POLICY: Harassment Policy

It is the policy of JSCC that employees and students be provided a workplace and academic atmosphere free of harassment or discrimination related to an individual’s race, color, gender, religion, national origin, age, or disability. Such harassment is a violation of State Board of Education policy. In addition, any such harassment is prohibited by state and federal laws, which may subject JSCC and/or the individual harasser to liability for any such unlawful conduct. 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 nonemployee on college 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 college community are respected, that harassment of students and employees is unacceptable conduct and shall not be tolerated at JSCC or any of the other institutions that comprise the Alabama Community College System.

A nondiscriminatory environment is essential to the mission of JSCC and the Alabama Community College System. A sexually abusive environment inhibits, if not prevents, the harassed individual from performing responsibilities as a student or employee. It is essential that institutions maintain an environment that affords equal protection against discrimination, including sexual harassment. JSCC will take all steps necessary to ensure that harassment, in any form, does not occur. Employees and students who are found in violation of this policy shall be subject to discipline, up to and including termination, as appropriate to the severity of the offense.

Employees and students of JSCC 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 professionally functioning institution and to guarantee equal educational opportunities for all students.

For the purposes of this policy, 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.

Each employee must exercise his or her own good judgment to avoid engaging in conduct that may be perceived by others as harassment. Forms of harassment include, but are not limited to:
1. Verbal: repeated sexual innuendoes, racial or sexual epithets, derogatory slurs, off-color jokes, propositions, threats or suggestive or insulting sounds;
2. Visual/Non-verbal: derogatory posters, cartoons, or drawings; suggestive objects or pictures; graphic commentaries; leering; or obscene gestures;
3. Physical: unwanted physical contact including touching, interference with an individual’s normal work movement or assault; and
4. Other: making or threatening reprisals because of a negative response to harassment.

Harassment of employees or students by nonemployees is a violation of this policy. Any employee who becomes aware of any such harassment shall report the incident(s) to his or her supervisor, Legal Services, or an appropriate college official. In response to every complaint, Jefferson State Community College will take prompt investigatory actions and corrective and preventative actions where necessary. An employee or student who brings such a complaint to the attention of Jefferson State Community College in good faith will not be adversely affected because of reporting the harassment.

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 that 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 or 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:
1. Submission to such conduct is made, either explicitly or implicitly, a term or condition of an individual’s employment or educational opportunities;
2. Submission to or rejection of such conduct is used as the basis for employment or academic decisions affecting the individual; or
3. 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.

Employees of JSCC should be aware that no employee has the authority to grant or deny promotions, or to force any change in an employee’s job status based on sexual favors.

Any employee or student who becomes aware of any such harassment shall report the incident(s) to his or her supervisor, Legal Services, instructor, or an appropriate college official. In response to every complaint, JSCC will take prompt investigatory actions and corrective and preventative actions where necessary. An employee or student who brings such a complaint to the attention of Jefferson State Community College in good faith will not be adversely affected because of reporting the harassment.

The employees of Jefferson State Community College determine the ethical and moral tone of this institution 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 that involve or cast the
appearance of 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 he or she 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 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 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, 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 sexual harassment to report the incident(s) to his or her supervisor, Legal Services, instructor, or an appropriate college official. In response to every complaint, JSCC will take prompt investigatory actions and corrective and preventative actions where necessary. An employee or student who brings such a complaint to the attention of JSCC in good faith will not be adversely affected because of reporting the harassment.

**Definition of Sexual Harassment**

Sexual harassment can be verbal, visual, or physical. It can be overt, as in the suggestion 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 consensual 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, 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 favors will affect a term, condition or privilege of employment or a student’s academic status;
3. Direct propositions of a sexual nature;
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:
   A. Comments of a sexual nature;
   B. 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 that includes one or more of the following:
a. Touching, patting, pinching, hugging, or brushing against another’s body;
b. Commentary of a sexual nature about an individual’s body or clothing;
c. Remarks about sexual activity or speculations about previous sexual experience(s);
7. Intimidating or demeaning comments to persons of a sex, whether sexual or not; or
8. 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.