

POLICY NAME:	601.04: Harassment
EFFECTIVE:	04-13-2016
SUPERSEDES:	
SOURCE:	<i>Code of Alabama</i> 16-60-111.4; Title VII of the <i>Civil Rights Act of 1964</i> ; Title IX of the <i>Education Amendments of 1972</i>
CROSS REFERENCE:	

1. The Alabama Community College System is committed to providing both employment and educational environments free of harassment in any form. Employees shall adhere to the highest ethical standards and professionalism and refrain from any form of harassment. Both employees and students shall strive to promote an environment that fosters personal integrity where the worth and dignity of each human being is respected. Any practice or behavior that constitutes harassment shall not be tolerated.

2. Harassment can be defined as but is not limited to:
 - Disturbing conduct which is repetitive;
 - Threatening conduct;
 - Intimidating conduct;
 - Inappropriate or offensive slurs, jokes, language, or other verbal, graphic, or other like conduct;
 - Unwelcome sexual advances or requests for sexual favors;
 - Assault;
 - Repeated contact solicited during non-traditional business hours which may be perceived as harassment by recipient unless it is specifically associated with work related duties.

3. Employees and students who are found in violation of this policy shall be disciplined as deemed appropriate by the investigating authority.

4. Harassment of employees or students by non-employees is also a violation of this policy.

5. This policy encourages faculty, students, and employees who believe that they have been the victims of harassment to contact the grievance officer or other appropriate official at the institution within ten days of when the alleged incident occurred. Any reprisals shall be reported immediately to the grievance officer or other appropriate official. Any employee or student who becomes aware of any harassment shall report the incident to the grievance officer. Failure to act, which includes initial investigation, shall be deemed in direct violation of this policy.

6. 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, and occurs when such behavior constitutes unwelcome sexual advances, unwelcome requests for sexual favors, or other unwelcome verbal or physical conduct of a sexual nature, when perceived

by the recipient that: Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or educational opportunities; or submission to or rejection of such conduct is used as the basis for employment or academic decisions affecting that individual; or 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.

Sexual harassment can be verbal, visual, or physical. It can be overt, 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 conduct, circumstances, and relationship 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. Examples of verbal or physical conduct prohibited within the definition of sexual harassment include, but are not limited to:

- A. Physical assault;
- B. 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;
- C. Direct propositions of a sexual nature;
- D. Subtle pressure for sexual activity;
- E. 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;
- F. Repeated conduct that would cause discomfort and/or humiliate a reasonable person at whom the conduct was directed that includes one or more of the following:
 - 1. Touching, patting, pinching, hugging, or brushing against another's body;
 - 2. Commentary of a sexual nature about an individual's body or clothing; or
 - 3. Remarks about sexual activity or speculations about previous sexual experience(s);
- G. Intimidating or demeaning comments to persons of a particular sex, whether sexual or not;

H. Displaying objects or pictures which are sexual in nature that would create a hostile or offensive employment or educational environment, and serve no educational purpose related to the subject matter being addressed.

6. This policy shall be distributed, communicated and implemented in a manner which provides all interested parties the opportunity to be informed of this policy. A system-wide educational program shall be utilized to assist all members of the community to understand, prevent and combat harassment. Each community and technical college is required to provide annual training related to harassment, including sexual harassment.