HARASSMENT, SEXUAL HARASSMENT AND DISCRIMINATION POLICY

The College is committed to providing both employment and educational environments free of harassment or discrimination related to an individual’s race, color, gender, religion, national origin, age, or disability. Any practice or behavior that constitutes harassment or discrimination shall not be tolerated on any campus or site, or in any division, or department by any employee, student, agent, or non-employee on college property and while engaged in any College-sponsored activities. It is within this commitment of providing a harassment-free environment and in keeping with the efforts to establish an employment and educational environment in which the dignity and worth of members of the College community are respected, that harassment of students and employees is unacceptable conduct and shall not be tolerated at the College.

A non-discriminatory environment is essential to the mission of the College. A sexually abusive environment inhibits, if not prevents, the harassed individual from performing responsibilities as student or employee. It is essential that the College maintain an environment that affords equal protection against discrimination, including sexual harassment. Employees and students who are found in violation of this policy shall be disciplined as appropriate to the severity of the offense. Employees and students of the College shall strive to promote a college environment that fosters personal integrity where the worth and dignity of each human being is realized, where democratic principles are promoted, and where efforts are made to assist colleagues and students to realize their full potential as worthy and effective members of society. Administrators, professional staff, faculty, and support staff shall adhere to the highest ethical standards to ensure a professional environment and to guarantee equal educational opportunities for all students.

For these purposes, the term “harassment” includes, but is not necessarily limited to:

- Slurs, jokes, or other verbal, graphic, or physical conduct relating to an individual’s race, color, gender, religion, national origin, age, or disability. Harassment also includes unwelcome sexual advances, requests for sexual favors, and other verbal, graphic, or physical conduct of a sexual nature.

Harassment of employees or students by non-employees is a violation of this policy. Any employee or student who becomes aware of any such harassment shall report the incident(s) to the Title IX Coordinator. The Title IX Coordinator is the Vice President for Learning.

The employees of the College determine the ethical and moral tone for the College through both their personal conduct and their job performance. Therefore, each employee must be dedicated to the ideals of honor and integrity in all public and personal relationships. Relationships between College personnel of different ranks which involve partiality, preferential treatment, or the improper use of position shall be avoided. Consensual amorous relationships that might be appropriate in other circumstances are inappropriate when they occur between an instructor and any student for whom the instructor has responsibility, between any supervisor and an employee, or between a College employee and a student where preferential treatment results. Further, such relationships may have the effect of undermining the atmosphere of trust on which the educational process depends. Implicit in the idea of professionalism is the recognition by those in positions of authority that in their relationships with students or employees there is an element of power. It is incumbent on those with authority not to abuse the power with which they are entrusted.

All personnel shall be aware that any amorous relationship (consensual or otherwise) or any otherwise inappropriate involvement with another employee or student makes them liable for formal action against them if a complaint is initiated by the aggrieved party in the relationship.
Even when both parties have consented to the development of such a relationship, it is the supervisor in a supervisor-employee relationship who shall be held accountable for unprofessional behavior. This policy encourages faculty, students, and employees who believe that they have been the victims of discrimination or sexual harassment to contact the Title IX Coordinator at the institution. Any reprisals shall be reported immediately to the Title IX Coordinator or to the dean of the area in which the incident or alleged incident occurred.

**Definition of Sexual Harassment**

Sexual harassment is a form of sex discrimination which is illegal under Title VII of the Civil Rights Act of 1964 for employees and under Title IX of the Education Amendments of 1972 for students. Sexual harassment does not refer to occasional compliments; it refers to behavior of a sexual nature which interferes with the work or education of its victims and their co-workers or fellow students. Sexual harassment may involve the behavior of a person of either sex against a person of the opposite sex or the same sex.

Sexual harassment can be verbal, visual, or physical. It can be over, as in the suggestions that a person could get a higher grade or a raise by submission to sexual advances. The suggestion or advance need not be direct or explicit; it can be implied from the context, circumstances, and relationships of the individuals involved. Sexual harassment can also consist of persistent, unwanted attempts to change a professional or educational relationship to a personal one. Sexual harassment is distinguished from consenting or welcome sexual relationships by the introduction of the elements of coercion; threat; unwelcome sexual advances; unwelcome requests for sexual favors; other unwelcome sexually explicit or suggestively written, verbal, or visual material; or unwelcome physical conduct of a sexual nature, when:

A. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual’s employment or educational opportunities;
B. Submission to or rejection of such conduct is used as the basis for employment or academic decisions affecting that individual;
C. Such conduct has the purpose or effect of unreasonably interfering with an individual’s work or academic performance, or creates an intimidating, hostile, or offensive work or educational environment.

Examples of verbal or physical conduct prohibited within the definition of sexual harassment include, but are not limited to:

1. Physical assault;
2. Direct or implied threats that submission to or rejection of requests for sexual favors will affect a term, condition, or privilege of employment or a student’s academic status;
3. Direct propositions of a sexual activity;
4. Subtle pressure for sexual activity;
5. Repeated conduct intended to cause discomfort or humiliation, or both, that includes one or more of the following: (i) comments of a sexual nature or (ii) sexually explicit statements, questions, jokes, or anecdotes;
6. Repeated conduct that would cause discomfort and/or humiliate a reasonable person at whom the conduct was directed, including one or more of the following: (i) touching, patting, pinching, hugging, or brushing against another’s body; (ii) commentary of a sexual nature about an individual’s body or clothing; or (iii) remarks about sexual activity or speculations about previous sexual experience(s);
7. Intimidating or demeaning comments to persons of a particular sex, whether sexual or not;
8. Displaying objects or pictures which are sexual in nature and that would create a hostile or offensive employment or educational environment and serve no educational purpose related to the subject matter being addressed.

Resolution of Harassment and Discrimination Complaints

Procedures for Reporting Complaints

1. Any member of the College community who believes that he or she has been the victim of sexual harassment or illegal discrimination may bring the matter in writing to the attention of any academic or administrative officer, dean, director, supervisor, or advisor. When a written complaint has been reported to any of these individuals, the recipient of the complaint will forward the complaint to the Title IX Coordinator, who shall be designated by the President to coordinate the investigation of such complaints. The President and the Vice Chancellor for Legal and Human Resources of the Alabama Department of Postsecondary Education shall be promptly notified of the complaint.

2. The complainant should present the complaint as promptly as possible after the alleged sexual harassment or discrimination occurs. The complainant should submit a written statement of the allegations. Retaliation against a student or employee for bringing a sexual harassment or discrimination complaint is prohibited. Retaliation is itself a violation of this policy and may be grounds for disciplinary action.

3. It is the intention of this policy to resolve complaints of sexual harassment and illegal discrimination as quickly as possible. Except in extraordinary cases, all complaints will be investigated and resolved with forty-five (45) days of receipt. Every possible effort shall be made to ensure confidentiality of information received as part of the investigation. Complaints will be handled on a “need to know” basis, with a view toward protecting the interests of both parties.

4. The investigation record shall consist of formal and informal statements from the alleged victim, the alleged offender, witnesses, and others deemed by the investigator to have pertinent knowledge of the facts involved in the complaint. The investigation will afford the accused a full opportunity to respond to the allegations. If the results of the investigation and informal resolution of the complaint are accepted by the alleged victim and he or she desires no further action against the alleged harasser, the complainant will sign a statement requesting that no further action be taken.

Formal Action

1. If the complaint cannot be resolved on an informal basis, the complainant may file a formal complaint. Each complainant has the right to proceed with or withdraw from the formal complaint procedure once it has been submitted. The issues involved in the complaint should not be changed once the charge has been made. However, administrative procedures may be revised to accommodate issues arising during the investigation which were not known to the complainant or the institution when the initial complaint was filed.

2. Complaints against students will be handled according to usual and customary student discipline procedures in effect at the institution.

3. In the event of complaints against employees, the Title IX Coordinator will notify the accused in writing of the complainant’s decision to take formal action. Formal action will consist of the Title IX procedures as set forth below.

A. The original and two copies of Grievance Form A must be filed with the appropriate dean (depending on the complainant’s work area assignment) within 30 calendar days following the date of alleged violation(s) of the Title IX regulation. Personnel whose work assignment is outside the authority of the above-named Dean should file Form A with the Assistant to the President. The alleged violation(s) must be clearly and specifically stated. Complainant is advised to keep a copy of all forms.
B. The Dean will immediately notify the President and the Title IX Coordinator of receipt of Grievance Form A. The Dean will have 30 calendar days following date of receipt of Grievance Form A to investigate, study complainant’s allegations, hold a formal hearing, and make a written report of findings to complainant. Form A must be used for the report. Copies of Form A must be provided to the Title IX Coordinator and the President. Complainant’s copy must be mailed to his/her home address by certified mail, return receipt requested.

C. Complainant must, within 15 calendar days following receipt of the Dean’s report, file with the President and Title IX Coordinator a written notice of acceptance or appeal of the report. If a notice of appeal is filed, appeal Form B must be used. Complainant must state clearly and specifically on Form B the objections to the findings and/or decision of the Dean. Copies of Form B must be provided to the Title IX Coordinator and the President. If complainant fails to file notice of appeal by the end of the 15th calendar day following receipt of the Dean’s report, the right to further appeal will be forfeited.

D. The President will have 30 calendar days following date of receipt of complainant’s notice of appeal to investigate and study complainant’s allegations and the report of the Dean and make a written report of findings to complainant. Form B must be used for the report. Copies of Form B must be provided to the Title IX Coordinator and the Chancellor. Complainant’s copy must be mailed to his/her home address by certified mail, return receipt requested.

E. Complainant must, within 15 calendar days following receipt of President’s report, file with the President and Title IX Coordinator a written notice of acceptance or appeal of the report. If notice of appeal is filed, appeal Form C must be used. Complainant must state clearly and specifically on Form C the objections to the findings and/or decisions of the President. Copies of Form C must be provided to the Title IX Coordinator and the Chancellor. If complainant fails to file notice of appeal by the end of the 15th calendar day following receipt of the President’s report, the right to further appeal will be forfeited.

F. The Chancellor will have 30 calendar days following the date of receipt of complainant’s notice of appeal to investigate, study complainant’s allegations and the report of the President, hold a formal hearing, and make a written report of findings to the complainant. Form C must be used for the report. Copies of Form C must be provided to the Title IX Coordinator. Complainant’s copy must be mailed to his/her address by certified mail, return receipt requested.

**NOTE:** If the last day for filing notices of appeals falls on either Saturday, Sunday, or a legal holiday, complainant will have until the close of the first working day following the 15th calendar day to file.