

**WALLACE COMMUNITY COLLEGE  
DOTHAN, ALABAMA**

**SEXUAL HARASSMENT POLICY**

I have read and understand Wallace Community College's Sexual Harassment Policy. I also understand that my failure to abide by this policy may be cause for disciplinary action, up to and including termination.

\_\_\_\_\_  
Employee Name (Please Print)

\_\_\_\_\_  
Employee Signature

\_\_\_\_\_  
Date

Attachment

## **WALLACE COMMUNITY COLLEGE SEXUAL HARASSMENT POLICY**

Wallace Community College is committed to an environment conducive to learning and free from harassment or discrimination (intentional or implied) with regard to sex. Wallace Community College administration will take all necessary steps to ensure that sexual harassment, hostile environment, or quid pro quo, does not occur at any College location or at any event or activity sponsored by the College. This policy applies to all members of the College community, who are encouraged to report promptly complaints about sexual harassment.

**Any member of the College community who believes that he or she has been the victim of sexual harassment may bring the matter to the attention of any academic or administrative officer, dean, director, supervisor, counselor, teacher, or advisor. When a complaint has been reported to any of these individuals, the recipient of the complaint will forward the complaint to the appropriate College official, who shall be designated by the President to coordinate the investigation of such complaints.**

Each College location has a trained Sexual Harassment Officer.

Wallace Campus	Debbie McCollough	334-556-2260
Sparks Campus	Jackie Screws	334-687-3543 <b>or</b> 334-556-2485, ext. 2485

All employees of Wallace Community College are expected to treat each other and students with respect and dignity at all times. Behaviors, words, or actions that create (directly or indirectly) a working or learning environment hostile to members of either sex will not be tolerated. Recognizing that individual perceptions differ, the College subscribes to the reasonable person standard, which measures sexual harassment by whether or not such conduct would substantially affect the work environment of a reasonable person. Employees are cautioned to be conservative in projecting how a reasonable person would react and are strongly advised to ask their administrators and/or compliance officers if in doubt. The College will not tolerate quid pro quo harassment whereby sexual favors are requested or demanded in exchange for grades, employee ratings, promotions, etc.

The College reaffirms the Equal Employment Opportunity Commission guidelines which state that whether or not there is sexual harassment is a

matter that must be viewed from the perspective of the recipient. In other words, harassment may exist even when no direct intent to harass is present. Therefore, all employees are encouraged to be aware of the environment they help to create and to be sensitive to the perceptions of others.

### **Legal Authority**

Sexual harassment is a form of sex discrimination which is prohibited by Title VII of the Civil Rights Act of 1964 and by Title IX of the Education Amendments. The College also subscribes to the guidelines of the Equal Employment Opportunity Commission.

### **Definition**

Sexual harassment may involve the behavior of a person of either sex against a person of the opposite or same sex and occurs when such behavior constitutes unwelcome sexual advances, unwelcome requests for sexual favors, and other unwelcome verbal or physical behavior of a sexual nature. Sexual harassment is either hostile environment or quid pro quo when:

1. Submission to such conduct is made either explicitly or implicitly a term or condition of a person's employment or academic advancement (quid pro quo);
2. Submission to or rejection of such conduct by an individual is used as the basis for decisions affecting an individual's employment or academic standing (quid pro quo);
3. Such conduct has the purpose or effect of unreasonably interfering with a person's work or academic performance or creating an intimidating, hostile, or offensive work, learning, or social environment (hostile environment).

A third party may also file a complaint under this policy if the sexual conduct of others in the education or work environment has the purpose or effect of substantially interfering with the third party's welfare or academic or work performance.

### **Examples of Prohibited Behavior**

Prohibited acts that constitute sexual harassment may take a variety of forms. Examples of the kinds of conduct that may constitute sexual harassment include, but are not limited to:

1. Unwelcome sexual propositions, invitations, solicitations, and flirtations.

2. Threats or insinuations that a person's employment, wages, academic grade, promotional opportunities, classroom or work assignments, or other conditions of employment or academic life may be adversely affected by not submitting to sexual advances.
3. Unwelcome verbal expressions of a sexual nature, including graphic sexual commentaries about a person's body, dress, appearance, or sexual activities; the unwelcome use of sexually degrading language, jokes, or innuendoes; unwelcome, suggestive, or insulting sounds or whistles; obscene phone calls.
4. Sexually suggestive objects, pictures, videotapes, audio recordings, or literature placed in the work or study area that may embarrass or offend individuals. Such material if used in an educational setting should be related to educational purposes.
5. Unwelcome and inappropriate touching, patting, or pinching; obscene gestures.

### **Consensual Relationships**

The College believes that consenting romantic and sexual relationships between faculty or staff members and between faculty and staff members and students are generally deemed unprofessional and unwise because such relationships may result in a conflict of interest and/or a power differential between members of the College community. A power differential may result in situations such as (1) an instructor and a student in that instructor's class, (2) an instructor or staff member and a student who are participating in an extracurricular activity requiring the student to report to the instructor or staff member in that activity, or (3) a staff member and a subordinate staff member.

A faculty or staff member who enters into a consensual sexual relationship with a student or another faculty or staff member where a professional power differential exists must realize that, if a charge of sexual harassment is subsequently lodged, it will be exceedingly difficult to prove immunity on the grounds of mutual consent. The faculty member or supervisor must also be aware that the College and the individual can be sued as well if sexual harassment can be proven.

Wallace Community College regards as inappropriate any and all romantic relationships between students and students, instructors, or staff members who have any power over students. The College urges all faculty and staff members to refrain from beginning or continuing all such relationships since such behavior may be perceived as unwelcome, even if consensual, and can be seen at the time or later as sexual harassment. The College expects

compliance with the above position by all instructors and staff members and hereby notifies all instructors and staff members that violation of this policy leading to concern regarding sexual harassment may result in sanctions.

### **Complaint and Grievance Procedures**

The College is committed to an environment conducive to learning and free from discrimination (intentional or implied) with regard to sex, race, age, national origin, religion, or disability. The following procedure is in place at the College to provide recourse for employees who feel that their civil rights have been violated or that they have not been treated fairly with regard to those rights. The College recognizes two distinct levels of action: *Complaints* and *Grievances*.

### **Sexual Harassment**

Within 10 working days of an alleged violation, the complainant will initially report to any College official. A conference will then be arranged with the appropriate College Sexual Harassment Officer. If the complaint is about the designated College Sexual Harassment Officer, the written complaint shall be sent directly to the President's Office. The President will assign the complaint to another member of the Administrative Council.

The purpose of this procedure is to secure, at the lowest possible level, equitable solutions to any problem that may arise. These proceedings will be kept as informal and confidential as may be appropriate. The 10-day request is in no way intended to limit a complainant's right to assistance after that time period, but rather to insure timely resolution of any complaint.

IF ANY EMPLOYEE'S COMPLAINT CANNOT BE RESOLVED AT THIS LEVEL, SUCH AN UNRESOLVED COMPLAINT SHALL BE TERMED A *GRIEVANCE*.

### **Grievance Procedure**

The following grievance procedure is in place at this institution to provide recourse for any persons who feel that their civil rights have been violated and who have not been able to remedy the situation at the complaint level.

### **Steps to Be Followed**

1. The original and two copies of Grievance Report Form A must be filed with the complainant's Dean, Department Chair, or Division Director within 30 calendar days following the date of alleged violation(s) of the Title IX regulation. The alleged violation(s) must be clearly and specifically stated (complainant is advised to keep a copy of all forms used in steps 1-6 for his or her files).

2. The complainant's Dean, Department Chair, or Division Director will immediately notify the President and the Title IX Coordinator of receipt of Grievance Report Form A. The Dean, Department Chair, or Division Director will have 30 calendar days following the date of receipt of Grievance Report Form A to investigate and study the complainant's allegations, hold a formal hearing, and make a written report of findings to the complainant. Grievance Report Form A must be used for the report. Copies of Grievance Report Form A must be provided to the Title IX Coordinator and the President. The complainant's copy must be mailed to his or her home address by certified mail, return receipt requested.
3. The complainant must, within 15 calendar days following receipt of the Dean, Department Chair, or Division Director'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, Grievance Appeal Form B must be used. The complainant must state clearly and specifically on Grievance Appeal Form B the objections to the findings and/or decision of the Dean, Department Chair, or Division Director. Copies of Grievance Appeal Form B must be provided to the Title IX Coordinator and the President. If the complainant fails to file notice of appeal by 5:00 p.m. on the 15th calendar day following the receipt of the Dean, Department Chair, or Division Director's report, the right to further appeal will be forfeited.
4. The President will have 30 calendar days following the date of receipt of the complainant's notice of appeal to investigate and study the complainant's allegations, the report of the Dean, Department Chair, or Division Director, and make a written report of findings to the complainant. Grievance Appeal Form B must be used for the report. Copies of Grievance Appeal Form B must be provided to the Title IX Coordinator and the Chancellor. The complainant's copy must be mailed to his or her home address by certified mail, return receipt requested.
5. The complainant must, within 15 calendar days following receipt of the 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, Grievance Appeal Form C must be used. The complainant must state clearly and specifically on Grievance Appeal Form C the objections to the findings and/or decisions of the President. Copies of Grievance Appeal Form C must be provided to the Title IX Coordinator and the Chancellor. If the complainant fails to file notice of appeal by 5:00 p.m. on the 15th calendar day following receipt of the President's report, the right to further appeal will be forfeited.

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

**NOTE: If the last day for filing the notice of appeal falls on either Saturday, Sunday, or a legal holiday, the complainant will have until 5:00 p.m. on the first working day following the 15<sup>th</sup> calendar day to file.**

### **Hearing Procedures**

In the event that a hearing is scheduled within the time frame designated by the grievance officer, the President shall designate a qualified, unbiased person or committee to conduct each grievance hearing. Compliance officers will not be required to serve as hearing officers. The hearing officer or committee shall notify the complainant and each respondent of the time and place of the hearing, the witness list, and the right to have an attorney or representative present. The only individuals present at meetings of this committee shall be committee members, parties to the action being considered by the committee, and their representatives (not to exceed 2) and witnesses actually testifying before the committee. The institution and complainant may have an attorney present, at the respective party's expense, during the hearing. Attorneys may only advise; they may not cross examine, question, or address the committee in any way.

The grievance statement will be formally presented at the meeting. After the grievance is read into the record, the complainants will have the opportunity to present such oral testimony and other supporting evidence as they shall deem appropriate to their claim. Respondents shall then be given the opportunity to present such oral testimony and other evidence they deem appropriate to the respondents' defense against the charges. No cross examination will be allowed. Either party may request that the hearing officer ask a question of the other party, and the hearing officer may or may not choose to do so. In the event that the College, or the administration of the College at large, is the party against whom the grievance is filed, the President shall designate a representative to appear at the hearing on behalf of the respondent. In the event that the College is the respondent, the College representative shall not be an attorney unless the complainant is assisted by an attorney or other personal representative.

The hearing shall be recorded either by a court reporter or on audio or video tape or by other electronic recording medium as agreed to by all parties in advance of the hearing. In addition, all items offered into evidence by the parties, whether admitted into evidence or not, shall be marked and preserved as part of the hearing record.

### **Report of Findings**

Following the hearing, a written report of the findings shall be made to the President, the hearing officer, or the chairman of the committee. The report shall contain at least the following:

1. Date and place of the hearing
2. Name of each member of the hearing committee
3. List of all witnesses for all parties to the grievance
4. Findings relevant to the grievance
5. Decisions and recommended consequences
6. Recommendation(s) to the President arising from the grievance and the hearing thereon

### **Non-retaliation**

No faculty member, administrator, staff member, applicant for employment, student, or member of the public may be subject to restraint, interference, coercion, or reprisal for action taken in good faith to seek advice concerning any sexual harassment, ADA, other civil rights, or Title IX matter, to file a complaint/grievance, or to serve as a witness or panel member in the investigation of a complaint/grievance.

### **Filing a False Report**

It is a violation of the faculty/staff and student conduct policies to file a false report.

### **Contact Persons/Compliance Officers**

Students are strongly encouraged to contact the Dean, Student Affairs if they need to use the grievance process for problems concerning sexual harassment, Americans with Disabilities Act (ADA), Section 504, Title IX, or other civil rights issues. The Dean, Student Affairs will direct students to the appropriate contact person.