

PROCEDURE

Number: 3.5.4.1
Related Policy: 3.5.4
Title: Non-Discrimination and Anti-Harassment
Responsibility: Vice President, Human Resources and Employee Relations
Vice President, Student Affairs

Original Approval Date: 04-17-1996
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President

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 THE AGENCY.

I. Purpose and Commitment

Consistent with the Horry-Georgetown Technical College (HGTC) Policy 3.5.4, the College is committed to maintaining a work and educational environment that is free from all forms of discrimination and harassment. To this end, the College prohibits all forms of discrimination and harassment, including sexual harassment and abuse, with respect to employment or access to or enjoyment of any educational benefit.

II. DISCRIMINATORY CONDUCT

- A. Discrimination** is conduct that includes unjust or prejudicial treatment of persons based upon a person's sex, color, race, religion, national origin, age, disability, service in the uniformed services (as defined in state and federal law), veteran status, political ideas, marital or family status, pregnancy, childbirth, or related medical conditions, including but not limited to, lactation, genetic information, genetic identity, gender expression, or sexual orientation or other protected status that excludes an individual from participation in, denies the individual the benefits or, treats the individual differently, or otherwise adversely affects a term or condition of a person's working or learning environment. This includes failing to provide reasonable accommodation, consistent with state and federal law, to persons with disabilities.
- B. Harassment** includes unwelcome conduct, whether verbal, physical or visual, that is based upon a person's sex, color, race, religion, national origin, age, disability, genetic information or other protected status. The College will not tolerate harassing conduct

that affects tangible job benefits, that interferes unreasonably with an individual's work performance, or that creates an intimidating or hostile learning or work environment.

C. Sexual harassment is a form of sex discrimination prohibited by Title VII of the Civil Rights Act of 1964 and Title IX of the Educational Amendments of 1972. Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when:

1. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or access to or enjoyment of an educational benefit; or
2. Submission to or rejection of such conduct by an individual is used as the basis for decisions affecting that individual's employment, academic standing, or other decisions regarding educational benefits; or
3. Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance, professional or academic performance, or other educational benefit or creates an intimidating, hostile, or offensive working, learning or social environment.

Sexual harassment can take many forms. It can be committed by both men and women and occur between members of the opposite sex or between members of the same sex. Examples include, but are not limited to, the following:

1. engaging in intentional physical conduct that is sexual in nature such as touching, pinching, patting, grabbing, poking, or brushing against another individual's body;
2. offering or implying an employment-related reward or an education-related reward in exchange for sexual favors or submission to sexual conduct;
3. threatening or taking a negative employment action or negative educational action or intentionally making the individual's job or academic work more difficult because sexual conduct is rejected;
4. using or displaying in the classroom or workplace sexually harassing materials such as posters, photos, cartoons or graffiti without pedagogical justification;
5. making unwelcome sexual advances, repeated propositions or requests for a sexual relationship to an individual who has previously indicated that such conduct is unwelcome, or sexual gestures, noises, remarks, jokes, questions, or comments about a person's sexuality or sexual experience; conduct.

III. Rights And Responsibilities

All employees are responsible for helping to eliminate discrimination and/or harassment. If any employee believes that they experienced or witnessed discrimination and/or harassment, the employee should notify their supervisor, a human resources representative, or any other College official. Pursuant to the policy of the College, any employee who believes that they are the victim of discrimination and/or harassment shall have the right to seek an investigation or to file a complaint in accordance with policy 3.5.4.

IV. Investigation Procedure

Discrimination and/or harassment complaints should be investigated as promptly and thoroughly as possible. A human resource representative 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 discrimination and/or harassment has occurred, the College will take immediate appropriate action to stop the discrimination and/or harassment and prevent it from occurring in the future. Persons found to be in violation of the Non-Discrimination and Anti-Harassment Policy will be subject to immediate appropriate disciplinary action proportionate to the seriousness of the offense.

V. Retaliation

Horry-Georgetown Technical College strictly prohibits retaliation against any victim or witness who has reported discrimination and/or harassment in good faith or otherwise participated in an investigation of discrimination and/or harassment.

No individual involved in the complaint process shall suffer retaliation because of their filing of or participation in the complaint process. The College's employee disciplinary procedures will be used to address any case of alleged retaliation.

VI. Confidentiality

The College wishes to create a safe environment in which individuals are unafraid to discuss concerns. Therefore, the College will always maintain confidentiality to the fullest extent possible. However, confidentiality of the allegation and identity of the complainant cannot be guaranteed because the College must also consider fairness to the individual accused, as well as, the safety and welfare of all members of the College community. These considerations may require the College to disclose the allegation to and identity of the complainant to the accused and to other College officials.

VII. Education

The College has the responsibility to conduct periodic training for employees and supervisor on all aspects of the non-discrimination and anti-harassment policy and procedures.

VIII. Support Process

While reporting such incidents of harassment may be a difficult personal experience, the College strongly encourages a student and/or employee who feels they have been a victim of harassment to utilize available counseling services.

In addition, the Employee Assistance Program provides confidential counseling services, and employees wishing to discuss, confidentially, an incident of possible harassment are encouraged to contact the Employee Assistance Program provider. These services are available for employees seeking information and advice without committing to future action, but with complete confidentiality.

IX. Legal Representation

It is recognized that any employee or student involved in a harassment incident may obtain legal counsel at any point in the complaint process.

X. Special Circumstances

If the charge is to be against the Associate Vice President of Human Resources and Employee Relations or the Vice President for Student Affairs, complainant employee is advised to contact the Vice President for Academic Affairs; if the charge is against the College President, the complainant employee is advised to contact the Chair or Vice Chair of the College's Area Commission. For all other employees, the initial point of contact is to be with the Vice President, Human Resources and Employee Relations.