SUBJECT: Anti-Harassment, Including Sexual Harassment

I. Policy Statement

Midland College reaffirms its commitment to providing equal opportunity in education and employment. To fulfill this commitment, the College must maintain an environment in which individuals are judged and rewarded solely on the basis of relevant factors such as ability, prior experience and accomplishments, efforts, and performance. The environment must be one in which all employees and students can pursue their work free from coercion, intimidation, and exploitation. Unlawful harassment, including sexual harassment, is a form of discriminatory misconduct that harms the environment the College seeks to maintain and is prohibited by federal and state laws.

Therefore, conduct on the part of any member of the college community which inappropriately introduces unlawful harassment into a teaching, learning, or working relationship shall not be tolerated. Unlawful harassment, including sexual harassment, as defined below, or failure to carry out responsibilities specified below, may result in disciplinary action, up to and including termination of employment with the College.

The College will not tolerate conduct by a non-employee which unlawfully harasses any member of the college community on college premises or at any other location where the non-employee and the member of the college community are together because of assigned or college-sanctioned activities. Independent contractors, vendors, and others who do business with the College or on college premises are expected to ensure compliance with this policy.

II. Definition

For the purposes of this policy, sexual harassment may be defined as unwelcome sexual advances, requests for sexual favors, and other expressive or physical conduct of a sexual nature, when

(a) submission to such conduct is explicitly or implicitly made a term or condition of employment or status in a course, program, or activity; or

(b) an individual's submission to or rejection of such conduct is used as a basis for an academic or employment decision affecting the individual; or

(c) such conduct has the purpose or effect of substantially interfering with an individual's academic or work performance; or
(d) such conduct, in intent or effect, creates an intimidating, hostile, or offensive environment for work or learning.

III. Examples of conduct prohibited by this policy include, but are not limited to:

(a) persistent, unwelcome flirtation, advances and/or propositions of a sexual nature;

(b) repeated insults, humor, comments, jokes, actions and/or anecdotes that belittle or demean an individual or a group based on sex, age, race, color, national origin, religion, disability, or any other protected status;

(c) repeated, unwelcome comments of a sexual nature about an individual's body or clothing;

(d) unwarranted displays of sexually suggestive objects or pictures;

(e) unnecessary touching, such as patting, pinching, hugging, or repeated brushing against an individual's body;

(f) suggestions that submission to or rejection of sexual advances will affect decisions regarding such matters as an individual's employment, work assignments or status, salary, academic standing, grades, receipt of financial aid, or letters of recommendation; and

(g) sexual assault; and

(h) harassment based on sex, age, race, color, national origin, religion, disability, or any other protected class status.

IV. Responsibilities

All members of the College community are responsible for ensuring that their conduct does not constitute unlawful harassment of any other member of the college community. This same responsibility extends to employees of third parties doing business with the College or on College premises and to campus visitors.

College administrators and supervisors have the further responsibility of preventing and eliminating unlawful harassment, including sexual harassment within the areas they oversee. If administrators or supervisors know unlawful harassment, including sexual harassment is occurring, receive a complaint of unlawful harassment, or obtain other information indicating possible unlawful harassment, they must take immediate steps to
ensure the matter is addressed, even if the problem or alleged problem is not within their area of oversight. Faculty members likewise must inform an appropriate administrator or other College officer if they have reason to believe unlawful harassment is occurring.

V. Response to Complaints

Individuals who believe they have been subject to unlawful harassment should promptly report the incident to a Dean, Vice President, or the Director of Human Resources/Payroll.

A reasonable and thorough investigation of the complaint will be conducted in as confidential a manner as permitted under the circumstances. If results of the investigation indicate that this policy was violated, the College will initiate prompt remedial action, up to and including immediate termination of employment. Upon completion of the investigation, the complainant and the accused party will be notified of the College’s decision. If disciplinary action occurs, the employee may pursue applicable grievance procedures.

VI. Retaliation

Threats, other forms of intimidation, and retaliation against a complainant or any other party involved in implementing the College’s Anti-Harassment Policy are violations of the policy and, thus, may be grounds for disciplinary action, up to and including termination of employment.

VII. False Charges

Because of the nature of the problem, complaints of sexual harassment cannot always be substantiated. Lack of corroborating evidence should not discourage complainants from seeking relief through the procedures outlined above. However, charges found to have been intentionally dishonest or made maliciously without regard for truth will subject complainants to disciplinary action.

VIII. Consensual Relationships

Romantic and/or sexual relationships between faculty members and students and between supervisors and supervisees do not necessarily involve sexual harassment. However, the powers faculty members exercise in evaluating students’ work, awarding grades, providing recommendations, and the like may generally constrain a student’s actual freedom to choose whether to enter into or to end a romantic or sexual relationship with a faculty member. Employees likewise may not feel fully free to reject or end a romantic or sexual relationship with their supervisor.
Therefore, where such power differential exists, it may be exceedingly difficult to defend against a charge of sexual harassment on the grounds that the relationship was consensual. Accordingly, faculty members should not engage in romantic and/or sexual relationships with students. Likewise, supervisors should not engage in romantic and/or sexual relationships with subordinates. Violations of the prohibition may result in disciplinary action, up to and including discharge.