

SEXUAL & OTHER UNLAWFUL HARASSMENT (EMPLOYEES)

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SEXUAL & OTHER UNLAWFUL HARASSMENT

The College will not tolerate unlawful harassment of employees including harassment of an individual because of that person's race, color, age, religion, gender, sexual orientation, national origin, disability, veteran status, or other legally protected status. Any employee who engages in any form of unlawful harassment will be disciplined. Discipline may include, but is not limited to, transfer, demotion, suspension, or discharge. The College also forbids retaliation of any type against an employee for reporting any type of unlawful harassment.

Sexual harassment is also prohibited under the Civil Rights Restoration Act of 1987 as applicable, which states in part: "No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance." No member of the campus community, guest, or visitor may act to deny, deprive, or limit the opportunities and/or benefits of any member of the college community on the basis of sex.

The Executive Director of Human Resources (EDHR) will provide employees with information and the means of obtaining assistance and remedy in the event of a report of sexual and/or other unlawful harassment prohibited by this Procedure.

Employee Reporting

Employees, without any fear of reprisal, have the responsibility to bring any form of sexual or other unlawful harassment (whether by a co-worker, a student, or someone else encountered during the course of performing their job duties) to the attention of their supervisor or department head, so that an appropriate investigation may be begun into the circumstances of the incident and the alleged harassment. If an employee is uncomfortable with reporting the harassment to his or her supervisor or department head, the employee should go directly to the EDHR or to any member of the President's Executive Leadership Team. Any person who receives a report of sexual or other unlawful harassment must notify the EDHR immediately.

Investigation

The EDHR shall fully investigate all sexual or other unlawful harassments in accordance with the pertinent College policies and procedures. The EDHR will make every attempt to provide a response to

the involved parties within sixty days following the date of the complaint. An interim report should be made when the investigation is expected to exceed sixty days.

During an investigation, the EDHR may recommend interim personnel measures to the College President and Executive Leadership Team (ELT) to facilitate the investigation or to protect the involved parties. Other actions may include the following:

- The applicable Vice President(s) or designees, shall approve any interim changes to an employee's working conditions or duties.
- In an instance where a decision maker or investigator is a party to the investigation, or is deemed to have a conflict of interest, the President, or designee, shall assume decision responsibility or appoint an alternate investigator.

Completion of Investigation

A confidential file regarding the complaint shall be maintained by the EDHR. To the extent possible, the College will keep all information relating to complaints and investigations confidential. However, the Clery Act requires all complainant(s) respondent(s) be notified of the outcome of any institutional proceeding alleging a sex offense.

Upon completion of the investigation, a written report shall be prepared, outlining the allegation(s), the investigation conducted, the witnesses interviewed, and the investigation conclusions reached. The official report will be secured and maintained by the EDHR.

Retaliation Prohibition

Retaliation by any employee or student of the College against a complainant, respondent, witness, or investigator, is expressly prohibited. Retaliation is defined as including, but not limited to, any form of intimidation, harassment, or reprisal. Reports of retaliation will be investigated by the EDHR, and when substantiated, referred for action in accordance with College Procedure, 2.9.1, *Progressive Discipline*.