



Sexual Harassment and Assault 2021

I. Policy Statement

II. Definitions

III. Internal Complaint Process for Complaints of Sexual Assault or Sexual Harassment

IV. Appeal Process for Student/Student Complaints

I. Policy Statement

Budapest Semesters in Mathematics is committed to a safe and healthy environment and as such will not tolerate sexual assault and sexual harassment in any form. Sexual assault is a crime in both Hungary and the United States and sexual harassment is a violation of federal and state laws in the United States. *BSM* recognizes both as serious violations of individual rights and dignity. Sexual assault and sexual harassment are not only acts of disrespect, violence, aggression or coercion against an individual, but also are attacks on our community.

Sexual harassment and sexual assault committed in connection with any College International program, whether on or off campus, is prohibited and will not be tolerated. This applies to academic, educational, extra-curricular, residential and other activities associated with the college.

Budapest Semesters in Mathematics encourages victims to report sexual assault and harassment incidents to appropriate *BSM* or College International authorities as described in part IV of this policy. Perpetrators of sexual assault or harassment will be subject to strict disciplinary action by the College, up to and including, expulsion, or termination of employment. Retaliation against an individual who brings a complaint, participates in an investigation of sexual assault or harassment or pursues legal action is prohibited and will not be tolerated.

Budapest Semesters in Mathematics endorses the "Statement on Sexual Harassment of the Association of Women in Mathematics" as published in the Volume 23, Number 6, November-December, 1993 issue of the *AWM Newsletter* (attached).

Consensual Relations

Students, faculty and staff members should understand that apparently "consensual sexual relationships," particularly those among persons of unequal status, may be or become a violation of this policy. Anyone who engages in a sexual relationship with a person over whom he or she has any degree of power or authority may be considered in violation of this sexual harassment policy.

II. Definitions

Sexual Assault

Sexual Assault under this policy is any sexual contact with another person who does not or cannot give consent. This may or may not include force. The use of alcohol or drugs does not diminish a person's responsibility for assaulting someone. Sexual Assault includes, but is not limited to:

- Unwanted sex by acquaintance or stranger
- Unwanted touching, fondling, grabbing
- Use of coercion to cause submission

Consent

Consent is words or conduct indicating a freely given present agreement to perform a particular sexual act with the actor.

Consent can only be given or implied by someone who: acts freely, voluntarily, and with knowledge of the nature of the act involved.

Consent cannot be given if someone:

- is incapacitated by drugs or alcohol
- is coerced into submission
- is not conscious
- is physically incapacitated
- is mentally incapacitated

Consent cannot be inferred from:

- permission for one particular act
- a prior sexual, romantic or marital relationship
- an existing sexual, romantic or marital relationship

Complainant

The person filing a complaint with the *Budapest Semesters in Mathematics Program* under the Sexual Assault and Sexual Harassment policy.

Respondent

The person named as the perpetrator in a complaint. The person responding to the complaint.

Sexual Harassment

Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when:

- Submission to such conduct is made either explicitly or implicitly a term or condition of an

- individual's employment, instruction, or participation in other college activities, or
- Submission to or rejection of such conduct by an individual is used as a basis for making academic or employment decisions affecting that individual, or
 - Such conduct has the purpose or effect of substantially interfering with an individual's performance by creating an intimidating or hostile educational or employment environment, or living environment in an educational setting.

Behavior may violate this policy when it does not rise to the level described in the above definition, but if repeated or continued, could do so.

Sexual harassment may include, but is not limited to:

- Unwelcome or repeated sexual advances
- Offensive, disparaging remarks about one's gender, marital status, sexual orientation, or appearance
- Remarks about one's physical appearance that imply sexual interest
- Subtle pressure for sexual activity, including sexual propositions
- Unnecessary brushes or touches, including pinching, patting, or grabbing
- Displayed offensive sexual graffiti, gestures, cartoons, or pornography
- Sexual innuendoes or obscene gestures
- Communications (oral, written or pictorial) with sexual overtones. This includes hardcopy, email, and internet.
- Sexually offensive remarks disguised as humor
- Unwanted gifts, staring, leering, or unwanted attention.

Sexual harassment can involve:

- Student and student;
- Teacher and student;
- Teacher and teacher;
- Supervisor and employee;
- Co-workers who are equal in status;
- Co-workers when one of the individuals is in a position of professional judgment or power over another.
- A college employee or student and a contractor, consultant, vendor, visitor, or third party who deals with the employee or student in connection with college business or activities.

Sexual harassment can be committed by current or former friends and/or acquaintances and can be committed by a male or by a female against a person of the same or opposite sex.

III. Internal Complaint Process for Complaints of Sexual Assault or Sexual Harassment

1. Complaints of sexual assault or sexual harassment may be made by students, faculty members or staff members to the North American Director of *BSM*, the Hungarian Director of *BSM*, or the Directors

of College International.

Unless specified in writing as confidential, all reports must be followed up if the identity of the alleged assailant is known or can be determined, but follow-up will be done with respect for the privacy of those allegedly involved in the incident.

If a complaint is made to anyone else, the complainant risks the possibility that it will not come to the attention of the proper officials and may, therefore, not be acted upon.

2. Complaints of sexual assault or sexual harassment committed by a student, faculty member or staff member against any student, faculty member or staff will be investigated promptly.

In general, investigations will be done by the Hungarian Director of *BSM* or, if the Hungarian Director is not available or is allegedly implicated, by the Director of College International.

3. The person investigating the complaint of sexual assault or sexual harassment will prepare a written fact-finding. A Review Committee consisting of the person investigating the complaint (normally the Hungarian Director) and the North American Director will then determine whether sexual assault or sexual harassment has occurred which violates this policy, and, if so, the disciplinary or other action that is appropriate.

If the respondent is an employee of the College, the matter will be handled in a manner consistent with the practices of the College International.

4. A complaint of sexual assault or sexual harassment will be resolved by:

- A. a determination that the policy has been violated and imposition of appropriate disciplinary or other action; or
- B. a determination that there was no violation of the policy or that a violation cannot be determined and dismissal of the complaint.

In some circumstances, the Review Committee will be unable to determine whether the policy has been violated because of insufficient information.

5. In all cases where there is a finding of a violation of policy, the Review Committee will take prompt and appropriate action. Complainants and respondents in matters alleging sexual assault by a student will be notified as to the outcome of their complaint.

In the case of a finding of harassment or assault by a student, disciplinary action may include, for example; dismissal, warning, and/or no contact with the complainant.

In the case of a staff member or a faculty member, the action(s) may include, but not be limited to, a warning, suspension, reassignment, or termination of employment.

IV. Appeal Process for Student/Student Complaints

The complainant or respondent student shall have a right to an appeal of the decision or the sanctions imposed. Such appeal shall be made to the Governing Board of Directors of *BSM*.