

TITLE

Anti-Harassment

NUMBER

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REVISION #

3

Page 1 of 3

BASED ON POLICY NUMBER AND TITLE:Midlands Technical College
Policy 2.6 Anti-Harassment**AUTHORIZATION**

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DATE

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AUTHORITYSenior Vice President for
Business Affairs**DISCLAIMER**

PURSUANT TO SECTION 41-1-110 OF THE CODE OF LAWS OF SC, AS AMENDED, THE LANGUAGE USED IN THIS DOCUMENT DOES NOT CREATE AN EMPLOYMENT CONTRACT BETWEEN THE EMPLOYEE AND MIDLANDS TECHNICAL COLLEGE.

I. Purpose and Commitment

Midlands Technical College is committed to maintaining a work environment that is free of discrimination. In keeping with this commitment, the college will not tolerate harassment of its employees by others, including any supervisor, co-worker, vendor, client, or students.

II. Definition

“Harassment” consists of unwelcome conduct, whether verbal, physical or visual, that is based upon a person’s sex, color, race, religion, national origin, age, disability, or other protected status. The college will not tolerate harassing conduct that affects tangible job benefits (pay, promotion, time off, etc.), that interferes unreasonably with an individual’s work performance, or that creates an intimidating or hostile work environment.

III. Clarification of Sexual Harassment

“Sexual harassment” consists of unwelcome sexual advances, requests for sexual favors, and other physical, verbal, or visual conduct based on sex constitutes sexual harassment when: (1) submission to the conduct is an explicit or implicit term or condition of employment, (2) submission to or rejection of the conduct is used as the basis for an employment decision, or (3) the conduct has the purpose or effect of unreasonably interfering with an individual’s work performance or creating an intimidating or hostile environment. Sexual harassment may include explicit sexual propositions, foul or obscene language or gestures, displays of foul or obscene printed or visual material, and physical contact, such as patting, pinching, rubbing, or intentionally brushing against another’s body. Sexual innuendo, suggestive comments, sexually oriented “kidding” or “teasing,” “practical jokes,” jokes about gender-specific traits, may amount to harassment. The severity of the conduct will be determined on a case by case basis.

The victim, as well as the harasser may be male or female. The victim does not have to be of the opposite sex. The victim does not have to be the person harassed but could be a bystander who witnessed and was offended by the conduct.

“Stalking” consists of a pattern of words (written or electronic) or conduct that is intended to cause, or causes, a targeted person (and would cause a reasonable person in the targeted person’s position) to fear: (1) death of the person or a member of his family; (2) assault upon the person or a member of his family; (3) bodily injury to the person or a member of his family; (4) criminal sexual contact against the person or a member of his family; (5) kidnapping the person or a member of his family; or (6) damage to the property of the person or a member of his family.

IV. Rights and Responsibilities

All employees are responsible for helping to eliminate harassment. If any employee feels that he or she has experienced or witnessed harassment, he or she should immediately notify his or her supervisor, the Human Resource Manager, or any other official. Pursuant to the policy of Midlands Technical College, any employee who believes that he or she is the victim of harassment shall have the right to seek an investigation or to file a complaint in accordance with Policy Number 2.6, Anti-harassment. Management has the responsibility to conduct periodic training for employees and supervisors on all aspects of the anti-harassment policy.

V. Prohibition of Retaliation

Midlands Technical College strictly prohibits retaliation against anyone who has reported harassment in good faith or otherwise participated in an investigation of harassment.

VI. Investigation Procedures

Harassment complaints should be investigated as promptly and thoroughly as possible. A Human Resource Manager will normally conduct the investigation, but in certain circumstances, another impartial investigator may be designated. If the investigation reveals that the complaint is valid and that harassment has occurred, the college will take immediate

appropriate action to stop the harassment and prevent it from occurring in the future.

- A. The Vice President for Business Affairs (VPBA) or designee is designated the college's anti-harassment officer (AHO) and is responsible for the investigation and recording actions concerning such cases.
- B. Any college associate whose actions create any of the conditions in II and/or III above is guilty of harassment and will be subject to appropriate disciplinary action.
- C. College associates authorized to recommend, initiate, or refuse personnel actions violate college policy when they:
 - 1. In any way, explicitly or implicitly, make submission to, or rejection of, sexual advances or favors the basis for imposing or granting terms or conditions of employment that affect employment status.
 - 2. Take any personnel action because of sexual favors, or as retaliation against an employee who rejected or reported sexual advances.
 - 3. Disregard, or fail to investigate, allegations of sexual or any type of harassment by an alleging employee or a witness.
 - 4. Fail to take immediate corrective action if harassment occurs.

VII. Confidentially

To encourage the reporting of harassment and for the protection of the accused, investigations will remain confidential, to the maximum extent possible. Any questions about this policy should be directed to the Human Resource Management office or any institutional officer.