

# Discrimination and Harassment

## Policy Ref

PPM10047

## Policy

Discrimination and Harassment

Discrimination and harassment can seriously damage the integrity of an educational institution, destroy the institution's positive work and educational atmosphere and cause psychological and physiological damage to the victims. The college condemns such activity and is strongly committed to promoting a work and academic environment free from discrimination and harassment and to addressing and resolving complaints in a timely fashion.

Wor-Wic Community College does not discriminate on the basis of age, gender, race, color, religion, national origin, marital status, sexual orientation, genetic information, gender identity, disability, income level, limited English proficiency or any other characteristic protected by law in the admission and treatment of students, access to educational programs and activities, and the terms and conditions of employment.

This policy applies to all students, employees, visitors and third party vendors who are hired by the college. This policy covers any prohibited conduct that occurs on campus or off-campus when conducting college business or is circulated at or from the college, during college operating hours or using college equipment, via email, phone, voice mail, text messages, tweets, blog posts, social networking sites or other means.

Definitions, supportive measures, and investigation and disciplinary procedures related to sexual misconduct are available on the college website, as well as in the college catalog (for students) and the policies and procedures manual (for employees).

Discrimination and harassment questions and complaints should be submitted to Wor-Wic's Title VI and IX coordinators and discrimination investigators.

<b>Student Complaints</b>	<b>Employee Complaints</b>
Dr. Deirdra G. Johnson Senior Director of Student Development Wor-Wic Community College BH 109 32000 Campus Drive Salisbury, MD 21804 (410) 334-2902 <a href="mailto:djohnson@worwic.edu">djohnson@worwic.edu</a>	Karen Berkheimer Executive Director of Human Resources Wor-Wic Community College BH 107 32000 Campus Drive Salisbury, MD 21804 (410) 334-2915 <a href="mailto:kberkheimer@worwic.edu">kberkheimer@worwic.edu</a>

## **DISCRIMINATION**

Discrimination is defined as treating someone differently based on any of the protected-class characteristics. Discriminatory harassment is strictly prohibited.

### **Discriminatory Harassment**

Discriminatory harassment is defined as unwelcome verbal or physical conduct based on age, gender, race, color, religion, national origin, marital status, sexual orientation, genetic information, gender identity, disability or any other characteristic protected by law, and all related protected activities, including retaliation, that is so objectively offensive as to alter the conditions of the victim's employment or education. This standard is met: a) when submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or education; b) when submission to or rejection of such conduct by an individual is used as the basis for employment or academic decisions affecting that individual; or c) when such conduct has the purpose or effect of unreasonably interfering with an individual's work or academic performance or creating an intimidating, hostile or offensive working or educational environment. Depending on its severity, pervasiveness and offensiveness, discriminatory harassment can include epithets, slurs or negative stereotyping; threatening, intimidating or hostile acts; disparaging jokes; and written or graphic material that disparages or shows hostility or aversion toward an individual or group because of a characteristic protected by law. Discriminatory harassment can occur between individuals of the same or different genders regardless of sexual orientation.

However, as an institution of higher education, the college recognizes that faculty have the right to present information and ideas related to their course content, and that students have the right to test and explore their personal views, beliefs and philosophies in new contexts during the educational process, as described under "Student and Instructional Concerns."

## **FILING A COMPLAINT**

Reports of alleged discrimination or harassment can be submitted, in writing or verbally, to any supervisor or Title IX coordinator.

If an alleged victim decides not to file a complaint, but shares information with a college employee regarding an alleged discriminatory incident, it is the responsibility of the employee who receives this information to notify the appropriate Title VI/IX coordinator and discrimination investigator, regardless of whether the information was obtained in writing or communicated verbally.

If the complaint is against an employee, the report is forwarded to the executive director of human resources or the vice president for administrative services (if the complaint involves the executive director of human resources), who initiates the

preliminary inquiry and/or investigation process. If the complaint is against a student, the report is forwarded to the senior director of student development or the vice president for enrollment management and student services (if the complaint involves the senior director of student development), who initiates the preliminary inquiry and/or investigation process.

The college affords reasonable confidentiality to the individuals involved in the alleged discrimination or harassment complaint and the investigation process, except to the extent necessary to investigate the allegations and take corrective action, or to comply with legal obligations.

Reports of discrimination or harassment can be filed directly in writing with the U.S. Department of Education Office for Civil Rights, The Wanamaker Building, 100 Penn Square East, Suite 515, Philadelphia, PA 19107-3323 or by telephone at 215-656-8541 or by fax at 215-656-8605 or by telecommunications device for the deaf (TDD) at 800-877-8339 or by email at [OCR.Philadelphia@ed.gov](mailto:OCR.Philadelphia@ed.gov).

### **RETALIATION**

No individual who files a complaint or cooperates with a college investigation can be subject to retaliation, including any adverse employment or educational consequence. An individual who believes that he or she was retaliated against as a result of filing a complaint or cooperating with a college investigation can file an additional complaint. An employee who retaliates against anyone who has filed a complaint is subject to disciplinary action, including possible dismissal. A student who retaliates against anyone who has filed a complaint is subject to disciplinary action, including possible permanent suspension.

### **PRELIMINARY INQUIRY**

The investigator initiates a prompt preliminary inquiry to determine if there is reasonable cause to believe there was a discrimination and harassment policy violation. The investigator asks the reporting party for all relevant facts, including dates, times and the names of any individuals involved, including witnesses. During this discussion, the investigator determines the reporting party's desire to proceed.

In cases where the reporting party wishes to proceed or the college determines it must proceed, and the preliminary inquiry shows that reasonable cause exists, conflict resolution or a formal investigation commences. If allegations include violence, threat, pattern, predation and/or weapon, and the reporting party requests no action, the investigator investigates only so far as necessary to determine appropriate remedies. The college reserves the right to initiate an investigation and resolution proceedings without a formal report or participation by the reporting party.

If, during the preliminary inquiry or at any point during the formal investigation, the investigator determines that there is no reasonable cause to believe that policy has been violated, the process ends unless the reporting party requests the investigator to reopen the investigation. This decision lies in the sole discretion of the Title VI/IX coordinator.

### **NOTICE TO PARTIES**

When it is determined conflict resolution or a formal investigation is to commence, notice is provided to all parties.

### **CONFLICT RESOLUTION/MEDIATION**

Conflict resolution is typically used for less serious offenses and only when all parties agree. If conflict resolution is desired by the reporting party and it appears appropriate given the nature of the alleged behavior, then the complaint does not proceed to investigation unless a pattern of misconduct is suspected or there is an actual or perceived threat of further harm to the community or any of its members.

### **CONDUCTING AN INVESTIGATION**

Once the decision is made to commence a formal investigation, the investigator meets with the responding party to discuss the allegation and gather additional information, including the names of any additional witnesses. Depending on the seriousness of the allegation and whether or not the accused admits to any wrong-doing, the investigator can decide if the complaint can be resolved without interviewing any witnesses. Witnesses must be interviewed, however, when the reporting party makes such a request, when the allegations are denied by the responding party, when this is a repeated complaint against the same individual or when the complaint involves allegations of gross misconduct. All interviews must be documented and records must be maintained in a confidential file held by the investigator.

After the investigation, the investigator reviews the available facts to determine if there is a preponderance of evidence that a policy violation occurred, and prepares a written report, outlining the findings of the investigation, including a determination as to whether or not a college policy has been violated and if there is probable cause for an appropriate corrective action(s). This report is issued no later than 60 calendar days after the initial complaint is received, barring no unusual complexity or delays. If the investigation is delayed past 60 days, the investigator informs the reporting and responding parties of the delay. This report is forwarded to the vice president of the employee accused of wrongful conduct (for complaints against employees) or the chair of the student-faculty disciplinary committee (for complaints against students). If the investigator does not conduct a prompt, thorough and impartial investigation of the complaint, he or she is subject to disciplinary action.

## **SANCTIONS**

Wor-Wic does not tolerate discrimination nor harassment of any kind. If the allegation against an employee is substantiated, the employee is subject to disciplinary action, including possible dismissal. The vice president of the employee, in consultation with human resources, determines the appropriate corrective action(s) to be taken and prepares a written notice as specified in the Notice of Outcome section of this policy. At the same time he or she issues the notices to reporting and responding parties, the vice president forwards a copy of this notice to the immediate supervisor of the responding party and provides a copy to the executive director of human resources for placement in the employee's personnel file. The immediate supervisor is responsible for the implementation and follow-up of the corrective action(s). College policies and procedures regarding dismissal, including any appeals that exist, govern the handling of complaints against employees.

If the allegation against a student is substantiated, the student is subject to disciplinary action, including possible permanent suspension. College policies and procedures regarding student conduct, including any appeals that exist, govern the handling of complaints against students.

If it is found that the employee or student who filed the complaint deliberately filed a false accusation, that individual is subject to disciplinary action in accordance with dismissal policies and procedures (when the reporting party was an employee) or student conduct policies and procedures (when the reporting party was a student).

## **NOTICE OF OUTCOME**

The reporting and responding parties are simultaneously informed in writing of the final determination regarding whether a policy violation occurred. The vice president of the division or the chair of the student-faculty disciplinary committee prepares these notices. The notice to the reporting party includes whether or not it was found that the alleged conduct occurred, any individual remedies offered or provided, or any sanctions imposed on the responding party that directly relate to the reporting party, if applicable, and a statement that the college is opposed to the kind of activity that was alleged to have occurred and will take steps to prevent recurrence and remedy effects. The notice to the responding party includes whether or not it was found that the alleged conduct occurred, individual sanctions, if applicable, and a statement that the college is opposed to the kind of activity that was alleged to have occurred and will take steps to prevent recurrence and remedy effects.

## **PREVENTION AND AWARENESS**

Discrimination and harassment prevention and awareness programs are described under "Public Safety."