Young Harris College

Guide to Understanding and Responding to Sexual Harassment and Violence

Sexual harassment is an affront to human dignity and fundamentally at odds with the values of Young Harris College. Because the College is committed to maintaining a community for study and work that is free from sexual harassment, the College will not tolerate any member of the community sexually harassing another.

This publication is provided so you can familiarize yourself with the campus resources available to students, faculty, and staff in preventing and responding to claims of sexual harassment or violence.

Statement on Sexual Harassment and Violence

Sexual harassment is antithetical to academic values and to a work environment free from the fact or appearance of coercion. It is illegal as well as a violation of College Policy and may result in serious disciplinary action. Sexual harassment includes sexual violence like rape, sexual assault, sexual battery, and sexual coercion. Generally, it consists of non-consensual sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature on or off campus, when:

(1) Submission to such conduct is made either explicitly or implicitly a condition of an individual’s employment or academic standing; or

(2) Submission to or rejection of such conduct is used as the basis for employment decisions or for academic evaluation, grades, or advancement; or

(3) Such conduct has the purpose or effect of unreasonably interfering with an individual's work or academic performance or creating an intimidating or hostile academic or work environment. Sexual harassment may be found in a single episode, as well as persistent behavior. Conduct that occurs in the process of admission or selection is covered by this policy, as well as conduct directed toward College students, faculty or staff members.

What is sexual harassment?

Sexual harassment is a form of illegal discrimination on the basis of an individual’s gender. It frequently involves an expression of sexual conduct that seeks to exploit a relationship in which there is an imbalance of power (e.g., supervisor/subordinate; teaching assistant/student; faculty member/student). It can also occur where there is a perception of power among or between colleagues or between individuals with no formal business or academic relationship.

In an academic setting, where freedom of expression is a paramount value, there can be a fine line between speech that is permissible and sexual harassment. The determination depends on the facts of the particular case.
There are two general types of sexual harassment:

A. Quid Pro Quo

“Quid pro quo” is a Latin term, “this for that”. The harassment occurs when a job, job benefit or academic evaluation is directly linked to a subordinate’s, co-worker’s or student’s willingness to grant or deny sexual favors. For example, if an employee’s work conditions are negatively affected by the denial of requested overtime or a change in work hours because of a refusal of a sexual favor, “Quid Pro Quo”.

B. Hostile Environment

“Hostile environment” harassment is unwelcome conduct of a sexual nature that creates an intimidating, hostile or offensive environment and has the purpose or effect of substantially interfering with the victim’s work or study. Hostile environment sexual harassment can include sexual advances, repeated taunts regarding sexual preferences, taunting jokes directed at a person or persons by reason of their sex, obscene posters with sexual connotations and sexual favoritism in work assignments.

What are some examples of sexual harassment?

Sexual harassment may be physical and/or verbal in nature. Depending upon pervasiveness and severity, conduct that may be considered sexual harassment includes:

The overt situations are generally understood, such as:

• Unwanted sexual advances or comments
• Unnecessary touching of a person’s body
• Implied or overt threats of punitive employment actions as a result of rejection of sexual advances

More subtle incidents may also be considered sexual harassment. Examples include:

• Sending sexually oriented emails and voice mails
• Sexual jokes
• Repeated asking for a date when the person has declined
• Display of sexually oriented cartoons, objects, posters
• Indirect sexual innuendo such as voice inflection when complimenting appearance or gazing at parts of the body other than the face

*Note: When sexual harassment involves physical contact, the College’s policy on sexual assault may apply.*

Who are the targets of sexual harassment?

Both women and men may be sexually harassed, though women are more frequently the targets of sexual harassment. Sexual harassment may occur between males and females and between persons of the same gender.

Both subordinates and co-workers may be victims of sexual harassment. While a co-worker does not have the direct ability to hire or fire another co-worker, the person may influence a job evaluation or create an intolerable working environment.

A mutual, romantic relationship between two employees can develop into sexual harassment. For example, suppose a male employee and a female employee of the College are dating and she decides to end the relationship. If the male employee attempts to inappropriately seek to compel her to continue the relationship in the workplace, then such unwelcome conduct would constitute sexual harassment.
How do people tend to deal with sexual harassment?

- They may try to avoid dealing with the problem directly out of fear, disbelief or embarrassment.
- They may minimize the situation, treating it like a joke or deciding it was not really important.
- They may pretend nothing is happening, trying not to notice, hoping it will cease, trying to forget about it.
- They may offer excuses for the harasser or interpret the behavior as flattering.
- They may suffer in silence, fearing retaliation, blame or embarrassment, or believing no one will help.

Men and women view sexual harassment differently

Women as a group perceive unwelcome sexual attention as a much more serious offense than men. Many men say that they find certain behavior flattering, such as sexual comments and sexual approaches if applied to them. Most women do not. Recently the courts have recognized this difference. Some courts are now using the standard of a “reasonable woman” rather than a “reasonable person” for judging the welcomeness or unwelcomeness of behavior in cases alleged to constitute sexual harassment of women.

What can you do if you feel you are being sexually harassed?

Any gesture or remark of a sexual nature that makes you feel uncomfortable, threatened, intimidated or pressured may be a sign that you are experiencing sexual harassment.

Don’t Delay. Don’t be led into believing that if you just wait a while this will all blow over and go away. It probably won’t. The longer you delay, the more difficult it may be to resolve the problem.

Take Action. Don’t ignore the situation. Silence may be misinterpreted as consent. Unless you do something about the situation, it is unlikely that the inappropriate behavior will stop. Report the complaint using the procedures described below. Make note of any relevant events, dates and witnesses.

What is sexual violence?

Sexual violence includes rape, sexual assault, sexual battery, and sexual coercion. Sexual assault is any form of unwanted sexual contact engaged in without consent and/or obtained through the use of force, threat of force, intimidation, drugs or substances that impact a person’s ability to resist, or coercion. This includes intentional touching, either of the victim or when the victim is forced by touch, directly or through clothing, another person’s genitals, breasts, thighs, or buttocks; penetration that involves sexual, anal, or oral intercourse without consent; or sexual penetration with an object. If a sexual assault occurs, the individual should call 911 immediately.

Consequences of sexual harassment at the College?

Clearly, sexual harassment affects the victim of the harassment. The employee or student may suffer a performance decline, disrupted education, disrupted relationships, intense anger, etc. A student’s educational goals may also be significantly affected if the student decides to avoid certain courses, change his or her area of study or transfer to another institution.

In addition, sexual harassment impacts the College and the department(s) involved. The College and department may experience an atmosphere of fear, declining work productivity and office morale, a loss of reputation, divisiveness, rumors, etc. If the employee resigns, the institution must also deal with the loss of an employee and absorb the cost of hiring and training a new employee.
No other specific action(s) be taken against the accused. Other informal ways to resolve a complaint of sexual harassment can include: (i) confronting the harasser face to face; (ii) writing a letter to the harasser; and (iii) requesting advice and/or intervention from a Title IX Coordinator or a third party. The main purpose of the informal procedure is to stop the inappropriate behavior. Informal complaints are not required to be made in writing, although keeping a record of events, dates and witnesses is recommended.

RECALITATION IS PROHIBITED

Any person who retaliates against an individual who reports sexual harassment or files a sexual harassment complaint or for cooperating in an investigation of such a complaint is subject to disciplinary action up to and including termination or expulsion by the college. If an employee feels he or she has suffered from reprisal in any form, this should be reported to the Human Resources Director who will have the charge investigated when the individual against whom the charge is filed is a member of the faculty or staff. In the case of a charge of retaliation by a student, the Human Resources Director will refer the matter to the Vice President of Student Development.

POLICY ON TEACHER-STUDENT CONSENSUAL RELATIONS

Faculty members should observe the highest standards of propriety in relationships with students. Inappropriate relationship or interaction with students will not be tolerated and may constitute grounds for disciplinary action or termination.

Consent

Members of the campus community should know that it is possible for an individual to violate College Policy even though they may not have broken the law. This is true because College Policy requires better evidence of voluntary consent to engage in sexual conduct than under Georgia law. In order to avoid possible disciplinary action, everyone should familiarize themselves with the Colleges Sexual Misconduct Policy which provides: “Consent can be communicated between parties through words or actions, but must be given with the intention of creating a mutual understanding regarding the conduction of sexual activity. Consent is invalid when it involves physical force, threats, or intimidation; minors under the age of consent, persons whose mental disabilities prohibit sound judgment; persons physically or mentally incapacitated, either voluntarily or involuntarily, as a result of alcohol or other drug consumption; and individuals who are unconscious, unaware, or otherwise physically incapacitated. Silence cannot be interpreted as a means of consent. Lack or consent may also be communicated through the use of non-verbal expressions or actions indicating resistance. Consent may be withdrawn at any time.

College procedures for addressing sexual harassment:

Students, faculty, and staff should report incidents of sexual harassment. If you believe you may be the victim of sexual harassment, you should take immediate steps to end the behavior. Persons found to have engaged in sexual harassment will be subject to disciplinary action, up and including termination or expulsion.

A. Informal Procedure

The informal process should not be utilized in cases of sexual assault or sexual misconduct. Instead, individuals who believe they have been assaulted or are the victim of sexual misconduct should immediately call 911 or consult with a Title IX Coordinator or any of the resources listed in the Campus Resources section of this brochure. However, an individual who feels she/he is being harassed may seek to resolve the matter informally (i.e. without a formal investigatory process or disciplinary action being taken against the accused individual). An example of an informal complaint is one where the complainant requests only that a supervisor counsel the accused individual to stop the alleged conduct and requests no other specific action(s) be taken against the accused. Other informal ways to resolve a complaint of sexual harassment can include: (i) confronting the harasser face to face; (ii) writing a letter to the harasser; and (iii) requesting advice and/or intervention from a Title IX Coordinator or third party. The main purpose of the informal procedure is to stop the inappropriate behavior. Informal complaints are not required to be made in writing, although keeping a record of events, dates and witnesses is recommended.
B. Formal Procedure

File a formal complaint as follows:

Faculty and staff members with specific complaints of sexual harassment or general concerns or questions should contact a Title IX Coordinator or the College’s Human Resources Director. The College’s complaint procedure for sexual harassment of faculty and staff is set out in the Employee Handbook under the policy titled 703 Sexual and Other Unlawful Harassment.

Students

Students with complaints of sexual harassment, assault or misconduct (whether against a faculty member or administrator or another student) should call 911 immediately or should contact a Title IX Coordinator or any of the resources listed in the Campus Resources section of this brochure.

The College’s complaint procedure for Harassment is set out in the Guide to Student Life and provides for a prompt, thorough, and objective investigation of any claim of prohibited harassment, appropriate disciplinary action against one found to have engaged in prohibited harassment and appropriate remedies for any victim of harassment. Note: The victim always has the right to file a police report regardless of whether or not they make a complaint to the College.

Note: The College will attempt to balance the wishes of the complainant who does not wish to file a formal complaint with the College’s responsibility to respond to serious allegations and take prompt, appropriate corrective action. The complainant will be informed in advance of any action taken.

CONFIDENTIALITY

Confidentiality, to the extent permitted by law, will be observed to protect your identity and rights and those of the person against whom the complaint is being made, provided it does not interfere with the College’s ability to investigate and take corrective action. In many instances, the College resource person will be able to address your concern(s) and stop the behavior without revealing your identity to the alleged harasser. Every effort will be made to protect the individual bringing forth the complaint and to respond to her or his concerns.

THE SUPERVISOR’S ROLE IN PREVENTING AND DEALING WITH SEXUAL HARASSMENT

As a supervisor, you can be personally responsible for sexual harassment incidents involving those who report to you if you knew or should have known about the conduct. The law requires that you take action. You should seek out assistance from your supervisor or the Human Resources Director in deciding how to respond.

Prevention

- Be knowledgeable about what sexual harassment is, about YHC’s policy concerning sexual harassment and about the resources (including formal and informal complain procedures) available to YHC faculty, students and staff who complain of sexual harassment.

- Discuss YHC’s sexual harassment policy with staff members before there is a complaint or problem.

- Attend and encourage staff members to attend training sessions dealing with sexual harassment.

- Be a role model so others will know what acceptable behavior is.
Take Action

- If someone comes to you with a complaint alleging sexual harassment, you should take prompt steps to resolve the matter. Don’t blame the victim.

- Listen objectively, respect privacy, and inform the individual of the informal and formal College procedures for resolving the matter.

- Obtain the facts, document the complaint and come to an agreement with the person about what the best course of action will be.

- Don’t take any direct action such as confronting the alleged harasser without the knowledge of the individual who has brought the complaint.

- Take the initiative if you suspect or know someone is being sexually harassed, do not ignore the issue.

SEXUAL HARASSMENT IS ILLEGAL

Sexual harassment is a violation of federal law.

Title VII of the Civil Rights Act of 1964, as amended, and the federal regulations adopted under the act, prohibit sex discrimination in the employment setting. The regulations define sexual harassment in the workplace as a distinct type of employment discrimination on the basis of sex. In 1980, the Equal Employment Opportunity Commission (EEOC) issued guidelines defining sexual harassment and stipulating that sexual harassment in the workplace is a violation of Title VII.

Title IX of the Education Amendments of 1972 prohibits discrimination on the basis of sex, including sexual harassment, in any educational programs and activities of educational institutions that receive federal funding. Students and employees are covered by Title IX.

FACULTY RESPONSIBILITIES

As chairs or department heads faculty act as agents of the College. As a result, these faculty members must take action on learning of a student’s complaint of sexual harassment. Even faculty who are not in these roles should take action as well. On learning of a complaint, you should seek out assistance from your Dean, the Title IX Coordinator or Deputy Coordinators or the Human Resources Director if a student comes to you with a complaint. It is critical, in addition, that you inform the student of the various procedures for addressing sexual harassment that are described in this pamphlet.
The following administrators and faculty are available to respond to general concerns or questions or to address specific complaints of sexual harassment.

**HUMAN RESOURCES**
Vincent Robelotto  
Human Resources Director  
Title IX Coordinator  
1 College St.  
Young Harris, GA 30582  
(706) 379-5272  
Fax: (706) 379-4572  
vrobelotto@yhc.edu

**DEPUTY TITLE IX COORDINATORS**
Dr. Amy Boggan  
Assistant Professor of Psychology  
(706) 379-5327  
alboggan@yhc.edu

Stuart Miller  
Director of Residence Life  
(706) 379-5300  
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Jennifer Stearsman  
Associate Athletic Director for Compliance/  
Senior Women’s Administrator  
(706) 379-5107  
jmstearsman@yhc.edu

**COUNSELING**
Dr. Lynne Grady  
Counselor Psychological Services  
(706) 379-5167  
lbgrady@yhc.edu

**POLICE DEPARTMENT**
Ken Henderson  
Chief of Police  
(706) 781-7521  
kenh@yhc.edu