Discrimination and Harassment

Policy Ref
PPM00047

Policy Title
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.

It is the policy of Wor-Wic Community College not to discriminate on the basis of age, gender, race, color, religion, national origin, marital status, sexual orientation, genetic information, gender identity, disability 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.

TITLE IX COORDINATORS & DISCRIMINATION INVESTIGATORS
Questions and complaints should be submitted to Wor-Wic's Title IX coordinators and discrimination investigators.

Complaints Against Students
Dr. Deirdra G. Johnson
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Wor-Wic Community College
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32000 Campus Drive
Salisbury, MD 21804
(410) 334-2902
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Complaints Against Employees
Karen Berkheimer
Director of Human Resources
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DISCRIMINATION
Discrimination is defined as treating someone differently based on any of the protected-class characteristics. Discriminatory harassment, sexual harassment, sexual violence and creating a hostile environment caused by sexual harassment are 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 in the college’s academic freedom policy (Student and Instructional Concerns).

**Sexual Harassment**
Sexual harassment, one of the most common forms of discriminatory harassment, is defined as unwelcome sexual advances, requests for sexual favors and other harassing verbal or physical conduct of a sexual nature that affects the terms or conditions of one's employment or denies or limits a student's ability to participate in or benefit from a school's educational program. Depending on its severity, pervasiveness and offensiveness, sexual harassment can include pressure for sexual activity, unwelcome verbal and physical sexual advances; commentary about an individual's body; leering, whistling or touching; insulting or obscene comments or gestures; displaying sexually suggestive objects or pictures; and other physical, verbal or visual conduct of a sexual nature.

**Sexual Violence**
Sexual violence is a severe type of sexual harassment. It is defined as physical sexual
acts perpetrated against a person's will or where a person is incapable of giving consent. A number of different acts fall into the category of sexual violence, including rape, sexual assault, sexual battery, sexual abuse and sexual coercion. Forcible sexual assault includes unwanted touching, rape, sodomy, sexual assault with an object and fondling. Non-forcible sexual offenses are acts of unlawful sexual activity against people incapable of giving consent. Sexual violence can be carried out by school employees, other students or third parties.

**Hostile Environment Caused by Sexual Harassment**
A hostile environment caused by sexual harassment is created when there is conduct that is either severe or pervasive, or both. It can be aimed at individuals or generalized. Examples of a hostile work environment include posting sexually explicit pictures, calendars, graffiti or objects around the work area and regularly using dirty words, making sexual jokes, using obscene gestures or making rude comments of a sexual nature.

**Consent**
Consent is defined as a voluntary agreement to engage in sexual activity and can be withdrawn at any time. Past consent does not imply future consent. Consent with one person does not imply consent with another. Someone who is incapacitated due to the use of drugs or alcohol or due to an intellectual or other disability cannot consent. Silence or absence of resistance does not imply consent. Coercion, force or threat of coercion or force invalidates consent.

**FILING A COMPLAINT**
Reports of alleged discrimination or harassment can be submitted, in writing or verbally, to any supervisor or Title IX coordinator. Complaints of sexual violence should also be called into the college public safety department at (410) 334-2937 (see Safety and Security).

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 IX coordinator and discrimination investigator.

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.

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.

CONDUCTING AN INVESTIGATION

Reports of alleged discrimination or harassment must be documented by the individual receiving the complaint, regardless of whether it is submitted in writing or communicated verbally. If the complaint is against an employee, the report is forwarded to the director of human resources or the vice president for administrative services (if the complaint involves the director of human resources), who initiates the 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 investigation process. For discriminatory complaints specifically related to sex discrimination, a Title IX coordinator and discrimination investigator or another trained Title IX investigator will conduct the investigation. The investigator issues a written outcome within 60 calendar days after the initial written complaint is received, barring no unusual complexity or delays. If the investigation is delayed past 60 days, the investigator informs the accused and the complainant of the delay. If the investigator does not conduct a prompt, thorough and impartial investigation of the complaint, he or she is subject to disciplinary action.

The investigator asks the complainant for all relevant facts, including dates, times and the names of any individuals involved, including witnesses. After meeting with the complainant, the investigator meets with the accused 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 complainant makes such a request, when the allegations are denied by the accused, 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 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 forwarded to the vice president of the employee accused of wrongful conduct (for employee complaints) or the chair of the student-faculty disciplinary committee (for student complaints).

The vice president of the division or the chair of the student-faculty disciplinary committee prepares written notices to the complainant and the accused of the outcome of the complaint. The notice to the complainant includes whether or not it was found that the alleged conduct occurred, any individual remedies offered or provided to the complainant or any sanctions imposed on the perpetrator that directly relate to the complainant, 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 accused 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.

**SANCTIONS**
Wor-Wic does not tolerate discrimination, harassment or sexual 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, prepares a written memorandum addressed to the accused that outlines the corrective action(s) to be taken, forwards a copy to the immediate supervisor of the accused and provides a copy to the director of human resources for placement the personnel file of the accused. 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 complainant was an employee) or student conduct policies and procedures (when the complainant was a student).

**PREVENTION AND AWARENESS**
Discrimination and harassment prevention and awareness programs, including Title IX harassment, are described under "Safety and Security".