

INTRODUCTION

The sexual harassment of women or men was established as a violation of Title VII of the Civil Rights Act of 1964 and the Civil Service Reform Act of 1978 and most recently, the Civil Rights Act of 1991. In addition, Title IX of the Education Amendment of 1972 and professional codes of ethics deal with the issues involving sexual harassment. The Equal Employment Opportunity Commission has set strict standards of accountability for both the harasser and the employer. As in other Title VII issues, the effect rather than the intent of the employee and employer's conduct is the basis for determining responsibility. The claim that the harassment was unintentional is disallowed as an employer defense. Similarly, employers are absolutely liable for the actions of their agents or employees in cases in which the supervisory chain knew or should have known of the misconduct. An employee is defined as any person receiving monetary compensation for work.

Complaints of sexual harassment against employers can arise under state tort law and/or Title VII law. Sexual harassment charges involve an act of misconduct being perpetrated by a male against a female, a female against a male, male against a male, or female against a female.

JONES COUNTY JUNIOR COLLEGE'S POSITION STATEMENT ON SEXUAL HARASSMENT

Members of the college community--students, staff, faculty, and administrators--are entitled to a professional working environment, free of harassment or interference for reasons unrelated to the performance of their duties. Since some members of the community hold positions of authority that involve the legitimate exercise of power over others, it is their responsibility to be sensitive to that power, so as to avoid actions that are abusive or unprofessional. Faculty and supervisors, in particular, in their relationships with students and fellow employees, need to be aware of potential conflicts of interest and the possible compromise of their evaluative capacity. Because there is an inherent power difference in these relationships, the potential exists for the less powerful person to perceive a coercive element in suggestions regarding activities outside those appropriate to a strictly professional relationship. It is the responsibility of faculty and supervisors to behave in such a manner that their words or actions cannot reasonably be perceived as suggestive or coercive.

DEFINITION OF SEXUAL HARASSMENT

Unwelcome sexual advances, requests for sexual favor, and other verbal, visual, or physical conduct of a sexual nature constitute sexual harassment when: submission to such conduct is made explicitly or implicitly a term or condition of an individual's employment or academic standing; submission to or rejection of such conduct by an individual is used as a basis for employment or academic decisions affecting the individual; or such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive work-learning environment of a non-educational nature.

Students and employees will be provided the use of grievance procedures. All faculty, staff, and administrators will be held accountable for compliance with this policy. While each case of sexual harassment and its resulting effect on the mission of the College must be considered on its own, violations of this policy may lead to disciplinary action to include suspension or removal. Any questions regarding this policy should be addressed to the appropriate College administrator, Vice President of Student Affairs, Vice President of Instructional Affairs, Guidance Counselor, or faculty member.

PROCEDURES FOR RESOLUTION OF SEXUAL HARASSMENT COMPLAINTS

Jones County Junior College has developed a two-step procedure for handling sexual harassment complaints:

1. A mechanism to resolve complaints informally;
2. A procedure to handle formal charges if the first procedure is unsatisfactory or if further action is deemed appropriate.

PROCEDURES FOR RESOLVING COMPLAINTS INFORMALLY:

Initial Contact

1. Any employee or student who believes he/she has been the subject of sexual harassment or sexual intimidation is encouraged to consult with an appropriate College office (Department Head, Director, or Supervisor) to gain an understanding of both the Jones County Junior College Sexual Harassment Policy and of possible options and resources.
2. Students, Faculty and Staff have the option of consulting with the Vice President of Student Affairs and/or the Vice President of Instructional Affairs.
3. Upon receiving the initial complaint, the Vice President of Student Affairs or Vice President of Instructional Affairs will schedule a preliminary meeting to discuss the charges, to explain proper procedures, and to determine whether further information is needed. Based upon the outcome of this meeting, the administrator will take one of the following actions:
 - a. If the person wants to proceed with the complaint, the College officer will explain the process and the procedures.
 - b. If the person does not want to proceed with the complaint, the College officer will make a record of the complaint and take such action as necessary to protect the interest of the complainant and of the College.
 - c. If after the preliminary discussion the College officer feels that sexual harassment has not occurred, the officer will advise the person of his/her findings and will advise the person of his/her options if the person wishes to proceed further with the complaint.

Informal Resolution

If a person decides to file a sexual harassment complaint, the following procedure shall be adhered to:

Every effort should be made to resolve a complaint within thirty (30) days of the complaint using an informal process. During this preliminary stage, the complainant will be encouraged to complete a Sexual Harassment Complaint Report describing the behavior and relief sought. The complaint forms are available and need to be filed with the Vice President of Student Affairs or the Vice President of Instructional Affairs. If the College officer decides that the described situation fits the definition of sexual harassment, he/she will request the names of the involved parties and an agreement to conduct an informal investigation.

The objective of this process will be to provide appropriate relief to the aggrieved party, sensitize the alleged harasser to the effects of such behavior, and resolve the complaint to the mutual satisfaction of both parties. An investigation will minimally include contacting the College officer responsible for the accused, i.e., if a student makes a complaint to the Vice President of Student Affairs or Vice President of Instructional Affairs about a faculty member the Vice President of Student Affairs will notify the faculty member's dean and/or department head relative to the complaint.

Other steps that may take place in the investigative process are the following: (1) additional fact-finding; (2) a meeting with the administrative officer of the accused to discuss the grievance; and (3) a meeting with the complainant and accused separately or together.

Where a resolution is reached, a dated copy of the terms of the resolution indicating the nature of the complaint and the names of the parties shall be recorded and kept in a separate case file to be located in the appropriate College office.

Note: The person filing the complaint will be protected against retaliation in any form. Words or behavior that punish a person for filing a complaint of sexual harassment are illegal. False accusations have a damaging effect on innocent people. False accusations are not condoned and may lead to disciplinary action.

Formal Complaint Procedures:

If the informal proceedings are deemed inappropriate by either party, or if the matter is not resolved, the aggrieved party may initiate the formal grievance procedure.

In extraordinary circumstances, when the continued working or academic relationship between the aggrieved party and the accused creates an impossible working/academic environment, a temporary transfer or reassignment of duties will be considered.

If the aggrieved party decides to proceed with a formal grievance the following action will take place:

1. A written and signed complaint of sexual harassment must be submitted to the Vice President of Student Affairs or Vice President of Instructional Affairs by the aggrieved party within ten (10) working days after the informal resolution has failed or within sixty (60) calendar days of the incident cited as sexual harassment. Student complaints should be submitted within ten (10) months of the incident. The complaint shall state, clearly and concisely, the facts which are the grounds for the proceeding, and the relief sought. Upon receiving the written complaint the Vice President of Student Affairs will set a date for a hearing. In special circumstances, time limits may be waived with the mutual consent of College officers. All matters will be handled as expeditiously as possible.
2. Upon receipt of the written complaint, the appropriate College officer(s) will within five (5) days, contact in writing the person who allegedly engaged in the sexual harassment, and inform him / her of the basis of the complaint and the opportunity to respond. That person will have five (5) days to respond in writing to the complaint. The response shall contain, full, direct, and specific responses to each claim in the complaint.
3. Within fifteen (15) days of the aforementioned deadline, the appropriate College Officer will convene the Student Affairs Committee to establish hearing procedures concerning the complaint.
4. The function of the Student Affairs Committee will be to hear and consider testimony and other relevant evidence, to make findings of fact, to determine whether the College's policy on sexual harassment has been violated, and if so, to recommend appropriate relief and disciplinary action(s). A copy of the Committee's findings will be made and retained by the appropriate College officer(s).
5. If the Student Affairs Committee determines that sexual harassment has occurred, it will recommend appropriate corrective action. The corrective action will reflect the severity of the incident and any past sexual harassment offenses. Appropriate corrective action can include but is not limited to the following:
 - a. Oral reprimand
 - b. Written reprimand
 - c. Suspension
 - d. Reassignment of duties
 - e. Termination
 - f. Counseling
 - g. Any combination of the above
6. Within five (5) days following the conclusion of its investigation and hearing, the Student Affairs Committee will forward its findings and recommendation for action to the President. Within fifteen (15) working days, the President will review the Committee's recommendation and determine an appropriate course of action. The decision will be communicated in writing to the accuser, accused, and the accused's appropriate administrative supervisor(s).

7. Either party may appeal the Committee's recommendation by submitting a written request to the President. Request for an appeal must be made to the President within fifteen (15) days after the appealing party received a copy of the President's decision. The President shall review any supplemental information as well as the initial decision and respond in writing within fifteen (15) days. The written ruling of the President shall constitute the final decision. Beyond this point, both parties may seek remedies outside the College. Any person electing to pursue a grievance by following this formal procedure may not opt to follow the grievance procedure in the faculty or student handbook.

SEXUAL HARASSMENT COMPLAINT CHECKLIST

Date: _____

Officer/Person receiving complaint: _____

1. Name of complainant (at least first name) _____

2. Student _____ Faculty _____ Staff _____

3. What happened: (Describe specific details below)

*Who harassed you? (No name needed yet, but role of person is important i.e. advisor, supervisor.)

*How did harassment take place? (Explicit description of alleged action. Sometimes difficult, as victim is often embarrassed by the event.) Written statement by complainant or physical evidence may be attached. _____

*Where? _____

*When? (date and approximate time) _____

*If more than once, how often? _____

*Your response? _____

*Witnesses? If so, who? _____

*In what way does the alleged harasser have power over your success (present and future)?

Do you know of (or perceive) any consequences or effects of your response? Explicitly stated?
Implied? _____

*Who, if anyone; did you tell? _____

*When? _____

*Where? _____

*What did you tell him/her? _____

*What was his/her response? _____

*Do you think there might be other victims? _____

*Do you have, or think that you can discreetly obtain, knowledge of other incidences of sexual harassment by the alleged harasser? _____

*What would you like to have done? _____

For you? _____

For others? _____

With respect to the alleged harasser? _____

AT THIS POINT, RECEIVER OF COMPLAINT SHOULD ASSESS THE CASE USING QUESTIONS ON THE ATTACHED SHEET AND GIVE THE COMPLAINANT OPTIONS.

ASSESSMENT OF SEXUAL HARASSMENT COMPLAINT

Name: _____ Date: _____

College Officer Accessing Complaint: _____

*Has harassment occurred? (if yes, continue; if no go to "Actions Taken.") _____

*How severe is harassment? _____

*Does it warrant emergency action? _____

*Does the matter seem suitable for informal resolution? _____

* What is the potential for retaliation? _____

*Can I protect the complainant? _____

*How? _____

*How can complainant protect him/herself ? _____

*What options is complainant willing to pursue? _____

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Action Taken:

*If no harassment, resources given _____

*If harassment may exist, information, referrals given _____

Signature of College Officer

Date

REPORT FORM FOR SEXUAL HARASSMENT CASES

1. Status of Complainant

- Student
- Student Employee
- Non-Instructional Personnel/Staff
- Non-Instructional Faculty
- Faculty
- Extension Staff/Adjunct Faculty
- Administrative Officer
- Administrative Support
- Other (please Specify)

2. Status of Accused

- Student
- Student Employee
- Non-Instructional Personnel/Staff
- Non-Instructional Faculty
- Faculty
- Extension Staff/Adjunct Faculty
- Administrative Officer
- Administrative Support
- Other (please specify)

3. Gender of Complainant Male Female

4. Gender of Accused Male Female

5. Relationship of Complainant to the Accused:

- Co-worker Faculty Member Supervisor
- Undergraduate Student Other (please specify)

6. Date complaint received by college officer: _____

7. Summary of Issue: _____

8. Summary of Outcome: _____

9. Date of Outcome: _____

Signature of College Officer

Date

FORMAL COMPLAINT AGAINST SEXUAL HARASSMENT

I, _____, do wish to bring a formal complaint of sexual harassment against _____. I agree to have the College's Student Affairs Committee hear and investigate the charges and make its findings and recommendations for appropriate relief and disciplinary action. These actions shall be made known to the President of the Junior College who will have the final option of review.

Signature of Complainant

Witness to Signature

Signature of College Officer

Date

INFORMAL COMPLAINT AGAINST SEXUAL HARASSMENT

I, _____, do wish to bring an informal complaint of sexual harassment against _____. I agree to let the designated college officer proceed with the informal investigation process to seek resolution of my grievance.

Signature of Complainant

Witness to Signature

Signature of College Officer

Date

SEXUAL HARASSMENT POLICY

JONES JUNIOR COLLEGE