

SOUTHWEST TENNESSEE COMMUNITY COLLEGE**SUBJECT: Anti- Harassment and Anti-Bullying****EFFECTIVE DATE: January 1, 2006; Revised April 14, 2022 (edited policy and added****Anti-Bullying added); Revised January 22, 2024 (updating job titles and name of office)****Purpose and Scope**

The purpose of this policy is to establish the position that Southwest Tennessee Community College (“Southwest” or “the College”) takes on harassment and workplace bullying.

Southwest condemns any acts in its academic or work environments that create the potential for bullying or harassment.

Scope

This policy applies to all Southwest employees and students, and also extends to those with whom the College conducts business, including clients, customers, and vendors.

Definitions

- Bullying- unwanted behavior that results in an imbalance of power involving the use of physical strength, position, seniority, access to embarrassing information, and similar things used to control or harm others. The three (3) types of bullying are verbal bullying, social bullying, and physical bullying.

Verbal bullying involves objectively rude remarks, objectively insensitive comments, name-calling, inappropriate sexual comments, and threats to cause harm.

Social bullying, which is sometimes referred to as relational bullying, damages someone’s reputation or relationship. Social bullying involves telling others not to be responsive or cordial to someone, intentionally excluding people from matters that involve them, spreading rumors, and public embarrassment.

Physical bullying involves hurting a person’s body or possessions. It includes, among other things, unwelcomed and unwanted touching, misconduct related to personal property, and making inappropriate hand gestures.

- Cyber bullying- bullying that takes place over digital devices such as cell phones, computers, and tablets. Cyberbullying can occur through SMS, email, text messages, apps, social media, and other electronic forums where people can view, participate in, and share content.

- Aggressive behavior tough or demanding conduct that can harm people or property. Aggressive behavior can be serious and require immediate attention. Below are three (3) forms that should be addressed as soon as possible.

Peer Conflict- a disagreement between individuals, with no perceived imbalance of power, who have an argument, disagreement, or fight.

Teasing- actions that usually involve two (2) or more friends who act together in a way that seems fun to all of the people involved. Often individuals will tease each other equally, but it does not involve physical or emotional abuse.

Hazing- an intentional or reckless act that is directed against another person and serves to endanger mental health, physical health, or safety. Training conducted in accordance with TBR requirements, through the Bridge platform, during Human Resources onboarding, and similar trainings are acceptable and not considered hazing. What is unacceptable is an activity or behavior that creates intimidation or fear of reprisal based on seniority or position for voicing a dissenting opinion.

- Harassment- Whether inappropriate behavior constitutes harassment depends upon many factors. The descriptions below are intended to provide a general outline of the types of behavior that are inappropriate in the workplace. This policy prohibits all inappropriate language and conduct, regardless of whether that behavior would legally constitute “harassment.” Southwest will not tolerate harassment based on a person’s sexual orientation, gender, race, color, religion, national origin, age, disability, status as a veteran, or other class protected by law. See the following Southwest policies related to workplace harassment: [Code of Conduct 5:00:00:00/41](#); [Conduct and Behavior 5:00:00:00/9](#).

Sexual Harassment- unwelcomed and unwanted sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature may constitute sexual harassment when:

- Submission to such conduct is made, either explicitly or implicitly, a term or condition of an individual’s employment or of the individual’s status in a program, course, or activity.
- Submission to or rejection of such conduct by an individual is used as the basis for employment decisions, a criterion for evaluation, or a basis for academic, or other decisions affecting the individual.
- Such conduct has the purpose or effect of unreasonably interfering with an individual’s work performance or creating a working environment that is intimidating, hostile, or offensive to the individual. Sexually inappropriate behavior can take many other forms including, but not limited to, repeated propositions or requests for dates, leering, ogling, innuendos, flirting, or unwanted physical contact.

Other Harassment- Behavior that is not sexually provocative but is inappropriate and, depending upon the circumstances, unlawful. The following are examples of such harassment:

- Gender-based comments or other demeaning conduct directed at someone because of gender.
 - Jokes or insults relating to religious beliefs, nationality, age, or disability.
 - Racial epithets or derogatory comments based on race, color or national origin.
- Consensual relationship- An amorous, romantic, or sexual relationship into which both parties have voluntarily entered.

Policy

Harassment

All employees and students must avoid actions and conduct that might be viewed as harassing behavior. Approval of, participation in, or acquiescence in such conduct will be considered a violation of this policy.

Employees should be sensitive to the fact that they have a professional responsibility for students in such matters as counseling, evaluating, supervising, advising, and providing services to students as a part of the school program. Consensual relationships become concerning to the College when one person in the relationship is in a position of authority over another. Examples of these situations include, but are not limited to, relationships between instructors and students, supervisors and employees, or administrators and students.

Consensual relationships of these types are prohibited. These relationships can violate the trust between instructors and students, administrators and students, or supervisors and employees. Most critically, they contain inherent potential for abuse of power and authority. Anyone who engages in a sexual relationship with a person over whom they have any degree of authority must understand that the degree to which such a relationship is truly mutually consensual may be questioned at any time. Even when both parties have apparently consented at the outset, such consent does not invalidate a subsequent charge of sexual harassment after one party withdraws consent and communicates that decision to the other party.

Inappropriate behavior and harassment are not tolerated and may result in discipline up to and including termination. The fact that someone did not intend to sexually harass an individual is not necessarily a defense to a complaint of sexual harassment. Regardless of intent, it is the duration, effect, and characteristics of the behavior that determine whether the behavior constitutes sexual harassment. Harassing conduct may be disciplined even if the complaining person is not the intended target of the conduct.

Bullying

No Southwest employee or person with whom the College does business may engage in bullying. Approval of, participation in, or acquiescence in such conduct will be considered a violation of this policy.

It is important to note that the imbalance of power in bullying situations can be created by subordinates as well as leaders. Subordinates have the power to influence colleagues, vendors, students and others, thereby creating uncomfortable work environments for leadership. Thus, it is possible that leaders may be bullied by subordinates, just as subordinates may be bullied by leaders.

Complaints

Individuals who believe that they have been the subject of, notified about, or observed sexual harassment as defined in this policy should immediately report the conduct to the College's Title IX Coordinator, who is assigned to the [Chief of Staff](#). Likewise, individuals who believe they have been subjected to discrimination based on a protected class, other than sex, should immediately report the conduct to the College's [Chief of Staff](#).

Any supervisor or faculty member who receives a report or complaint of harassment related to a protected class must immediately report the complaint to the [Chief of Staff](#) even if the complaining individual asks that no action be taken. Any faculty member or supervisor who fails to act upon receiving a complaint of harassment may be subject to discipline, up to and including termination. All complaints will be promptly investigated in accordance with the procedures outlined in [Tennessee Board of Regents Guideline P-080](#) in as confidential a manner as possible while still conducting a thorough investigation.

Individuals who believe that they have been subjected to harassment that is not based on a protected class or are subjected to workplace bullying should immediately report the alleged conduct to [Human Resources](#). Complaints will be promptly investigated in accordance with the guidelines set forth in [Tennessee Board of Regents Guideline P-080](#) for similar complaints. This will be done in as confidential a manner as possible, while still conducting a thorough investigation.

Retaliation is strictly prohibited as to anyone who reports alleged harassment or bullying, is a witness to the same, or is otherwise involved in the matter. It is possible that someone involved in retaliation will be reprimanded for this conduct, although there is no finding of harassment or bullying in the underlying matter. Examples of retaliation include, but are not limited to:

- Unfair grading, evaluation, or assignments
- Unfair changes to conditions of employment
- Information being withheld or made difficult to obtain
- Ridicule (public or private)


- Oral or written threats or bribes

Complaints of retaliation must be reported to the department handling the underlying matter.

Source of Policy: Office of the President

Citation credit: US- [Stop bullying guidance](#)

Related Policy: 5:00:00:00/9
5:00:00:00/15; 5:00:00:00/41

Approved: 
President

Responsible Administrator:
Chief of Staff (protected class complaint)
AP of HR (non-protected class complaint)

TBR Guideline Reference: P-080

TBR Reference: 5.01.00.00

Date: January 22, 2024