

#### IV-4.070 Anti-Harassment Policy

Guilford Technical Community College is committed to providing an educational and working environment that is free from harassment for faculty, staff, and students. This commitment extends to prospective employees (applicants) as well. The college values diversity and recognizes the dignity and worth of every individual. Unlawful harassment in any form is contrary to these goals and will not be tolerated. Incidents of unlawful harassment will be met with appropriate disciplinary action, up to and including dismissal from the college.

Unlawful harassment includes jokes, comments, gestures, or actions that create an intimidating, hostile or offensive work environment and that are based on or directed at a person because of race, color, religion, sex, age, national origin, disability, or any other class protected by law.

#### Procedure:

1. Sexual harassment is considered a form of discrimination based on sex and as such is prohibited by Title VII of the Civil Rights Act of 1964, as amended, which prohibits sex discrimination in employment, and by Title IX of the Educational Amendments of 1972, which prohibits sex discrimination against students and employees in educational institutions receiving federal funds.

Unwelcome sexual advances, requests for sexual favors, and other verbal and/or physical conduct of a sexual nature or with sexual implications could constitute sexual harassment if it:

- a. has direct employment consequences resulting from the acceptance or rejection of such conduct;
  - b. has direct academic consequences resulting from the acceptance or rejection of such conduct;
  - c. creates an intimidating, hostile, or offensive working or learning environment; and/or
  - d. interferes with an employee's work performance or a student's academic performance.
2. While it is not possible to list all of the circumstances that might constitute sexual harassment, the following are some examples of conduct that, if unwelcome, could constitute sexual harassment depending upon the totality of the circumstances, including the severity of the conduct and its pervasiveness. Consequently, this behavior is considered a violation of the college's policy:
    - a. sexual epithets, jokes, written or verbal references to sexual conduct; gossip regarding one's sex life; comments on an individual's body; comments about an individual's sexual activity, deficiencies or prowess;
    - b. displaying sexually suggestive objects, pictures, cartoons; use of electronic communications to download or transmit materials with pornographic, profane, or sexually explicit content;
    - c. unwelcome leering, whistling, brushing against the body, sexual gestures, suggestive or insulting comments;
    - d. inquiries into one's sexual experiences;

- e. discussion of one's sexual activities.
3. Consensual dating relationships may give rise to actual or perceived conflicts of interest when they occur between instructional staff and their students, or between supervisors and their subordinates. This is due, in part, to the power differential that exists between the participants. Such a relationship, whether in a class or work situation, has the potential to affect the educational or employment environment by creating an appearance of improper, unprofessional, or discriminatory conduct. Therefore, the college prohibits these relationships.
    - a. Should an employee or student become aware of the existence of such a relationship, he or she has a duty to communicate the matter to the Dean of Student Support Services (if a student is involved) and/or the Director of Human Resources so that appropriate steps may be taken.
    - b. The college does not intend for this policy to discourage friendships or social activities among its employees. This policy applies solely to employees who are in a power-differentiated relationship at work with the same person with whom they also have an intimate, romantic or dating relationship outside of work
  4. No personnel decision may be made by any supervisor on the basis of the acceptance or rejection of communications or conduct of a sexual nature. Personnel decisions include, but are not limited to, hiring, promoting, demoting, transferring, and terminating an employee.
  5. Employees or prospective employees have a duty to report immediately incidents of alleged sexual or other unlawful harassment to their immediate supervisor, the supervisor's manager and/or to the Director of Human Resources for review, investigation, and response.
  6. An employee may initiate a grievance if incidences or circumstances of alleged sexual or other unlawful harassment are not resolved.
  7. No academic decision may be made by an instructor or staff member on the basis of a student's acceptance or rejection of communications or conduct of a sexual nature. Academic decisions include, but are not limited to, grades, status in class, privileges granted to students, and/or admission to programs.
  8. Students have a duty to report immediately incidents of alleged sexual harassment to the Dean of Students for review, investigation and response. If the allegation is against an employee of the College, the Dean of Students must notify the Director of Human Resources. The Director of Human Resources will, in cases where there has been a violation of this policy by an employee, recommend appropriate disciplinary action up to and including termination.
  9. A student may initiate the student grievance procedure if the incidence or circumstances of alleged sexual harassment are not resolved.
  10. All complaints of alleged sexual or other unlawful harassment and related information will be investigated promptly. To the fullest extent practicable, the college will keep complaints, the investigation of complaints and the nature of the resolution of complaints confidential.
  11. Supervisors shall take appropriate action to prohibit the occurrence of sexual or other unlawful harassment, including incidents that involve vendors or other persons who may visit the campus for business or other purposes.

12. No employee or student may engage in interference, coercion, restraint, or reprisal against any person who utilizes this policy in good faith to resolve a concern regarding alleged harassment.
13. This policy shall not be used knowingly to bring false or malicious charges against any faculty, staff, students, vendor, or campus visitor. Disciplinary action will be taken against any person or group found to have brought a charge of harassment in bad faith.
14. Any violation of this policy will lead to serious disciplinary action up to and including dismissal or expulsion.
15. Employees shall be required to participate in periodic training as set forth in the college's schedule of mandated trainings and/or when otherwise instructed to do so.

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