

201.2 ANTI-HARASSMENT

No Harassment or Discrimination

The College maintains a strict policy prohibiting harassment or discrimination based on age, race, color, national origin or nationality, ancestry, religion, creed, physical or mental disability, sex, gender, gender identity or expression, sexual orientation, genetic characteristics or information, marital , civil union or domestic partnership status, veteran or military status, and any other basis protected by applicable federal, state or local law. All such harassment is prohibited. The College's anti-harassment policy applies to all employees, students, executives, officers, Trustees, Foundation Directors, independent contractors, visitors to the College and third parties.

The College's anti-harassment policy applies throughout the campus, exterior locations, on-line and to all college activities. If harassment occurs by someone not employed by or enrolled at the College, the procedures in this policy should be followed as if the harasser were an employee of the College. If such is the case, the College will strive to be sensitive to such concerns. Nobody at Warren County Community College should feel obligated to tolerate harassment in any form. Warren County Community College will act to eliminate harassment in the workplace and on the campus. Persons who engage in prohibited harassment are subject to disciplinary action, up to and including possible termination. Anyone who has witnessed or is a victim of alleged harassment should immediately report the matter to supervisor/manager or Human Resources in accordance with the Complaint Procedure for issues of possible discrimination or harassment (see below).

The College recognizes that as an academic institution devoted to the pursuit of academic learning, there may be instances where exposure to sensitive topics relating to the above protected characteristics may occur, such as in art, sociology, history and other classes. The College maintains an open-door policy with respect to student and faculty concerns relating to such topics and strives to fulfill its academic mission in a professional manner.

No Sexual Harassment

All persons are prohibited from engaging in sexual harassment at Warren County Community College. Sexual harassment includes unwelcome sexual advances, requests for sexual favors, and exposure to visual, verbal or physical conduct of a sexual nature. Sexual harassment also exists when (1) submission to such conduct is made either explicitly or implicitly as a term or condition of an individual's employment or enrollment, (2) submission to or rejection of such conduct by an individual is used as the basis for decisions affecting such individual, or (3) such conduct has the purpose or effect of unreasonably interfering with an individual's academic or work performance or creating an intimidating, hostile, or offensive workplace or campus environment.

The following examples are a partial list of the types of conduct that may constitute sexual harassment (depending on the circumstances):

- Unwelcome/unwanted sexual advances;
- Propositions or requests for sexual favors;
- Repeated unwelcome requests for dates;
- Off-color jokes or innuendos; obscene, lewd or suggestive language; or sexually oriented or explicit remarks (including questions, comments or gossip about sexual conduct, experiences, prowess or deficiencies);
- Derogatory comments based on gender;
- Inappropriate or sexually suggestive touching, such as grabbing, groping, fondling, kissing, brushing up against another's body, stroking someone's hair, or rubbing or massaging someone's neck or shoulders;
- Other sexually suggestive gestures or physical movements;
- Posting, displaying or distributing any sexually oriented, sexually explicit or demeaning materials (such as posters, calendars, videos, photographs, graffiti, cartoons, figurines, e-mails, etc.);
- Standing too close, leering, staring or stalking;
- Other verbal or physical conduct that is of sexual nature or that is based on gender.

Prohibited sexual harassment also includes any effort by a person in authority to use his or her position or authority to control, influence, or affect the career, academic status, grades, salary, employment, or terms and conditions of employment of an employee or student in exchange for sexual favors.

It is unlawful for males to sexually harass females or other males, and for females to sexually harass males or other females. Sexual harassment is prohibited whether it involves a co-worker, student, instructor, supervisor, manager, trustee or by persons doing business with or for the College.

Report All Forms of Discrimination or Harassment

Everyone has a responsibility to maintain a workplace and campus free of any form of discrimination or harassment. Anyone who believes he or she has witnessed or is being subjected to discrimination or harassment on campus or at a College activity should immediately report the matter to a supervisor/manager or Human Resources in accordance with the Complaint Procedure below, or in any other manner reasonably calculated to inform College management.

Complaint Procedure – Discrimination or Harassment

Maintaining a harassment-free workplace and campus requires the cooperation of all individuals. It is very important for all persons to report to the College any workplace or campus conduct they believe is improper regardless of the identity of the alleged harasser or who the harassment is directed at.

To encourage persons to bring forward any concerns they may have about possible discrimination or harassment, the College prohibits retaliation against anyone who makes such a complaint or who is involved in the investigation of such a complaint. Persons who believe they have suffered or witnessed retaliation must report the matter immediately to a supervisor/manager or Human Resources. Anyone who engages in retaliation is subject to disciplinary action, up to and including possible termination.

The College's complaint procedure provides for an immediate, thorough and objective investigation of any discrimination or harassment claim, appropriate disciplinary action against one found to have engaged in prohibited harassment and appropriate remedial action.

Persons who believe they have been harassed or discriminated against in the workplace or on campus, including by persons doing business with or for the College, should provide a written or oral complaint to Human Resources as soon as possible. The complaint should include details of the alleged incident(s), names of individuals involved, and the names of any witnesses. Supervisors and managers must immediately refer all harassment complaints to Human Resources.

Investigation Procedure

All complaints of possible discrimination and/or harassment will be treated seriously and promptly investigated, even if the alleged victim expresses a desire that the College not investigate. That is the law. The investigation will be as confidential as possible, consistent with the need to conduct an investigation. The College will immediately undertake or direct an effective, thorough and objective investigation of the discrimination and/or harassment allegations.

All complaints of harassment and discrimination should be promptly reported to Human Resources for investigation or referral to the President, Board of Trustees Chairperson or Vice Chairperson, as outlined below.

- Complaints of harassment against the President, will be referred by Human Resources to the Board of Trustees Chairperson and Vice Chairperson for investigation with qualified outside counsel.
- Complaints of harassment against a Board of Trustees member, will be referred by Human Resources to the President. The President will report the complaint to the Board of Trustees Chairperson or Vice Chairperson (in the event of conflict) for investigation with qualified outside counsel.
- Complaints of harassment against a College Official or Human Resources Official, will be referred by a manager/supervisor to the President for investigation with qualified outside counsel.
- All other complaints of harassment will be referred by a manager/supervisor to Human Resources for investigation.

All investigations shall be conducted as soon as is practicable, and reported for appropriate action, if any, pursuant to applicable personnel policies and student conduct codes. The investigator shall interview the complainant, the person alleged to have engaged in a violation of this policy and any other persons who witnessed the alleged conduct or similar conduct forming the basis of the complaint. The investigator shall make written factual findings and credibility assessments, and then forward a report to the College attorney or Chairperson of the Board of Trustees (or Vice-Chairperson in the event of conflict) or President for legal counsel and evaluative assessment. A special emergency session of the Board may be convened to determine appropriate disciplinary and remedial action, if any, subject to applicable notice, personnel policies, procedures and regulations. All investigative materials are deemed confidential and are not subject to disclosure, except as otherwise required by law.

The investigation will be completed and a determination regarding the allegations will be made and communicated to the person who complained and the accused party.

Disciplinary or Other Remedial Action Where Discrimination or Harassment is Found.

If the College determines that discrimination or harassment has occurred, the College will take effective remedial action commensurate with the circumstances. Appropriate action may be taken to deter any future wrongful conduct, as well as future monitoring of any individuals alleged to have violated the policy.

If a complaint of discrimination or harassment is substantiated, appropriate disciplinary action, up to and including termination, will be taken. Whatever action is taken against the accused party will be communicated to the person who complained.

False Claims of Harassment or Discrimination

Anyone who makes an intentionally false claim of harassment or discrimination will be disciplined according to College policy, up to and including termination.

No Retaliation

The College will not tolerate retaliation against any individual because he or she has made a good faith complaint of harassment or discrimination to the College or has filed a charge, testified, assisted, or participated in any manner in an investigation, proceeding, hearing or litigation under federal or state discrimination statutes or at other hearings regarding protected civil rights. The College also prohibits retaliation against someone closely related to or associated with the person exercising such rights. Examples of retaliation may include, but are not limited to, hostile conduct toward an individual who participated in protected activity. Such conduct includes, but is not limited to, verbal or body language which is threatening or expresses or suggests disapproval or hostility; failure to cooperate in workplace procedures; or sudden unfounded disciplinary action not based on actual job or academic performance. If anyone is unclear as to what kind of activity may be prohibited retaliation, contact Human Resources immediately for more information.

The College's Complaint Procedures provides for an immediate, thorough and objective investigation of any claim of unlawful retaliation because of opposition to alleged discrimination or participation in a proceeding regarding alleged employment discrimination. If anyone believes that they have been retaliated against because of their opposition to a practice they reasonably believe to be discriminatory or because of their participation in a hearing or proceeding regarding alleged unlawful discrimination, that individual should provide a written or oral complaint to Human Resources as soon as possible. The complaint should be as detailed as possible, including the names of individuals involved, the names of any witnesses, and any documentary evidence.

All complaints of prohibited retaliation which are reported to management will be investigated. The College will immediately undertake and direct an effective, thorough and objective investigation of the retaliation allegations. The investigation will be as confidential as possible, consistent with the need to conduct an investigation. The investigation will be completed and a determination regarding the alleged retaliation will be made and communicated to the person who complains and to the person(s) accused of retaliation.

If the College determines that an individual has suffered adverse action in retaliation for opposition to alleged discrimination or participation in a proceeding related to alleged discrimination, the College will take effective remedial action appropriate to the circumstances. The College will also take action to deter any future retaliation. If a complaint of unlawful retaliation is substantiated, appropriate disciplinary action, up to and including termination, will be taken. Whatever action is taken against the person responsible for the retaliation will be communicated to the person who complained.

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