

HARASSMENT AND DISCRIMINATION POLICY

Introduction

The State Board of Education 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, disability, or any other protected class. Such harassment is a violation of State Board of Education policy. 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 any institution's property and while engaged in any institutionally 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 community are respected, that harassment of students and employees is unacceptable conduct and shall not be tolerated at any of the institutions that comprise The Alabama Community College System.

A nondiscriminatory environment is essential to the mission of The Alabama Community College System. An abusive environment inhibits, if not prevents, the harassed individual from performing responsibilities as student or employee and creates a hostile work environment. It is essential that institutions maintain an environment that affords equal protection against discrimination, including sexual harassment. The institutions of The Alabama Community College System shall take all the necessary steps to ensure that harassment, in any form, does not occur. Employees and students who are found in violation of this policy shall be disciplined as deemed appropriate by the investigating authority as to the severity of the offense with final approval from the President.

Employees and students of The Alabama Community College System shall strive to promote a 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 professionally functioning institutions 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, disability, or any other protected class. Harassment also includes unwelcome sexual advances, requests for sexual favors, and other verbal, graphic, or physical contact if perceived as such by the recipient.

Any contact solicited during non-traditional business hours may be perceived as harassment by recipient unless it is specifically associated with work related duties.

Harassment of employees or students by non-employees is also a violation of this policy. Any employee or student who becomes aware of any such harassment shall report the incident(s) to the appropriate institution official. Failure to act, which includes initial investigation, shall be deemed in direct violation of this policy.

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;
- Submission to or rejection of such conduct is used as the basis for employment or academic decisions affecting that individual;
- 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.
- Any incident of harassment shall be reported to the grievance officer as promptly as possible after the harassment occurs.

The employees of the institutions within The Alabama Community College System determine the ethical and moral tone for these institutions 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 institution personnel of different ranks, including that of instructors and students, which involve partiality, preferential treatment, or the improper use of position shall be avoided. 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 always 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 romantic 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, the faculty member in a faculty-student relationship, or the employee in an employee-student 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 harassment to contact the grievance officer or other appropriate official at the institution

where the alleged incident occurred. Any reprisals shall be reported immediately to the grievance officer or other appropriate official.

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.

A harassment educational program may consist of seminars, workshops, videos, and/or printed materials. The educational elements of this policy seek to achieve the following goals through dissemination of this policy and providing a training program by: (1) ensuring that all administrators, faculty, students, and all employees are made aware of their rights concerning sexual harassment; (2) notifying individuals of conduct that is prohibited; (3) informing administrators and supervisors about the proper procedures in addressing complaints. This program must be administered annually and approved by Department of Postsecondary Education.

The Chancellor will issue guidelines to ensure the adherence to, implementation of, and enforcement of this policy.

Definition of 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.

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:

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 to the attention of any academic or administrative officer, vice president, dean, associate dean, director, supervisor, or advisor. When a complaint has been reported to any of these individuals, the recipient of the complaint will forward the complaint to the designated administrator, 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 within 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 appropriate administrator 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 the appropriate form must be filed with the appropriate administrator (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 administrator should file a form with the Dean of Instruction/Student Services. The alleged violation(s) must be clearly and specifically stated. Complainant is advised to keep a copy of all forms.
 - B. The Dean of Instruction/Student Services will immediately notify the President of receipt of the Grievance form. The Dean or her designee will have 30 calendar days following date of receipt of the Grievance form to investigate, study complainant's allegations, hold a formal hearing, and make a written report of findings to complainant. A copy of the grievance form must be provided to 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 (or designee's) report, file with the President a written notice of acceptance or appeal of the report. If a notice of appeal is filed, an appeal form must be used. Complainant must state clearly and specifically on the appeal form the objections to the findings and/or decision of the Dean. Copies of the appeal form must be provided to 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 of Instruction/Student Services and make a written report of findings to the complainant. The grievance form must be used for the report. Copies of the appeal form must be provided to 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 a written notice of acceptance or appeal of the report. If notice of appeal is filed, an appeal form must be used. Complainant must state clearly and specifically on the form the objections to the findings and/or decisions of the President. Copies of the form must be provided to the Chancellor. If complainant fails to file notice

of appeal by the end of the 15th calendar day following receipt of the Presidents 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 complainants allegations and the report of the President, hold a formal hearing, and make a written report of findings to the complainant. Copies of the form must be provided to the Dean of Instruction/Student Services. Complainant's copy must be mailed to his/her home address by certified mail, return receipt requested.

NOTE: If the last day for filing notice 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.

NOTE: It is the intent of the Policy to provide for a prompt and thorough investigation of any complaints. The time limits set forth within these guidelines are subject to change as needed to ensure satisfactory conclusion of the investigation.