



Policy Number: I.17
Policy Level: Operating Policy
Originally Issued: May 13, 2015
Revised: June 6, 2016
Revised: August 30, 2016
Revised: September 15, 2016
Revised: November 16, 2016
Revised: February 1, 2017
Revised: April 25, 2018
Revised: August 13, 2020
Policy Owner: Vice President for Financial Affairs
Policy Implementation: Title IX Coordinator
SACSCOC Standard: 6.4

Sexual Harassment

The Department of Education's Office for Civil Rights (OCR), the Equal Opportunity Commission (EEOC), and the Code of Alabama regard sexual harassment as an unlawful discriminatory practice.

Athens State University has adopted the following definition of Sexual Harassment in order to address the unique environment of an academic community, which consists not only of employer and employees, but of students as well.

In cases of alleged sexual harassment, the protection of first amendment rights must be considered if issues of speech or artistic expression are involved. Free speech rights apply in the classroom and in all other education programs and activities, as well as to the speech of students and employees. Care must be taken not to inhibit open discussion, academic debate, and expression of personal opinion, particularly in the classroom. Nonetheless, speech or conduct of a sexual or hostile nature that occurs in the context of educational instruction may exceed the protections of academic freedom and constitute prohibited sexual harassment if it meets the definition of sexual harassment and (1) is reasonably regarded as non-professorial speech (e.g., advances a personal interest of the faculty member as opposed to furthering the learning process or legitimate objectives of the course), or (2) lacks accepted pedagogical purpose or is not germane to the academic subject matter.

Acts of sexual harassment may be committed by any person upon any other person, regardless of the sex, sexual orientation, and/or gender identity of those involved.

Sexual Harassment, as an umbrella category includes the offenses of sexual harassment, sexual assault, domestic violence, dating violence, and stalking, is defined as:

Conduct on the basis of sex that satisfies one or more of the following:



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1) Quid Pro Quo:

- a. an employee of the University,
- b. conditions the provision of an aid, benefit, or service of the recipient,
- c. on an individual's participation in unwelcome sexual conduct; and/or

2) Sexual Harassment:

- a. unwelcome conduct,
- b. determined by a reasonable person,
- c. to be so severe, and
- d. pervasive, and,
- e. objectively offensive,
- f. that it effectively denies a person equal access to Athens State University's education program or activity.

3) Sexual assault, defined as:

- a) Sex Offenses, Forcible:
 - i. Any sexual act directed against another person,
 - ii. Without the consent of the Complainant,
 - iii. including instances in which the Complainant is incapable of giving consent.
- b) Forcible Rape:
 - i. Penetration,
 - ii. No matter how slight,
 - iii. of the vagina or anus with any body part or object, or
 - iv. oral penetration by a sex organ of another person,
 - v. without the consent of the Complainant.