

**SOUTHWEST TENNESSEE COMMUNITY COLLEGE****SUBJECT:** Anti-Harassment**EFFECTIVE DATE:** January 1, 2006**I. Policy**

Southwest condemns any acts in its academic or work environments that create the potential for illegal harassment, both in terms of individual faculty member, staff or student morale and in violation of applicable federal, state, and local laws. Southwest will not tolerate harassment of any faculty member, staff or student because of sex, sexual orientation, gender, race, color, religion, national origin, age or disability.

**II. Scope**

This policy applies to all Southwest faculty members, employees and students, and also extends to those with whom the College conducts business, including clients, customers, and vendors.

**III. Definition**

It is impossible to provide a precise definition of “harassment” in the legal sense. Whether or not inappropriate behavior constitutes illegal harassment depends upon many factors. Thus, the descriptions below are intended to provide a general outline of the types of behavior that are inappropriate in the workplace. This policy prohibits all inappropriate language and conduct--regardless of whether that behavior would legally constitute “harassment.”

**Sexual Harassment**

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

- Submission to such conduct is made either explicitly or implicitly a term or condition of an individual’s employment or of the individual’s status in a program, course or activity.

**Source of Policy:** Human Resources**Related Policy:** N/A**Approved:** \_\_\_\_\_**President****Responsible Executive Director of  
Administrator:** Human Resources**TBR Policy Reference:** 5:01:00:00**TBR Guideline Reference:** P-080**Date:** January 1, 2006

- Submission to or rejection of such conduct by an individual is used as the basis for employment decisions, a criterion for evaluation, or a basis for academic or other decisions affecting such individual.
- Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating a working environment that is intimidating, hostile, or offensive to the individual.

Sexually inappropriate behavior can take many other forms including, but not limited to repeated propositions or requests for dates, leering or ogling, innuendos, flirting, or unwanted physical contact.

### **Other Harassment**

Examples of behavior which is not sexually provocative but is inappropriate, and depending upon the circumstances unlawful harassment, include the following:

- Gender-based comments or other demeaning conduct directed at a faculty member, staff or student because of his or her gender.
- Jokes or insults relating to religious beliefs, nationality, age, or disability.
- Racial epithets or derogatory comments based on race, color or national origin.

## **IV. Prohibited Conduct**

All faculty members, staff or students must avoid any action or conduct that might be viewed as harassing behavior. Approval of, participation in, or acquiescence in such conduct will be considered a violation of this policy.

### **Consensual Amorous Relationship Policy**

Employees should be sensitive to the fact that they have a professional responsibility for students in such matters as counseling, evaluating, supervising, advising, and providing services to students as a part of the school program.

Consensual relations are defined as amorous, romantic, or sexual relationships into which both parties have voluntarily entered. They become of concern to the College when one person in a relationship is in a position of authority over another. Examples of these situations include but are not limited to relationships between instructors and students, supervisors and employees, or administrators and students.

Consensual relationships of these types are prohibited. These relationships can violate the trust between instructors and students, administrators and students, or supervisors and employees. Most critically, they contain inherent potential for abuse of power and authority. Anyone who engages in a sexual relationship with a person over whom he or she has any degree of authority must understand that the degree to which such a relationship is truly mutually consensual may be

questioned at any time. Even when both parties have apparently consented at the outset, such consent does not invalidate a subsequent charge of sexual harassment after one party withdraws his or her consent and communicates that decision to the other party.

Inappropriate behavior and harassment is not tolerated and may result in discipline up to and including termination.

## **V. Complaints**

The fact that someone did not intend to sexually harass an individual is not necessarily a defense to a complaint of sexual harassment. Regardless of intent, it is the duration, effect and characteristics of the behavior that determine whether the behavior constitutes sexual harassment. Harassing conduct may be disciplined even if the complaining person is not the intended target of the conduct.

Anyone who believes he or she has been the subject of, has been notified about, or has observed, sexual harassment as defined by this policy, should report the alleged conduct immediately to Human Resources. Any supervisor or faculty member who receives a report or complaint of sexual or other harassment must immediately report the complaint even if the complaining individual asks that no action be taken. Any faculty member or supervisor who fails to take action upon receiving a complaint of harassment may be subject to discipline, up to and including termination.

All complaints will be promptly investigated in accordance with the procedures outlined in Tennessee Board of Regents Guideline P-080 in as confidential a manner as possible while still conducting a thorough investigation.

## **VI. Retaliation Prohibited**

Additionally, retaliation against anyone reporting or thought to have reported sexual harassment behaviors or who is a witness or otherwise is involved in a sexual harassment proceeding is prohibited. Such retaliation is a serious violation of the policy and will be investigated as an independent act of sexual harassment. Encouraging others to retaliate also violates this policy. Examples of retaliation include, but are not limited to:

- Unfair grading, evaluation, or assignments
- Unfair changes to conditions of employment
- Information being withheld or made difficult to obtain
- Ridicule (public or private)
- Oral or written threats or bribes

Complaints of retaliation must be reported to Human Resources.