5630 Prohibition of Harassment

The College is committed to sustaining a work environment that encourages employees to treat each other and students with dignity and respect. We are committed to the principles of equal employment opportunity, see also policy 5610 "Equal Employment Opportunity." In keeping with this commitment, the College strongly disapproves of, and shall not tolerate, harassment as prohibited by this policy of faculty, staff, students, or applicants for employment.

This policy does not apply to employees in their role as a student. In that scenario, the employee/student should follow the student policies.

Harassment does not include verbal expressions or written material that is relevant and appropriately related to course subject material or curriculum, and this policy shall not abridge academic freedom or the College's educational mission. In particular, the policy does not limit classroom teaching concerning topics legitimately related to the content or purposes of a course, even though such topics may elicit discomfort in a class member. Nor is this policy intended to limit scholarly research, publication, or public speaking on gender-related or protected class-related topics.

There are three types of harassment which are prohibited by the College – sexual harassment, protected class harassment, and general harassment.

I. Sexual Harassment*

Policy 5700 "Sexual Misconduct/Sexual Harassment" provides information on sexual harassment and reporting procedures.

II. Protected Class Harassment

This policy prohibits harassment, whether verbal, physical, or visual, that is unwelcome and based upon a person's age, color, race, religion, sex*, national origin, disability, veteran status, genetic information, pregnancy or other status protected by applicable federal, state or local laws, or by institutional policy. If applicable legislation broadens the definition of unlawful harassment, this policy shall encompass those changes. Protected class harassment is defined as conduct that has the purpose or effect of unreasonably interfering with an individual's work or educational performance by creating an intimidating, hostile, or offensive work or educational environment.

**Incidents or complaints of sexual harassment or sex-based harassment are reported and reviewed according to policy 5700 "Sexual Misconduct/Sexual Harassment." In the event that more than one protected class violation is reported and the report includes a complaint of sexual harassment or sex-based harassment, all of the complaints shall be investigated according to policy 5700 "Sexual Misconduct/Sexual Harassment." An example is an individual who reports complaints of harassment for both age and sex. In this case, the complaints would be simultaneously investigated according to procedures in policy 5700 "Sexual Misconduct/Sexual Harassment."*

Some examples of other conduct based on protected status that is forbidden by this policy include, but are not limited to:

- Racial, ethnic, or religious slurs, epithets, or jokes
- Derogatory or stereotypical comments based on race, religion, national origin, age, disability, sex, or other protected status
- Abusive or hostile treatment or similar offensive and unwelcome conduct based on an individual's protected status
- Inappropriate use or transmission of electronic mail, or inappropriate display of websites including those with ethnic or racial cartoons, jokes, or any other message that may offend, disparage, or harass an individual based on the protected status categories outlined above

III. General Harassment

The College defines general harassment as repeated, unreasonable actions of individuals (or groups) directed toward an employee (or group of employees), which has the purpose or effect of unreasonably interfering with an individual's work performance by creating an intimidating, hostile, or offensive work environment. Unlike unlawful harassment, general harassment does not single out a protected status.

Bullying may be verbal, physical, or demonstrative:

A. Verbal Bullying
Includes, but is not limited to, repeated or persistent infliction of derogatory comments, name-calling, insults, and/or threats; repeated or persistent instances of screaming or shouting; repeatedly or persistently reprimanding or interrupting a colleague or subordinate in the presence of a coworker or students when there is no legitimate reason for doing so. Verbal bullying may occur in person, on the telephone, via digital technologies (including email).

B. Physical Bullying
Includes, but is not limited to, repeated or persistent instances of physical contact that a reasonable person would view as offensive, undesirable, or uncomfortable; pushing, shoving, kicking, poking, tripping, assault, damage to or sabotage of a person's work area or property. A single act of physical contact may constitute bullying depending on the facts and circumstances, such as whether the physical contact is severe or injurious and whether there are mitigating factors or a reasonable explanation of the conduct.

C. Demonstrative/Non-Verbal Bullying
Includes, but is not limited to, repeated or persistent use of threatening or offensive gestures; repeatedly or persistently excluding an individual from work-related activities to embarrass or humiliate the individual or to prevent the individual from being successful in his or her position; repeatedly or persistently manipulating work schedules and/or work assignments to prevent the individual from being successful in his or her position.

Not all confrontation, disagreement, or behavior perceived as unfriendly or rude shall constitute harassment under this policy. Supervisors at times may make unpopular decisions or give instructions or assignments that are unwelcome; colleagues may express disagreement; or a coworker might choose to spend break time with some coworkers and not others. While these types of behaviors may be inappropriate under certain circumstances, they ordinarily shall not constitute harassment under this policy.

IV. Reporting Obligations

It is strongly encouraged that reports of sexual harassment, protected class harassment, or general harassment be promptly reported as soon as reasonably possible. Reports of harassment that are not promptly reported substantially limit the ability of the investigators to conduct a reasonable investigation.

Any employee or applicant for employment who witnesses, or has knowledge of any actions or conduct in violation of this policy or that could be perceived as harassment prohibited by this policy shall report it promptly to their supervisor, any Vice President or to the Human Resources Director. Any employee or applicant for employment who is subjected to any actions or conduct in violation of this policy must report it promptly to their supervisor, any Vice President or to the Human Resources Director. Supervisors who witness, have knowledge of, or are notified of action or conduct which may be in violation of this policy must report it to any Vice President or to the Human Resources Director. Complaints of sexual harassment or sex-based harassment must be reported to the Title IX Coordinator per policy 5700 "Sexual Misconduct/Sexual Harassment."

The alleged incident shall be reviewed promptly. An employee is not required to address the incident with his or her supervisor, particularly if the supervisor is the individual who is engaging in the prohibited conduct.

Employees shall understand the importance of informing, and are encouraged to inform individuals engaged in behavior that may be perceived as violating this policy that their behavior may be unwelcome, inappropriate or offensive by asking them to stop the behavior immediately. If the employee is not comfortable confronting the individual alone, they may enlist help from their supervisor, any Vice President or the Human Resources Director.

An employee who feels they have been subjected to action or conduct in violation of this policy must report the conduct as promptly as possible and may choose to resolve the situation informally or file a formal complaint with the College. Resolving the complaint informally may include efforts to mediate a resolution to which both parties agree. To file a formal complaint with the College, the individual must provide the following information in writing to the Compliance Officer/Vice President for Administrative Services and Finance:

- Name and Title of person alleging discrimination/harassment
- Name and Title of person against whom allegation of discrimination/harassment is being made
- Name and Title of person referring the complaint (if different than the person alleging discrimination/harassment) and description of the events and/or behaviors that are the subject of the complaint, including witnesses and dates, time and locations.

A Discrimination and Harassment Complaint Form, which is found on the Human Resources Portal on the College website, may also be used to provide this information.

V. Regulations

A. Confidentiality and Non-Retaliation

The College makes every reasonable effort to conduct all proceedings in a manner that shall protect the confidentiality of all parties. Parties to the complaint shall treat the matter under investigation with discretion and respect for the reputation of all parties involved.

College policy, as well as applicable federal and state laws, prohibits retaliation, intimidation or reprisal against anyone who files a complaint and/or who cooperates with or participates in any procedures or investigations related to complaints of discrimination, including complaints of sexual harassment and other forms of harassment. Therefore, employees shall object to sexual and other forms of harassment and report violations without fear of reprisal or retaliation.

Any employee or applicant for employment who is subjected to, witnesses, or has knowledge of any actions or conduct in violation of this policy or that could be perceived as retaliation or breach of confidentiality shall report it promptly to their supervisor, and Vice President or to the Human Resource Director. The alleged incident shall be promptly reviewed. An employee is not required to address the incident with his or her supervisor, particularly if the supervisor is the individual who is engaging in the prohibited conduct. When someone observes behavior they think is in violation of this policy, they shall report these concerns immediately. Supervisors who witness, have knowledge of, or are notified of action or conduct which may be in violation of this policy must report it to any Vice President or to the Human Resources Director.

B. Corrective Measures

If it is determined that an employee has been engaged in inappropriate conduct that violates this policy, appropriate action shall be taken immediately, using the College's established procedures, to fulfill its obligation under the law to promote a workplace that is free of illegal discrimination, protected class harassment, and general harassment. Such action may range from discussion/counseling to termination of employment, and may include such other forms of

disciplinary action appropriate to the employee's constituency group.

C. False Allegations

It is a violation of this policy for anyone to knowingly, or with reckless disregard for the truth, make false accusations of harassment. Failure to verify a claim of harassment may not be equivalent to a false allegation. Sanctions may be imposed on individuals who knowingly or with reckless disregard for the truth make false accusations of harassment.

D. Investigation

Prior to any investigation, the Human Resources Director shall attempt to mediate an informal resolution to the satisfaction of all parties. If no resolution results from this process, and a formal complaint has been filed, the alleged violation shall be investigated according to this policy. The College may formally investigate a complaint or report of harassment even if a formal complaint is not filed or a complaint was not filed promptly.

Investigations shall be conducted so as to protect the confidentiality and the privacy of the parties involved. The investigation may, as appropriate, include private interviews with the person filing the complaint, the witnesses, and with the person alleged to have committed harassment.

E. Investigators

The College shall maintain a list of trained investigators approved by the College President in consultation with the Vice Presidents. The list of trained investigators consists of each Vice President, Deans and Directors recommended by their area Vice President, and one other person recommended by each Vice President from their area (not including Human Resources Director). All investigative interviews shall be conducted by the Human Resources Director, an area Vice President or designee at the Dean/Director level, and one other employee (this person does not include the Human Resources Director). When a harassment claim is made, the College President shall designate which area Vice President and appointee shall investigate the claim to ensure that a conflict of interest does not exist. In no circumstance shall a Vice President investigate a claim that resides in their area of responsibility.

Any person who investigates a harassment claim shall be trained accordingly. If the Human Resources Director is directly involved in an allegation, or there is otherwise conflict of interest, he/she shall recuse his/herself from the process and the College President shall appoint someone in his/her stead. This appointment may be someone from within or outside of the College.

F. Timeline

Once an investigation is deemed necessary, the investigation shall be completed in a timely manner. The investigators shall make a recommendation to the College President regarding the outcome. The College President shall make the final determination within 10 working days after the investigation is complete. At this point, the person who filed the complaint and the person(s) alleged to have committed the conduct shall be informed in writing, to the extent appropriate, of the results of the investigation. All investigative notes shall be filed in the Human Resources Office, not in the personnel file. However, if disciplinary action results from the investigation, the disciplinary documentation shall be placed in the appropriate personnel file.

G. Appropriate Response/Disciplinary Action

If it is determined that an employee has been engaged in inappropriate conduct, appropriate action shall be taken immediately, using the College's established procedures, to fulfill its obligation to promote a respectful work place. Such action may range from discussion/counseling to termination of employment. Anyone engaging in conduct that violates this policy is subject to disciplinary action up to and including dismissal, and, if such conduct involves a violation of law,

also may be personally subject to civil and criminal legal liability. The level of disciplinary action shall depend on the severity and frequency of the conduct.

H. Appeal Process

Employees may use the Dispute Resolution Process (see policy 5810) if they believe that the procedures by which the final determination was made violate the provisions in this policy. The decision or outcome of the investigation itself may not be appealed, only the procedure.

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