

Sexual Harassment Policy and Procedures

Sexual Harassment Policy Statement

Sexual harassment of any member of the college community is prohibited and will subject the offender to possible disciplinary action up to and including dismissal from the College after compliance with due process requirements. Sexual harassment is also prohibited by the University System of Georgia and by state and federal law.

Definition of Sexual Harassment

The Equal Opportunity Commission definition states that unwelcome sexual advances, request for sexual favors, and other verbal or physical contact of a sexual nature constitute sexual harassment when:

1. submission to such conduct is made explicitly or implicitly a term or condition of an individual's employment or academic standing; or
2. submission to or rejection of such conduct by an individual is used as a basis for employment or academic decisions affecting an individual; or
3. such conduct unreasonably interferes with an individual's work or academic performance or creates an intimidating, hostile, or offensive working or academic environment (Note that an isolated comment usually does not meet the hostile environment definition of sexual harassment. Hostile environment harassment usually requires repeated instances of offensive behavior).

Mediation

The mediation procedure is available to complainants who want action taken in their behalf but do not wish to use informal or formal complaint procedures at this stage.

The complainant could contact one of the College's sexual harassment representatives or the Director of Human Resources or other college administrator to report the alleged sexual harassment. Complainants should be made aware of the channels for informal and formal reporting of sexual harassment incidents. Normally complaints would be referred to the Director of Human Resources or the Vice President for Student Affairs at this stage for possible resolution. Any actions, beyond simply consulting with the complainant, must include having either the Director of Human Resources or the Vice President for Student Affairs contact the respondent for a reply. If action is taken beyond talking, then the appropriate supervisors should also be communicated with in order to seek an informal resolution. The suggested procedures for informal sexual harassment complaints can be found in subsequent paragraphs.

Suggested Procedure for Handling Informal Sexual Harassment Complaints for Students

1. A student who feels that he/she has been sexually harassed shall express that concern verbally to the Vice President for Student Affairs or the Director of Human Resources and provide him/her with a written statement of the incident.

2. A copy of the written statement shall be distributed within five working days to the person named in the statement and to the President of the College. The President will then notify the immediate supervisor (faculty and staff only).
3. An informal meeting comprised of one of the above representatives and the person named in the statement shall be held to discuss the incident within ten days from the date of the complaint. Based on the results of this meeting, a decision will be made as to whether the issue may be resolved at this juncture or if further action is appropriate.
4. If deemed necessary, the person named in the statement, the immediate supervisor (faculty and staff only), two of the above representatives, the president, and the alleged victim shall meet and an informal resolution of the matter will be decided on.

NOTE: A copy of the resolution of this informal complaint will not be maintained in the personnel file and shall not be included in any evaluative methods.

Suggested Procedure for Handling Formal Sexual Harassment Complaints for Students

1. The complainant will contact his/her respective sexual harassment representatives and will state the nature of the problem. If the complainant wishes to pursue the matter informally, then procedures for "Informal Complaints" will be followed.
2. A complainant will be afforded the opportunity to file a sworn statement (affidavit) with the College's Affirmative Action officer, and in the presence of one or both corresponding sexual harassment representatives, setting forth in substantial detail the alleged incident(s) of sexual harassment, including the action requested. Documentation from the meeting shall be sent to the President of the College.
3. The Affirmative Action officer will invite sworn statements from witnesses suggested by the complainant. [Total elapsed time from date of complaint to completion of this step: five (5) working days.] Documentation shall be forwarded to the President.
4. The Affirmative Action officer will present the alleged harasser with a copy of the victim's complaint and other sworn statements, if any, and provide the accused an opportunity to file a reply sworn statement (affidavit). Documentation shall be forwarded to the President.
5. The Affirmative Action officer shall then invite sworn statements from witnesses named by the accused. [Total elapsed time from date of complaint to completion of this step: 10 working days.] Documentation shall be forwarded to the President.
6. Depending upon the state of the evidence at this stage (e.g., admission or denial by the employee; corroborative witnesses supporting complainant's allegations; corroborative witnesses who support the employee's denial), the Affirmative Action officer may choose to invite both the complainant and the accused and the Grievance Committee to appear and discuss the status of the case, affording each an opportunity to summarize their respective positions. No attempt will be made to discourage the complainant from pursuing the sexual harassment charge. [Total elapsed time: fifteen (15) working days from date complaint received.] Documentation shall be forwarded to the President.
7. A full report of the investigation, with the statements and other evidentiary matter attached, will be provided by the Affirmative Action officer to a properly constituted Grievance Committee. The Grievance Committee shall make findings of fact and recommendations to the President or his/her designated representative concerning the disposition of the case (i.e., whether the evidence fairly describes the elements of a charge of sexual harassment, in light of all evidence submitted by both sides).

[Total elapsed time from receipt of complaint to presentation of the case to the Grievance Committee: 20 working days.]

8. If the President accepts the findings of the Grievance Committee that sexual harassment has occurred, or recommends that further action is warranted, the President, or his/her designated representative, will commence due process procedures identical to those appearing in the Regents' Policy Manual, Section 803. In the case of a student, due process beyond the college is direct appeal to the Board of Regents.
9. The faculty member, classified employee, or student will be provided with a notification letter. [Elapsed time from receipt of complaint to service of the notification of letter: 30 working days.]

NOTE: Processing time standards contained herein serve as institutional guidelines only.

Sexual Assault Victim's Bill of Rights

The following rights shall be accorded, by all campus officers, administrators, and employees of Abraham Baldwin Agricultural College, to victims of campus-related sexual assaults:

The right to have any and all sexual assaults against them treated with seriousness; the right, as victims, to be treated with dignity; and the right for campus organizations which assist such victims to be accorded recognition.

The right to have sexual assaults committed against them investigated and adjudicated by the duly constituted criminal and civil authorities for the governmental entity in which the crimes occurred; and the right to the full and prompt cooperation and assistance of campus personnel in notifying the proper authorities. The foregoing shall be in addition to any campus disciplinary proceedings.

The right to be free from any kind of pressure from campus personnel that victims not report crimes committed against them to civil and criminal authorities or to campus enforcement and disciplinary officials; or report crimes as lesser offenses than the victims perceive them to be.

The right to be free from any kind of suggestion that campus sexual assault victims not report, or under-report, crimes because victims are somehow responsible for the commission of crimes against them; victims were negligent or assumed the risk of being assaulted; or by reporting crimes they would incur unwanted personal publicity.

The same right to legal assistance, or ability to have others present, in any campus disciplinary proceeding that the institution permits to the accused; and the right to be notified of the outcome of such proceeding.

The right to full and prompt cooperation from campus personnel in obtaining, securing, and maintaining evidence (including a medical examination) as may be necessary to the proof of criminal sexual assault in subsequent legal proceedings.