



Category
<b>General Prohibition Against Sex Discrimination, Sexual Harassment, or Sexual Misconduct Policy – 8:01:00:00</b>
Approval
<b>Corresponding Policies:</b> TBR Policies <a href="#">6:01:00:00</a> , <a href="#">6:02:00:00</a> , <a href="#">6:03:00:00</a> and <a href="#">5:01:02:00</a> ; TBR Guidelines <a href="#">P-080</a> and <a href="#">G-125</a>
<b>Leadership Council Approved: Interim Policy until approved by Leadership Council.</b>
<b>Effective Date/Approved:</b> August 14, 2020
<b>Revised:</b> October 1, 2014; editorial update July 14, 2016; August 12, 2020
<b>Responsible Party:</b> Title IX Coordinator

## I. PURPOSE

The purpose of this policy is to supplement Tennessee Board of Regents Policies, 6:01:00:00 Sex Discrimination, Sexual Harassment or Sexual Misconduct, 6:02:00:00 Sex Discrimination and Sexual Harassment, 6:03:00:00 Sexual Misconduct, 5:01:02:00 Equal Employment Opportunity and Affirmative Action, and TBR Guidelines P-080 Discrimination Harassment Complaint Investigation Procedure, and G-125 Filing Title VI Complaints.

## II. DEFINITIONS

- Sex Discrimination is treating someone less favorably because of that person's sex, sexual orientation, or gender identity/expression.
- Sexual Harassment is unwelcome conduct based on a person's sex, sexual orientation, or gender identity/expression that:
  - Adversely affects a term or condition of an individual's employment, education, participation in an institution's activities or living environment;
  - Has the purpose or effect of unreasonably interfering with an individual's employment or academic performance or creating an intimidating, hostile, offensive or abusive environment of the individual; or
  - Is used as a basis for or a factor in decisions that tangibly affect that individual's employment, education, participation in an institution's activities or living environment.
  - Some sexual harassment can also meet the definition of sexual misconduct.
- Sexual Misconduct for purposes of this policy area includes dating violence, domestic violence, sexual assault, stalking, and Title IX sexual harassment as they are defined in [TBR Policy 6.03.00.00](#) and MSCC Policy 8:02:00:00.

## III. GENERAL POLICY

It is the intent of Motlow State Community College that no individual shall be discriminated against on the basis of race, color, religion, creed, ethnic or national origin, sex, sexual orientation, gender identity/expression, disability, age (as applicable), status as a covered veteran, genetic information, and any other category protected by federal or state civil rights law/regulations and by Tennessee Board of Regents policies with respect to employment, programs, and activities. In promulgating this policy statement it is the College's intent to fully comply with Title IX

of the Education Amendments of 1972, §485(f) of the HEA, as amended by §304 of the Violence Against Women Reauthorization Act of 2013, the regulations implementing these Acts found at 34 CFR §668.41, §668.46, and Appendix A to Subpart D of Part 668; and Sections 799A and 845 of the Public Health Service Act and Regulations issued pursuant thereto found at 45 CFR Parts 83 and 86. The policies in this area are adopted to address such compliance.

#### **IV. APPLICABILITY**

All students and employees are subject to this policy. Any faculty member, student or staff found to have violated this policy by engaging in behavior constituting sex discrimination, sexual harassment, or sexual misconduct will be subject to disciplinary action which may include expulsion, termination or other appropriate sanction.

All students and employees are to be knowledgeable of policies and guidelines concerning sex discrimination, sexual harassment, or sexual misconduct.. All students and employees should promptly report to the Title IX/EEO Coordinator, any complaint or conduct which might constitute harassment, whether the information concerning a complaint is received formally or informally. Failure to do so may result in disciplinary action up to and including expulsion, termination or other appropriate sanction. All students and employees are required to cooperate with investigations of alleged sex discrimination, sexual harassment, or sexual misconduct unless otherwise provided by law. Failure to cooperate may result in disciplinary action up to and including termination. Students are also required to cooperate with these investigations. Failure to do so may result in disciplinary action up to and including expulsion, termination or other appropriate sanction.

Because Motlow State Community College takes its responsibilities in this area seriously, it provides periodic training and education to employees and students regarding conduct that could violate this policy. All employees and students are expected to participate in such education and training. Further, all employees and students are encouraged to engage in reasonable, necessary, and safe bystander intervention to prevent and discourage all types of discrimination and harassment.

#### **V. APPLICABLE POLICIES AND PROCEDURES**

- A. [TBR Policy 6.01.00.00 Sex Discrimination, Sexual Harassment or Sexual Misconduct](#)
- B. [TBR Policy 6.02.00.00 Sex Discrimination and Sexual Harassment](#)
- C. [TBR Policy 6.03.00.00 Sexual Misconduct](#)
- D. [TBR P-080 Discrimination & Harassment – Complaint & Investigation](#)
- E. [TBR G-125 Process for Filing Title VI Complaints](#)
- F. [MSCC 8:02:00:00 Sexual Misconduct](#)
- G. [MSCC 8:03:00:00 Sex Discrimination and Sexual Harassment](#)
- H. [MSCC 8:04:00:00 Discrimination & Harassment - Complaint & Investigation Procedure : P-080](#)

