent possible. Information will be given to



individuals other than the parties only on a “need to know basis” for purposes of the investigation, resolution, or legal compliance.

Upon completion of the investigation, the investigators will prepare a report. It will note who was interviewed and any additional forms of information obtained. A summary of interviews will be included along with any relevant documents. The report, along with the original complaint and response, will be sent to the Grievance Review Panel. The purpose of the Grievance Review Panel is to review the investigative report and listen to each party and determine the outcome.

Grievance Review Panel Process

The Grievance Review Panel, not the complainant or respondent, has the burden of proof. The Panel constructs the proof from the material it assembles – primarily through the investigators. The Panel determines what evidence is relevant and what witnesses, other than the complainant and respondent, will be heard. The task of each party is to state clearly how the evidence relates to the allegations. The Panel may ask the investigators to provide additional materials prior to the hearing.

Once the Panel has met initially and reviewed the investigators’ materials, the materials to be used or referenced in the hearing will be given to both parties, unless to do so will seriously adversely affect any member of the College-Institute community. Any materials given to one party must be given to the other.

Both parties will receive at least one week’s advance written notice of the time and place of the hearing. The investigators will attend the hearing and deliberations as resource persons, but will not participate in questioning any witnesses or vote on findings or sanctions

Each party speaks individually with the Panel. The other party is not present. The party may be accompanied by and confer with a support person of his or her choosing, including legal counsel, but only the party is allowed to speak directly to the Panel. The College-Institute may also invite its legal counsel as a non-speaking participant. The Panel will hear the complainant first. It may hear any other witnesses and the respondent in whatever order it determines. The Panel may re-interview a party if it determines it necessary for clarification.

The Panel will explain its process to each party and give each party an opportunity to make brief opening and closing statements. The Panel will devote the remainder of the time to asking questions to clarify the written materials, witness testimony or any other relevant issues it elects to address.

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The Panel will reach its decision based on a preponderance of the evidence. This is a qualitative not a quantitative standard and means: “whether or not it is more likely than not that a violation of the harassment policy occurred.”

The Panel will keep official minutes of the hearing and provide a written summary of its deliberations. The official minutes and summary are available to both parties. Generally, the minutes will name witnesses interviewed in the hearing and the deliberation’s summary will reflect the materials considered. If either adversely affects anyone, names will be removed from the copies given the parties. The personal notes of Panel members shall not be available and will be destroyed at the end of the process, to the degree legally permissible.

In deliberations, the Grievance Review Panel shall attempt to reach a consensus. If consensus cannot be reached, a vote shall be taken. All decisions of the Panel shall be made by a majority. When the Panel is not unanimous in its findings or sanctions, the deliberation’s summary shall record both majority and minority opinions. The summary shall be signed by all members of the Panel. In the summary there will be no recording of the negative or affirmative votes of any individual members of the Panel.

No later than two weeks after the hearing concludes, the Panel shall send to the complainant and to the respondent a copy of the minutes of the hearing and the summary of the deliberations. The deliberation’s summary will note the sanction(s) to be imposed, if any. The minutes and summary shall also be sent to the Dean of the campus, the Provost, the President, and the College’s Counsel.

Formal Sanctions

When the finding is that a violation of this Policy has occurred, sanctions shall be imposed upon the offender. If there are previous incidents on file in the Dean’s office involving the offender, those may be shared with the Panel after their finding has been reached, but before sanctions are imposed.

Possible sanctions upon faculty, administration and staff may include, but not be limited to:

- Training
- Verbal warning
- Letter of warning or reprimand, and a copy of the corrective action placed in the personnel file of the offender
- Prohibition to participate in grading, recommendations, reappointment, and promotion decisions or other evaluations concerning the complainant



- Denial of access to College-Institute resources, such as travel/research funds or merit or cost of living salary increases for a specific period
- Suspension without pay for a specific period
- Dismissal from the College-Institute in accordance with the established procedures

Retaliation

Retaliation is action against anyone who makes a complaint of conduct prohibited by this policy or anyone who cooperates in the investigation of a complaint of conduct prohibited by this policy that will have the effect of discouraging a reasonable person from making such a complaint or cooperating in a complaint's investigation. The exercise of rights protected under the First Amendment does not constitute prohibited retaliation nor does charging an individual with a Code of Conduct violation for making a materially false statement in bad faith in the course of a grievance proceeding provided that a determination regarding responsibility, alone, is not sufficient to conclude that any party made a materially false statement in bad faith.

A complainant whose allegations are found to be both demonstrably false and brought with malicious intent will be subject to disciplinary action which may include, but is not limited to, written warning, demotion, transfer, suspension, dismissal, expulsion, or termination.

Any act of retaliation is a violation of this policy and will be investigated and adjudicated accordingly. Employees who believe they have been retaliated against under these circumstances or observes or is aware of such retaliation, must immediately report this to their supervisor or the Global Director of Human Resources. Students who believe they have been retaliated against under these circumstances or observes or is aware of such retaliation, must immediately report this to the Director of Student Support at (212) 824-2260.

Recording and Monitoring

The record of all formal grievance procedures and any appeals shall be placed in locked files in the offices of the President and the Director of Human Resources. All other copies will be destroyed except a notation of the file's existence will be kept in the Dean's office of the campus where the complainant and respondent are located. The record will include the written complaint and response, a copy of the policies and procedures in place at the time of the event, the minutes of the proceedings and the statement of finding and deliberations summary and any sanction(s).

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Access to the record will only be by order of legal process or at the discretion of the President and/or Global Human Resources Director.

Except as otherwise prohibited by law, (1) requests for access by a certifying or licensing body or Jewish professional association responsible for either party will be given substantial deference and generally be permitted; and (2) if there is a finding that a policy violation has occurred, the Provost shall report the finding to the Placement Director of the Jewish professional association responsible for the offender.

VII. Policy Owner, Management and Point of Contact Information

Global Director of Human Resources, 513-487-3201

Chief Financial Officer, 513-487-3206

VIII. Exclusions

Determined on a case-by-case basis when a consensual relationship preexists a subsequently developed relationship of unequal influence or authority. The specific circumstances will be reviewed on a case-by-case basis to determine whether an exception to this provision is warranted with the development of appropriate safeguards.

IX. Effective Date

June 2022

X. Related HUC-JIR Policies and Documents

Equal Opportunity and Non-Discrimination Policy, (<http://huc.edu/equity-inclusion/equal-opportunity-and-non-discrimination>).

Sexual Misconduct and Interpersonal Violence Policy, (<http://huc.edu/equity-inclusion/what-our-policy>).

XI. Notification of Policy Changes and Revision History

The College-Institute reserves the right to change this policy at any time. This policy is published in the Policy Library and the Employee Handbook.

XII. Appendices, References, and Related Materials

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