
SUBJECT: SEXUAL HARASSMENT (ALL EMPLOYEES)

1.0 PURPOSE

- 1.1. The College assumes an affirmative posture to prevent and eliminate sexual harassment in any campus, division, department, or work unit by any faculty or staff employee, administrator, or supervisor. It is the policy of the College that any practice or behavior that constitutes sexual harassment will not be tolerated. Sexual Harassment in the workplace is a prohibited practice under Section 703 of Title VII of the 1964 Civil Rights Act as amended by the Equal Employment Opportunity Act of 1973.

2.0 DEFINITIONS

- 2.1. Sexual harassment is defined, for purposes of this policy, as "unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature." (EEOC)
- 2.2. These behaviors constitute sexual harassment when certain criteria are met:
 - 2.2.1. Criteria I - Submission to such conduct is made either explicitly or implicitly a term or condition of employment.
 - 2.2.2. Criteria II - Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual.
 - 2.2.3. Criteria III - Such Conduct has the purpose or effect of unreasonably interfering with the individual work performance or creating an intimidating, hostile, or offensive working environment.
- 2.3. Criteria I and II are examples of Quid Pro Quo or conditional sexual harassment. Criteria III is an example of Hostile Work Environment.
- 2.4. Awareness: Inasmuch as the EEOC holds supervisory personnel liable for the actions of their employees with respect to this policy, supervisory personnel are required to inform their staffs of the seriousness of sexual harassment and the existence of this College policy. New employees, including full, part-time, and adjunct personnel should receive a copy of this policy upon being hired. Upon hire, a training session should be held to discuss the policy, and a record should be kept of attendance at that session. Continuing employees should receive refresher training once every other year.

3.0 POLICY

- 3.1. In as much as an alleged occurrence of sexual harassment has a deleterious effect on the workplace, all effort should be made to resolve the situation as quickly as possible.
- 3.2. The circumstances and persons involved in an alleged case should be kept confidential except where disclosure is necessary to obtain information leading to a resolution of the case. In any investigation, only pertinent information should be shared with those being questioned. Every effort should be made to maintain a climate of confidentiality which would make it possible for those involved to continue their present employment once the matter is resolved.

4.0 PROCEDURE FOR INVESTIGATION AND RESOLUTION

- 4.1. Any staff or faculty member who believes that he/she has been the recipient of sexual harassment should promptly report this to the Human Resources Office. The initial complaint can be either oral or written; however, a written and signed statement by the complainant must be submitted to the Human Resource Office within five (5) working days of the initial complaint.
- 4.2. Allegations for an oral complaint will be investigated promptly prior to receiving the written complaint. Though the complaint need not be verified under oath, any false statements deliberately included in a complaint or made during an investigation may be grounds for disciplinary action up to and including termination. The accused may be suspended with pay pending an investigation.
- 4.3. The Human Resources Officer in coordination with the public Safety Officer will be the investigating officers unless another mutually agreeable party is requested and agreed upon. All members of the College community are urged to resolve problems fairly and informally before initiating the formal investigation procedure outlined below. If informal efforts are unsuccessful, the following steps will be taken by the Human Resources Officer.
 - 4.3.1. *Interview Complainant.* The complainant should be advised of the seriousness of the charge and of the College's intent to thoroughly investigate and ensure protection against any unlawful reprisal. The complainant will be asked to give detailed information of the offending behavior or circumstances and provide names of witnesses to the alleged incident(s) or of others in the workplace who may have been harassed by the accused. The complainant will be asked to detail how the alleged action affected his/her ability to work. The complainant will be asked whether or not he/she has confronted the

alleged harasser regarding the alleged offenses(s). This interview should be documented.

- 4.3.2. *Conduct Visual Investigation of Workplace Where the Complainant is Assigned.* The investigator will document to what degree the workplace is professional and free of lewd, suggestive, or offensive visual or aural stimuli or other observable circumstances which may be deemed offensive.
- 4.3.3. *Interview Witnesses and Co-workers Identified by the Complainant.* In these interviews, the investigator will try to determine to what degree the alleged incident(s) were accurately reported by the claimant. He/she will also try to determine the actual and perceived relationship between the complainant and the alleged harasser, their actions or verbal exchanges, and look for any evidence of vindictive behavior. Each witness will sign statements about the facts disclosed in the interview.
- 4.3.4. *Interview Alleged Harasser.* The investigator will explain the purpose and status of the investigation emphasizing the legal prohibitions against any form of reprisal against the complainant. In this interview the alleged offender will have the opportunity to defend and clear himself/herself of the complaint. The accused may give names of co-workers who can corroborate his/her description of the incident(s) in question. If so, the investigator should also interview them. The investigator should determine the impact of any prior discipline imposed by the alleged harasser upon the complainant which may have prompted the complainant to seek revenge. Consideration should also be given to the alleged harasser's perception as to whether the alleged actions/words were "welcome" or "unwelcome." The object of the investigation is to determine whether the alleged incidents or conversations were accurately reported by the claimant, and if they were, whether the behavior was perceived by witnesses as being "welcome" or "unwelcome." All the above findings should be documented.
- 4.3.5. *Assessment of the Case.* The investigation should result in one of several conclusions:
 - 4.3.5.1. the alleged incident(s) did take place as the complainant perceived them and constitute sexual harassment under the definition in 2.0 above
 - 4.3.5.2. the alleged harasser's conduct was inappropriate in certain respects but was not egregious (e.g., not intended to be offensive)

- 4.3.5.3. there is no basis for the allegation of sexual harassment
- 4.3.5.4. it can be substantiated beyond all reasonable doubt that
 the complainant fabricated malicious allegations
- 4.3.5.5. the details of the complainant, the alleged harasser and
 witnesses differ on critical details and the truth genuinely
 cannot be determined
- 4.3.6. *Action.* Given the nature of sexual harassment discrimination, the
 College recognizes that false accusations or reports of sexual
 harassment can have serious effects on innocent individuals. An
 employee who deliberately makes or provides false information by
 complaint or in the course of an investigation shall be subject to
 disciplinary action, up to and including termination.
- 4.4. If disciplinary action is warranted, a specific course of action should be
 proposed by the investigating officer to the President. Such action should be
 consistent with the severity of the offense and consideration of any past
 offenses of this nature by the employee. Appropriate discipline may range
 from an oral or written warning to termination. If the best solution is a
 transfer, it should be a lateral transfer so that it cannot be perceived as a
 reward or a punishment by either the complainant or the accused.
- 4.5. The complainant and the alleged harasser will be informed of the action
 taken. Such action will be noted in the employee's official personnel file.