



SMPP 1.1 Sexual Harassment

(Note: all *italicized words* can be found in the *Definitions* section (15) of SMPP 1.0)

Baptist Memorial College of Health Sciences (Baptist College) strives to provide a place of work and study free of *sexual harassment*, intimidation or exploitation. Where *sexual harassment* has occurred, Baptist College will act to stop the *harassment*, prevent its recurrence, and discipline and/or take other appropriate action against those responsible.

Authority:

Approved by the President and enforced under the authority of the Dean of Student Services and the Vice President of *Administrative Services*.

Applicability:

Applies to all students, faculty, staff and others who make up the *Baptist College Community* or who participate in Baptist College programs and activities. This policy also applies to reports of incidents of *Prohibited Sexual Conduct* as required by *Title IX*.

1. In General

1.1. Applicability and Sanctions for Policy Violations

This policy applies to all *Baptist College Community* members who participate in Baptist College programs and activities. Its application includes Baptist College programs and activities both on and off-campus. Individuals who violate this policy are subject to disciplinary action up to and including discharge, expulsion and/or other appropriate sanction or action

1.2. Respect for Each Other

Baptist College strives to provide a place of work and study free of *sexual harassment*, intimidation or exploitation. It is expected that *Baptist College Community* members covered by this policy will treat one another with respect.

1.3. Prompt Attention

Reports of *sexual harassment* are taken seriously and will be dealt with promptly. The specific action taken in any particular case depends on the nature and gravity of the conduct reported and may include intervention, mediation, *investigation* and the initiation of grievance and disciplinary processes. Where *sexual harassment* has occurred, Baptist College will act to stop the *harassment*, prevent its recurrence, and respond with disciplinary action and/or take other appropriate action against those responsible.

1.4. Confidentiality

Baptist College recognizes the importance of *confidentiality*. The persons responsible for implementing this policy will respect the *confidentiality* and privacy of individuals reporting or accused of *sexual harassment* to the extent reasonably possible. Examples of situations where *confidentiality* cannot be maintained include circumstances when the law requires disclosure of information or when disclosure is necessary to protect the rights of others.

1.5. Protection From Retaliation

Retaliation and/or reprisals against an individual who in good faith reports or provides information about behavior that may violate this policy are against the law and will not be tolerated. However, intentionally making a false report or providing false information is grounds for disciplinary action.

1.6. Relationship to Freedom of Expression

Baptist College is committed to the principles of free inquiry and free expression. Vigorous discussion and debate are fundamental to education, and this policy is not intended to stifle teaching methods or freedom of expression generally, nor will it be permitted to do so. However, *sexual harassment* is neither a legally protected expression nor the proper exercise of academic freedom. It compromises the integrity of Baptist College, as well as intellectual freedom and the trust placed in its faculty and staff.

1.7. Required Awareness Training

In compliance with Baptist College’s policy, all faculty and staff who are employed by Baptist College are required to participate in *sexual harassment* awareness training annually. Participants will learn how to recognize *sexual harassment* in the workplace and about campus resources.

2. What Is Sexual Harassment?

In accordance with federal regulations, *sexual harassment* is defined as follows:

2.1. Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute *sexual harassment* when:

- 2.1.1. submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or academic acceptance;
- 2.1.2. submission to or rejection of conduct is used as basis for employment or academic decisions or evaluations, or permission to participate in a College activity; or
- 2.1.3. such conduct has the purpose or effect of unreasonably interfering with an individual's work or academic performance, creating an intimidating, hostile, or offensive environment.

2.2. Determining what constitutes *sexual harassment* depends on the specific facts and context in which the conduct occurs. *Sexual harassment* may take many forms; subtle and indirect or blatant and overt. For example, it may:

- 2.2.1. Be conduct toward an individual of the opposite sex or the same sex.
- 2.2.2. Occur between peers or between individuals in a hierarchical relationship.
- 2.2.3. Be aimed at coercing an individual to participate in an unwanted sexual relationship or it may have the effect of causing an individual to change behavior or work/academic performance.
- 2.2.4. Consist of repeated actions or may even arise from a single incident if sufficiently egregious.

2.3. Baptist College’s Policy on *Prohibited Sexual Conduct* and *Sexual Assault* [SMPP 1.3](#) may also apply when *sexual harassment* involves unwanted physical contact. Under *Title IX*, *sexual violence (sexual misconduct and sexual assault)* is a severe form of *sexual harassment*.

3. What to Do About Sexual Harassment

3.1. Use these resources for additional information:

- 3.1.1. For information, consultation, advice or to lodge a complaint, contact (via e-mail, phone or in person) Adonna Caldwell, Vice President of Administrative Services and *Title IX*

Coordinator

2nd floor, Administration Hall, Main Bldg,
1003 Monroe, Memphis, TN 38104
(901)572-2592, Adonna.Caldwell@bchs.edu

- 3.1.2. Anonymous inquiries can be made to the Baptist Hotline during business hours at: 1-877-BMH-Tips (1-877-264-8477)
- 3.1.3. Baptist Memorial Health Care Corporation, Human Resources, (901) 227-7649.

3.2. The following are the primary methods for dealing with *sexual harassment* at Baptist College. There is no requirement to follow these options in any specific order. However, early informal methods are often effective in correcting questionable behavior.

3.2.1. Consultation

Consultation is available for anyone who wants to discuss issues related to *sexual harassment*, whether or not "harassment" actually has occurred or the person seeking information is a *complainant*, a person who believes his/ her own actions may be the subject of criticism (even if unwarranted), or a third party. A person may consult with their supervisor, Program Chair or Divisional Dean, Director of Campus Ministries or Dean of Student Services.

Often there is a desire that a consultation be confidential or "off the record." This can usually be achieved when individuals discuss concerns about *sexual harassment* without identifying the other persons involved, and sometimes even without identifying themselves. Confidential consultations regarding *sexual harassment* are also available from persons who, by law, have special professional status, such as the Baptist College Counselor.

In these cases, the level of *confidentiality* depends on what legal protections are held by the individual receiving the information and should be addressed with them before specific facts are disclosed.

3.2.2. Student Processes

3.2.2.1. Administrative Review

Students who believe they are the target of *sexual harassment* and who would like administrative remedies to end the unwanted conduct, should bring forward a *concern* to the *Title IX Coordinator*. The *Title IX Coordinator* will review the *concern* under the *Title IX Sexual Harassment, Sexual Assault, Sexual Misconduct, Relationship (Dating) Violence and Stalking Administrative Policy and Procedures* ([BCHS SMPP 1.0.docx](#)).

Mediation between parties is not available in cases of *sexual harassment* involving students.

Students may confer with

Adonna Caldwell (Vice President of Administrative Services), *Title IX Coordinator*
2nd floor, Administration Hall, Main Bldg,
1003 Monroe Ave, Memphis, TN 38104,
(901) 572-2592
Adonna.Caldwell@bchs.edu

3.2.2.2. Disciplinary Process

Students who believe they are the target of *sexual harassment* may file a disciplinary complaint against another student in the Office of Student Services.

Students are subject to the Code of Student Conduct.

Sanctions for students found responsible for such a violation range from a formal

warning to dismissal from Baptist College.

Students may confer with

Nancy Reed, Dean of Student Services
2nd floor, Administrative Hall, Main Bldg,
1003 Monroe Ave, Memphis TN 38104
(901) 572-2662
Nancy.Reed@bchs.edu

3.2.3. Faculty & Staff Processes

3.2.3.1. Direct Communication

An individual may act on *concerns* about *sexual harassment* directly, by addressing the other party in person, or writing a letter describing the unwelcome behavior and its effect, and stating that the behavior must stop. *Reprisals* against an individual who in good faith initiates such a communication violate this policy.

3.2.3.2. Problem Solving, Appeal and Disciplinary Processes

Problem solving, appeal or disciplinary processes may be pursued as applicable.

3.2.3.3. Problem Solving and Appeals

The applicable procedure depends on the circumstances and the status of the person bringing the charge and the person against whom the charge is brought. Generally, the process consists of the individual's submission of a written statement, and a fact-finding process or *investigation* by a College representative, followed by a decision.

In some cases, this is followed by the possibility of an appeal, usually to Baptist College administrative officers at a higher level. The relevant procedure(s) are outlined in the Faculty/Staff Handbook. If the identified Baptist College fact-finder or grievance officer has a conflict of interest, an alternate will be arranged. The Vice President of *Administrative Services* can help assure that this occurs.

In most cases, problem solving and appeals must be brought within a specified time after the action in question. While informal resolution efforts will not automatically extend the time limits for filing a grievance or appeal, in appropriate circumstances the *complainant* and the other relevant parties may mutually agree in writing to extend the time for filing a grievance or appeal.

3.2.3.4. Disciplinary Procedures

In appropriate cases, disciplinary procedures may be initiated.

4. Procedural Matters

4.1. Investigations

If significant facts are contested, an *investigation* may be undertaken. The *investigation* will be conducted in a way that respects, to the reasonable extent possible the privacy of all of persons involved, while bearing in mind the safety of the campus community.

4.2. Record Keeping

The Vice President of *Administrative Services* will track reports of *sexual harassment* for statistical purposes and report at least annually concerning their number, nature and disposition to the Baptist College President and the Dean of Student Services.

The Vice President of *Administrative Services* may keep *confidential* records of reports of *sexual harassment* and the actions taken in response to those reports, and use them for purposes such as identifying individuals or departments likely to benefit from training so that training priorities can be established. No identifying information will be retained in cases where the

individual accused was not informed that there was a complaint.

5. Resources for Dealing with Sexual Harassment

5.1. Advice

Persons who have concerns about *sexual harassment* should contact the Vice President of *Administrative Services*. Reports should be made as soon as reasonably possible. The earlier the report, the easier it is to investigate and take appropriate remedial action. When reports are delayed for a long period, Baptist College will try to act to the extent it is reasonable to do so, but it may be impossible to achieve a satisfactory result after much time has passed.

Likewise, anyone who receives a report or a grievance involving *sexual harassment* should promptly consult with the Vice President of *Administrative Services*, Adonna Caldwell, *Title IX Coordinator*, at (901) 572-2592, Adonna.Caldwell@bchs.edu

5.2. External Reporting

Sexual harassment is prohibited by state and federal law. In addition to the internal resources, individuals may pursue complaints directly with the government agencies that deal with unlawful harassment and discrimination claims, e.g., the U.S. Equal Employment Opportunity Commission (EEOC), the Office for Civil Rights (OCR) of the U.S. Department of Education, and the State of Tennessee Human Rights Commission. These agencies are listed in the Government section of the telephone book, or can be found online. Additionally, the individual may consider referring the *concern* to local law enforcement agencies.

A violation of this policy may exist even where the conduct in question does not violate the law.

6. Policy Review and Evaluation

This policy is subject to periodic review. Any comments or suggestions should be forwarded to the Vice President of *Administrative Services*.