

**POLICIES AND PROCEDURES
OUACHITA TECHNICAL COLLEGE**

SUBJECT AREA: Personnel Policies and Procedures

POLICY/PROCEDURE: Sexual Harassment

DATE: August 24, 1996

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REVISION(S): 7/25/00

Policy

The Board of Trustees of Ouachita Technical College seeks to provide a positive, wholesome working and learning environment for all College employees and students. (See **COPP 2.30**) One type of behavior that can seriously affect the working and learning environment is sexual harassment. Harassment of employees or students based upon sex is inconsistent with this objective and contrary to the College's policy of equal employment and academic opportunity without regard to age, sex, sexual orientation, alienage or citizenship, religion, race, color, national or ethnic origin, disability, and veteran or marital status. Sexual harassment is illegal under Federal, State, and City laws. The Board assumes an affirmative posture in preventing and eliminating sexual harassment in any and all forms. Above all else, sexual harassment **shall not be tolerated.**

Sexual harassment of employees is illegal under Section 703 of Title VII of the Civil Rights Act of 1964. Title VII provides that it is an unlawful employment practice for an employer "... to discriminate against any individual with respect to his compensation, terms, conditions, or privilege of employment, because of such individual's ... sex." [42 U.S.C. 2000c-2(a)]. Sexual harassment of students is illegal under Title IX of the Education Amendments of 1972.

Sexual harassment is defined as unwelcome sexual advances which interfere with an individual's work or academic environment or as coercive behavior which threatens employment or academic reprisal or promises rewards contingent upon obtaining sexual favors, or as spreading false stories about a person's conduct, or falsely accusing someone of sexual harassment. Such conduct becomes illegal and contrary to Board of Trustee policy when:

1. The harassed individual's submission is an explicit or implicit condition of employment; or implicit or explicit condition of grades, honors, admissions, or any award associated with a student's enrollment at OTC.
2. The harassed individual's response becomes a basis for employment decisions or educational progress.
3. The harassing behavior interferes with the individual's performance in such a way that an intimidating, hostile, or offensive work or learning environment is created.

The College will disseminate this policy and take other steps to educate the College community about sexual harassment.

Procedures

Dissemination of Procedures - The definition of sexual harassment and related illegal conduct shall be published in appropriate College publications. The College administration is charged with the responsibility for this dissemination of information to employees and students.

Sexual Harassment of Employees - Prompt reporting of an incident believed to be sexual harassment is urged. It must be recognized that a lengthy period of time between an alleged occurrence(s) and a report or investigation of the occurrence may make fact-finding difficult or impossible. An employee who believes that he or she is a victim of sexual harassment shall report the situation to the Affirmative Action Officer. Such discussions should be resolved professionally and confidentially in the least disruptive, most informal manner possible. Every effort will be made to allow alleged offenders and victims an opportunity to resolve their difficulties informally. No formal action on the alleged charge will be taken unless initiated by the complainant.

Should informal discussions fail to resolve the matter, the Affirmative Action Officer (AAO) will initiate a formal investigation of the complaint immediately, assuring maximum confidentiality consistent with the principles of due process and fundamental fairness as follows:

- A. The complaint must be in writing with sufficient specificity.
- B. An individual bringing a complaint founded in good faith will suffer no retaliation.
- C. The person charged will be promptly notified and given an opportunity to respond.

Sexual Harassment of a Student - Any student who believes that he or she is a victim of sexual harassment by an instructor, counselor, staff member, or other student shall report the situation to the Vice President and Provost (VP/P). The VP/P shall investigate the situation and report his or her findings to the President within ten (10) days of the complaint.

Disciplinary Action - If an employee of the College commits sexual harassment of either a student or other employee, that employee shall be subject to administrative discipline that may include reprimand, suspension, and/or dismissal. Disciplined employees have due process rights and may follow grievance procedures outlines in **COPP 2.32**. If a student of the College is found to have committed sexual harassment of either an OTC employee or other OTC student, that student shall be subject to disciplinary action that may include suspension or dismissal from the College. Students have due process rights and may follow grievance procedures outlined in **COPP 5.50**.

False and Malicious Accusations – Members of the College community who make false and malicious complaints of sexual harassment, as opposed to complaints that, even if erroneous, are made in good faith, will be subject to disciplinary action.

AUTHENTICATION (Signature):		COPP
_____	7/25/00	
President	(Date)	2.36A