Policy 5.39

Sexual & Other Unlawful Harassment Policy

Beaufort County Community College is committed to providing a work environment free of unlawful discrimination and harassment. Beaufort County Community College strongly disapproves of, and will not tolerate, unlawful harassment, including sexual harassment. This policy applies to conduct occurring in the workplace and/or in other setting where Beaufort County Community College employees may be in connection with their work, such as business trips, and business related parties and social events. All persons are expected to refrain from engaging in conduct, which may be construed as unlawful harassment or sexual harassment. Likewise, each person is expected to take the necessary steps to prevent and eliminate its occurrence.

This policy prohibits unlawful harassment in any form, including sexual harassment, harassment related to race, color, age, ethnicity, religion, disability, sexual orientation, and any other legally protected characteristic.

Sexual harassment includes unwelcome sexual advances, requests for sexual acts or favors, or other verbal or physical conduct of a sexual nature when (i) submission or rejection of such conduct is a term or condition of employment or is a basis for employment decisions, or (ii) such conduct is sufficiently severe and pervasive from both a subjective perspective (i.e., the recipient's view) and an objective person (i.e., a reasonable persons' view) that it unreasonably interferes with an individual's work, education, or participation in College activities or creates an intimidating, hostile, humiliating or offensive work environment.

While in some cases individuals may make comments, jokes or personal advances without intending harm, such action can be unwanted, threatening and perceived as harassment. Stopping harassment in its many forms requires an increased awareness by everyone of the impact that such actions may have on others. Following is a partial list of unwelcome behavior that may be considered harassment:

- Verbal conduct such as racial or ethnic epithets, derogatory jokes or comments, slurs, sexual innuendo, sexually suggestive "kidding or teasing," jokes about gender-specific traits, unwanted sexual overtures or comments, inquiries or discussions concerning one's sexual experiences, comments on an individual's body;
- Visual conduct such as derogatory and/or sexually oriented posters, photography, cartoons, drawings or gestures;
- Physical conduct such as unwanted touching, hugging, kissing, intentional brushing up against the body of another employee;

- Threats or demands to submit to sexual requests as a condition of continued employment or to avoid a loss of benefits, or offers of benefits in return for sexual favors; and
- Retaliation for having reported or threatened to report harassment.

Whenever possible, any person who is experiencing unwelcome conduct of the type generally described above should inform the person engaging in the conduct that it is unwelcome and request that it stop. The complainant may choose to pursue this option alone, or may ask a supervisor or human resources representative to be present or serve as an intermediary.

In any case, a person who believes that he/she has been harassed by a co-worker, supervisor, student, vendor, or who has witnessed such harassment, is strongly encouraged to report the facts of the incident or incidents in accordance with the procedures set forth below. Beaufort County Community College can only resolve matters brought to its attention; accordingly, Beaufort County Community College encourages all persons to come forward with information about allegations of unlawful harassment. Retaliation for making a complaint or cooperating in an investigation of alleged harassment is strictly prohibited.

Procedure

Reports of harassment should be directed to your supervisor, another supervisor or a Human Resources representative as soon as possible after an incident. The report should include details of the incident or incidents, names of the individuals involved, and names of any witnesses. To ensure an appropriate investigation and response, supervisors shall discuss all harassment complaints with Human Resources.

Upon notification of a complaint, a prompt, through and objective investigation will be conducted under the direction of Human Resources. All information will be handled with the highest degree of confidentiality possible under the circumstances and with due regard for the rights and wishes of all parties.

If the investigation produces evidence that Beaufort County Community College policy was violated, appropriate action will be taken to correct and remedy the problem. Such actions may include, for example, counseling, training, written or verbal warnings, transfers, and termination of employment. The results of the investigation will be disclosed to the person making the report and the person alleged to have violated Beaufort County Community College policy. In the case of harassment by a student, vendor, or non-employee of the College, possible remedial action may include letters of objection discussing the issue and requesting that the conduct cease, or refusal to continue the business relationship.

Every Beaufort County Community College employee is expected to support and carry out the policy. Any supervisor observing or knowing of a harassing situation shall take immediate action to stop it. Supervisory and Human Resource personnel who receive

reports of harassment shall seriously consider all such complaints and take immediate steps to implement this policy in accordance with its provisions.

Beaufort County Community College strongly encourages all employees to bring concerns and complaints about harassment to the attention of their supervisor. A prompt internal investigation will allow Beaufort County Community College to fulfill its commitment to ensure a workplace free of harassment and discrimination.

Our goal is to provide a workplace free from tensions involving matters that do not relate to the College's business. In particular, an atmosphere of tension created by unwelcome non-work-related conduct or comments, including ethnic, racial, sexual, or religious remarks, animosity, unwelcome sexual advances, or requests for sexual favors or other such conduct does not belong in our workplace and will not be tolerated. Such conduct will result in disciplinary action, up to and including discharge.

- Harassment of employees or of applicants by other employees of the company is prohibited. Harassment is verbal or physical conduct that denigrates or shows hostility or aversion toward an individual and that is sufficiently severe and pervasive from both a subjective perspective (i.e, the recipient's view) and an objective perspective (i.e, a reasonable person's view) that it unreasonably interferes with an individual 's work performance, adversely affects and individual's employment opportunities or participation in College activities, or creates an intimidating, hostile or offensive environment

Harassing conduct includes, but is not limited to the following:

- Epithets, slurs, negative stereotyping, or threatening, intimidating, or hostile acts, that relate to race, color, religion, gender, nation origin, age, sexual orientation, or disability; and
- Written or graphic material that denigrates or shows hostility or aversion toward an individual or group because of race, color religion, gender, national origin, age, sexual orientation, or disability and that is placed on walls, bulletin boards, desktops, or elsewhere on the employer's premises, or in the workplace.

All supervisors have the explicit responsibility to prohibit and prevent the occurrence of harassment and to take immediate action to correct any harassment of which they become aware.

- While all forms of harassment are prohibited, we want to emphasize that sexual harassment is a specific violation of state and federal law. Sexually harassing conduct that interferes with an individual's job performance, creates an intimidating, hostile, or offensive work environment, or is the basis of any term or condition of employment, regardless of the source, is illegal and will not be tolerated.

Handling a Harassment Complaint

In the event an employee feels any form of harassment has taken place, the College will make every effort to resolve the situation as quickly as possible. The following are guidelines for the resolution of these situations.

Any employee with a compliant or observation about sexual harassment should raise the issue with a supervisor so action can be taken. Employees may bring complaints in any of these ways:

- Tell your supervisor
- Tell the Director of Human Resources
- Tell any supervisor in which you have confidence
- Make a written complaint to the President
- Make a phone call to the President

No one will be punished for bringing an issue to our attention in good faith, even if you do not have all the facts.

References

Legal References: *1C SBCCC 200.94*

SACSCOC References: *Enter SACSCOC references here*

Cross References:

- BCCC Equal Employment Opportunity, ADA, Non-Discrimination and Anti-Harassment (including Sexual Harassment) Policy
- BCCC Equal Employment Opportunity, ADA, Non-Discrimination and Anti-Harassment (including Sexual Harassment) Procedure

History

Senior Staff Review/Approval Dates: *11/6/13, 10/04/2016*

Board of Trustees Review/Approval Dates: *11/6/13, 10/04/2016*

Implementation Dates: *Enter date(s) here*