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**Prevention of
Sexual
Harassment
Policy/Training**

Fayetteville Technical Community College

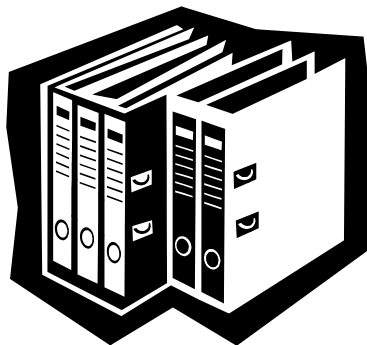
Sexual Harassment Policy

Employment and Affirmative Action Manual Policy (VI – 8.2)

All members of this community are expected and instructed to conduct themselves in a manner that will contribute to an atmosphere free of sexual harassment. Sexual harassment of an employee by another employee or of a student by an employee or a student by a student is a violation of the policy of this College and will not be tolerated.

This policy is adopted to promote an atmosphere in which all members of the Fayetteville Technical Community College community may work and study free of sexual harassment and to provide for the orderly resolution of complaints of sexual harassment.

Incidents of sexual harassment should be reported to your supervisor or the Vice President for Human Resources and Institutional Effectiveness/Assessment (HR/IEA) for resolution. Violators of this policy will be disciplined in accordance with procedures in the FTCC Employment and Affirmative Action Manual (VI-8.3.2).



THE FACTS

What is sexual harassment?

- Sexual Harassment is defined as **offensive, unsolicited, and/or un-welcomed conduct** of a sexual nature that someone finds objectionable.

What does sexual harassment include?

- Sexual harassment includes **offensive conduct**, or actions of a sexual nature that makes a person feel uncomfortable or embarrassed and unreasonably interferes with an individual's performance, or creates an intimidating, hostile, or offensive environment.
- Offensive conduct can include **physical contact, verbal conduct, or non-verbal conduct**.

Why should I be concerned about sexual harassment?

THE LAWS

- Title VII of the Civil Rights Acts of 1964 and 1991 considers sexual harassment an **illegal** form of discrimination.
- Title IX of the Education Amendments of 1972 states that a safe and equitable learning environment is fundamental to success.
- The Civil Rights Act of 1991 permits victims of intentional discrimination, including sexual harassment, to have jury trials and to collect compensatory damages for pain and suffering and punitive damages in cases where the employer acted with "malice or reckless indifference."



Who does the Sexual Harassment policy apply to?

- **All** employees and students of the College.
- Sexual harassment does not apply **just** to relations between **males** and **females**; individuals can also be sexually harassed by people of their own gender.
- **The victim does not have to be the person harassed but could be anyone affected by the offensive conduct.**

Who harasses?

- There is no “typical” harasser, it could be:
- A man
- A woman
- A faculty member
- A staff member
- A student
- A vendor
- A customer/client



THE DETAILS

Under what conditions may sexual harassment occur?

- Sexual harassment has the purpose or effect of unreasonably **interfering** with an individual’s work performance or **creating** an **intimidating, hostile, or offensive** work/school environment.
- When submission to such conduct is made either **explicitly** or **implicitly** as a term or condition of an individual’s employment, educational decisions, or advancement.
- When submission to or rejection of such conduct by an individual is used as the basis for employment, educational decisions, or advancement decisions affecting such individual.

There are two legally recognized types of sexual harassment:

- “**Quid pro quo**” sexual harassment
- **Hostile environment** sexual harassment

What is meant by “**Quid pro quo**”?

- **Quid pro quo**, (literally, “this for that”) is sexual harassment conduct that involves **explicit** or **implicit** requests for sexual favors that may be used as a condition for employment, educational decisions or advancement. It is most normally associated with someone in power over another person seeking sexual favors in exchange for benefits that could be delivered by the person in power and it is against the law!!

What is meant by “**hostile environment**”?

- **Comments, actions, or objects** that unreasonably **interfere** with an individual’s work or school performance or which creates an intimidating, hostile, or offensive work or school environment. Hostile environment can be created by verbal and non-verbal means and it is against the law!!

In Addition...

- A hostile work or school environment can result from **verbal** sexual conduct such as:
 - Repeated requests for sexual favors.
 - Demeaning sexual inquiries and vulgarities.
 - Offensive language to include:
 - Lewd or offensive jokes.
 - References to the body or dress.
 - Using such terms as sweetie, doll, honey, babe, etc.
 - Insisting on dates when a person isn't interested, and has declined previous offers.

- A hostile work or school environment can also result from **nonverbal** sexual conduct such as gestures and actions that may include:
 - Posting or circulating sexual materials or pictures, such as:
 - Pornographic emails, letters, notes, phone calls, text messages, etc.
 - Pictures, calendars, cartoons, vulgar graffiti, etc.
 - Sending sexually explicit electronic correspondence via email, phone text messaging, instant messaging (IM), etc.
 - Physical conduct of a sexual or degrading nature such as:
 - Licking lips, making lewd hand gestures, etc.
 - Leering, ogling, whistling, etc.
 - Following a person or blocking the way.
 - Making suggestive gestures or body movements.
 - Simple hostility towards one or more employees or students because of their gender.
 - Stalking a person either inside or outside the institution.

- And finally, a hostile work or school environment can result from **physical** sexual conduct such as:
 - Touching a person's clothing or hair.
 - Massaging a person's neck or shoulders.
 - Leaning over, standing too close to, or brushing up against a person; invading their space.
 - Kissing, caressing or pinching a person.

How severe does the sexual conduct/activity have to be before it is considered harassment?

- To be considered “severe” enough to constitute sexual harassment, the questionable conduct/activity must be serious enough that a “**reasonable person**” would find it **offensive**.

What role do administrators, supervisors, faculty and staff play in reference to sexual harassment?

- They must understand what sexual harassment is and is not.
- They must properly respond to people who come forward with complaints of sexual harassment.
 - Should never promise complete confidentiality when the information relates to sexual harassment; confidentiality only to the extent possible in order to perform an effective investigation.
 - Treat complaints promptly, seriously, sensitively, and objectively.
- They **must avoid actions** that may be considered sexual harassment.
- They must identify conduct by other individuals in the workplace/campus that can be considered sexual harassment and act to stop it.
 - Take steps that show management is committed to prohibiting sexual harassment.

What are some common mistakes made by administrators, supervisors, and faculty in dealing with sexual harassment?

- Failing to take **every complaint seriously**.
- Not investigating all complaints carefully.
- Making credibility judgments based only on the reputations of people involved in the complaint.
- Assuming the person making the complaint is being oversensitive.
- Not recognizing subtle forms of sexual harassment that are being identified by the courts.
- Not creating awareness of the wide range of activity in the workplace/campus that can be labeled or considered sexual harassment.
- Failing to provide proper sexual harassment training and mandating attendance by employees of the organization.



REPORTING A SEXUAL HARASSMENT INCIDENT

If I decide/determine to report a sexual harassment incident(s) I should:

- Report the incident(s) to my immediate supervisor

OR

- Report the incident(s) to the grievance officer (Vice President for HR/IEA in the Administration Building, Room 162)

AND

- Submit a written complaint with incident dates, times, and complete circumstances to the grievance officer

What happens next?

- An informal and confidential investigation will be conducted.
- Within 10 working days the complaint resolution will be finalized between the complainant and the individual against whom the complaint is made.
- When appropriate, disciplinary action will be recommended by the grievance officer to the President.
- Employee grievance and appeals procedures are available per section VI-7 of the FTCC Employment and Affirmative Action manual.



WHAT NOW?

Deciding if you are being sexually harassed:

- Am I offended by this behavior?
- How does it make me feel?
- Is the behavior related to my job?
- Is the behavior unwanted and unsolicited?
- Are these advances of a sexual nature?
- Is the behavior interfering with my capability to do my job?

Ways to confront sexual harassment:

- Tell harasser the attention is unwanted and must stop
- Make the statement in writing and keep a copy for your records
- Keep a written journal of the harassment incidents and activities
- Attempt to find out if the harasser has harassed others
- Confide in a trusted friend or colleague who will keep your concerns confidential
- Report the situation to your supervisor or the College Grievance Officer
- File a written complaint with the Office of the VP for HR/IEA

When confronting a harasser you should:

- Firmly state your position
- Be specific about what behavior is offensive to you
- Be consistent. For example, don't laugh at one joke and then become upset over a different version of the joke that is similar in nature
- Be direct and confident and state your firm desire that the behavior stop and how it is negatively affecting your job performance

When confronting a harasser never:

- Debate with the offender
- Assume responsibility for the situation
- Analyze the harasser's problems
- Refer to the harasser's personal life
- Let your anger reach the point of non-control

COMMONLY USED TERMS

Confidential: The act of being private or secret.

Equal Employment Opportunity Commission (EEOC): A government bureau that enforces laws concerning many types of discrimination in the workplace.

Explicit: A statement or thought that is very clearly expressed.

Harassment: The act of persistently annoying or intimidating another individual.

Hostile environment: Any place that is unfriendly or stressful, and negatively affects your physical or emotional well-being.

Implicit: A statement or thought that is implied, but not clearly expressed.

Intimidate: To bring fear to another person.

Non-verbal: Involving minimal use of words or language.

Offensive: An inappropriate comment or action that makes others feel uncomfortable or angry.

Quid pro quo: Giving something in exchange for receiving something, such as offering to help only if they do something for you in return.

Sexual harassment: A type of sex discrimination as defined by the EEOC as “unsolicited and unwelcome conduct of a sexual nature that affects an individual’s employment, interferes with his or her work performance, or creates an intimidating work environment.”

Unsolicited behavior: Any behavior that is uninvited and unwanted.

Verbal: Using words only and not involving actions.



Name _____ Date _____

Sexual Harassment: A Commonsense Approach
For Employees
PRE-TEST

TRUE OR FALSE

- _____ 1. If no one complains, then it's not sexual harassment.
- _____ 2. If my intentions were good, for example, I meant to compliment someone on how great they looked, there is no way my conduct could violate my employer's sexual harassment prevention policy.
- _____ 3. It may be some form of harassment, but it cannot be "sexual harassment" if both the offender and the victim are of the same gender.
- _____ 4. Quid pro quo harassment occurs when a female boss tells dirty jokes to the other women in the office.
- _____ 5. If someone is offended by my behavior in the break room, they should take their break somewhere else, or at another time, since I am not "working" while I'm on my break and I have a right to freedom of speech.
- _____ 6. If most people find a comment amusing and inoffensive, then the one person who is offended does not have a right to complain about harassment.
- _____ 7. Harassment based on sex can include making stereotypical remarks about someone's gender.
- _____ 8. If a delivery person who brings supplies to the workplace makes sexual remarks to the receptionist, there is very little the employer can or must do under the law.
- _____ 9. If an employee flirts with some of her coworkers and dresses in sexy clothes, both the men and the women she works with may have a legitimate harassment complaint.
- _____ 10. Two employees who are dating outside of work must keep their relationship a secret because they are violating sexual harassment laws.

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This policy is adopted to promote an atmosphere in which all members of the Fayetteville Technical Community College community may work and study free of sexual harassment and provide for the orderly resolution of complaints of sexual harassment.

Incidents of sexual harassment should be reported to your supervisor or the Vice President for HR/IEA for resolution. Violators of this policy will be investigated by the College Grievance Officer. Duties and responsibilities of the Grievance Officer may be viewed in the FTCC Employment and Affirmative Action Manual (VI-8.3.1).

Definition

A request for sexual favors, and other unwelcome verbal or physical conduct of a sexual nature by an employee or student, constitutes sexual harassment when:

- 1) Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment, or
- 2) Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting that individual, or
- 3) Submission to or rejection of such conduct by a student is used to make decisions concerning a student's grade, academic achievement or progress, or participation in any program, curriculum or activity of the College, or
- 4) Such conduct has the purpose or effect of unreasonably interfering with an individual's performance, or creating an intimidating, hostile or offensive environment.
- 5) The conduct meets an EEOC definition of a hostile environment. The EEOC has stated:

Sexual harassment, which creates a hostile or offensive environment for members of one sex, is every bit of the arbitrary barrier to sexual equality at the workplace that racial harassment is to racial equality. Surely, a requirement that a man or woman run a gauntlet of sexual abuse in return for the privilege of being allowed to work and make a living can be as demeaning and disconcerting as the harshest of racial epithets.

ACKNOWLEDGMENT

I, _____, an employee of Fayetteville Technical Community College hereby certify that I have received a copy of the college's Sexual Harassment Policy. I realize that this policy is adopted to promote an atmosphere in which all members of the Fayetteville Technical Community College community may work and study free of sexual harassment. I understand that any employee or student violating this policy will be disciplined in accordance with the procedures outlined in the policy as reflected in Paragraph VI-8 of the Employment and Affirmative Action Manual.

Print Name

Signed

Date

NOTE: All employees are encouraged to re-attend the College's Sexual Harassment Professional Development classes periodically during their employment with the College to maintain their currency of knowledge as it relates to the College's Prevention of Sexual Harassment Policy.

Employee's Initials