

## **5.00 Employment Policies**

### **5.01 DISCRIMINATION AND HARASSMENT POLICIES AND PROCEDURES**

Birmingham-Southern College provides employment, training, compensation, promotion, and other conditions of employment without regard to race, color, religion, national origin, disability, sex, age, veteran status, or sexual orientation. Birmingham-Southern College will make reasonable accommodations to employees and applicants with disabilities to allow employees to perform the essential functions of their jobs.

Birmingham-Southern College is committed to maintaining a work and educational environment free of harassment on the basis of race, color, religion, national origin, disability, sex, age, veteran status, or sexual orientation. We will not tolerate harassment of employees by anyone, including supervisors, coworkers, vendors, or students. Workplace and sexual harassment violate Title VII of the Civil Rights Act of 1964, the Age Discrimination in Employment Act, and/or the Americans with Disabilities Act. Any employee who engages in workplace or sexual harassment violates this policy and the law.

### **5.02 HARASSMENT DEFINED**

Workplace harassment is verbal or physical conduct that denigrates or shows hostility or aversion toward an individual because of his/her race, color, religion, national origin, disability, sex, age, veteran status, or sexual orientation or that of his/her relatives, friends, or associates, when it:

1. Has the purpose or effect of creating an intimidating, hostile, or offensive working and/or educational environment;
2. Has the purpose or effect of unreasonably interfering with an individual's work and/or academic performance; or
3. Otherwise adversely affects an individual's employment and/or academic opportunities.

Workplace harassment includes, but is not limited to the following:

- Epithets, slurs, negative stereotyping, or threatening, intimidating, or hostile acts that relate to race, color, religion, national origin, disability, sex, age, veteran status, or sexual orientation.
- Written or graphic material that denigrates or shows hostility toward an individual or group because of race, color, religion, national origin, disability, sex, age, veteran status, or sexual orientation and that is placed on walls, bulletin boards, or elsewhere on Birmingham-Southern College premises, or circulated in the workplace. This also includes acts that purport to be or are meant to be "jokes" or "pranks", but are hostile or demeaning, such as hate mail, threats, cartoons, defaced photographs, and other similar material or conduct.

Sexual harassment is a particular form of workplace harassment, and is defined as unwelcome sexual advances, requests for sexual favors and any other physical or verbal conduct of a sexual nature when:

- a. Submission to the conduct is an explicit or implicit term or condition of employment or continued employment;
- b. Submission to or rejection of the conduct is used as a basis for employment decisions affecting an employee, such as promotion, demotion, or evaluation;
- c. The conduct has the purpose or effect of unreasonably interfering with an employee's work performance or creating an intimidating, hostile or offensive work environment.

Sexual harassment includes, but is not limited to the following:

- unwelcome sexual propositions; sexual innuendo
- suggestive remarks
- vulgar or sexually explicit comments
- gestures or conduct
- sexually oriented kidding
- teasing or practical jokes
- and physical contact, such as touching another's body, pinching or patting.

### 5.03 SUPERVISOR RESPONSIBILITY

If you are in a supervisory or management position, you are responsible for maintaining the workplace free of harassment and intimidation. In this role, your responsibilities include, but are not limited to, the following:

1. Discuss this policy with your employees and assure that all of them are aware that they can work in an environment free of harassment.
2. Assure your employees that they are not required to endure degrading, denigrating, abusive or hostile treatment because of their race, color, religion, national origin, disability, sex, age, veteran status, or sexual orientation.
3. Inform your employees of the complaint process, including the employees' right to bypass an offending supervisor.
4. Immediately report any complaints concerning workplace harassment received from employees to your direct supervisor, the Director of Human Resources, or the Vice President for Administration.

### 5.04 EVERY EMPLOYEE'S RESPONSIBILITY

In addition to supervisors and management personnel, you are responsible for helping to assure that Birmingham-Southern College is kept free of workplace and sexual harassment. If you experience or witness workplace or sexual harassment, you must notify your supervisor, the Director of Human Resources or the Vice President for Administration immediately.

### 5.05 REPORTING PROCEDURE

If you believe you have been the victim of workplace or sexual harassment, or if you have witnessed such harassment of another employee, you must immediately report such activity in writing to your immediate supervisor, the Director of Human Resources or the Vice President for Administration. Such report will be promptly investigated. Failure to report any such harassment activity within 48 hours is grounds for discipline.

If you are a supervisor and you receive a report of workplace or sexual harassment, or if you have witnessed such harassment of an employee, you must immediately take any action necessary to remove the risk of physical harm to any person. You must then relay the report to the Director of Human Resources. If the Director of Human Resources is not available, you must relay the report to the Associate Director of Human Resources or the Vice President for Administration.

The Director of Human Resources will receive and process all complaints of sexual and workplace harassment. He/she will assess each such situation by holding fact finding conferences and obtaining statements from employees. The Director of Human Resources will report his/her findings to the President and make a recommendation concerning further action and disposition of the matter.

After reviewing all the evidence, the President will make a determination whether reasonable grounds exist to believe that unlawful harassment has occurred. If such grounds are found to exist, the President will take all appropriate action to eliminate such conduct and impose appropriate discipline.

In any situation in which the President is accused of violating this policy, the Chairman of the Board of Trustees of Birmingham-Southern College, or a person designated by the Chairman, will fulfill the role of the President.

5.05 HARASSMENT COMPLAINT MATRIX

<i>Alleged Harasser</i>	<i>Victim</i>	<i>Complaint Reviewed By</i>	<i>Applicable Policy</i>
Faculty Faculty Faculty	Faculty Staff Student	Faculty Advisory Comm. Faculty Advisory Comm. Faculty Advisory Comm.	Faculty Handbook Faculty Handbook Faculty Handbook
Staff Staff Staff	Faculty Staff Student	Staff Grievance Procedure Staff Grievance Procedure Staff Grievance Procedure	Staff Handbook Staff Handbook Staff Handbook
Student Student Student	Faculty Staff Student	Student Judicial Process Student Judicial Process Student Judicial Process	Student Handbook Student Handbook Student Handbook