

7.12 WORKPLACE NONDISCRIMINATION AND HARASSMENT

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Workplace Nondiscrimination and Harassment Policy

The Trustees of Delaware County Community College (“DCCC”) are strongly committed to providing a College environment free from discrimination and all forms of harassment. DCCC is committed to fostering a nurturing and vibrant community founded upon the fundamental dignity and worth of all of its members. DCCC will not tolerate any form of harassment, discrimination, or retaliation in any way against an employee who has brought a complaint alleging harassment or discrimination.

It is the policy of DCCC not to discriminate on the basis of race, color, religion, sex, age, national origin, disability, veteran status, sexual orientation, or any other characteristic protected by state or federal laws in its educational programs, activities, admission, or employment policies.

It is the policy of DCCC to protect employees from harassment by anyone. Such conduct is unacceptable. Anyone who becomes aware of any harassment of an employee or student should report such harassment as provided in this policy.

It is the policy of DCCC that, once it has notice of possible workplace harassment, DCCC will take immediate and appropriate steps to investigate what occurred and take prompt action to end the harassment and prevent it from occurring again. These steps will be taken whether or not the individual who was allegedly harassed makes a complaint or otherwise asks DCCC to take action.

DCCC encourages any employee to raise questions that he or she may have regarding harassment including sexual harassment with the Vice President of Human Resources or any other representative designated by the President.

Definitions Harassment

Harassment is any conduct, on or off campus, that is sufficiently severe or pervasive to substantially disrupt or materially interfere with a person’s ability to participate in or to receive the benefits, services or opportunities of the College. It is conduct that objectively and subjectively creates a hostile environment or substantially interferes with an individual’s work. While sexual harassment is a form of harassment, it is further defined herein to draw attention to its importance.

Sexual Harassment

Sexual harassment is defined as any unwelcome sexual advances, request for sexual favors, or other verbal or physical conduct of a sexual nature when:

1. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual’s employment or attendance.
2. Submission to or rejection of such conduct is used as the basis for employment or academic decisions affecting that individual.

Such conduct has the purpose or effect of interfering with an individual’s work performance or creates an intimidating, hostile, or offensive work or education environment. For the purposes of this policy, the term “harassment” includes, but is not necessarily limited to, intimidation, unwelcome slurs, jokes, comments, and other verbal, graphic, or physical conduct. The following is a list of examples of sex harassment, which is not exhaustive:

1. Unwanted sexual advances, propositions, or other sexual comments such as: Sexually oriented gestures, noises, remarks, jokes or comments about a person’s sexuality or sexual experience directed at or made in the presence of any employee who indicates or has indicated in any way, that such conduct in his or her presence is unwelcome.
2. “Sexting” or electronically sending messages with sexual content, including images or videos, the use of sexually explicit language, harassment, cyber stalking and threats via forms of electronic communication (including email/text/picture/video messages, online postings, blogs, instant messages and social network websites like Facebook and Twitter).
3. Preferential treatment or promise of preferential treatment to an employee for submitting to sexual conduct, including soliciting or attempting to solicit any employee to engage in sexual activity for compensation or reward.
4. Threats of, or subjecting an employee to, unwelcome sexual attention or conduct or intentionally making performance of the employee’s job more difficult because of that employee’s sex.
5. Sexual or discriminatory displays of publications in the workplace, such as: Displaying pictures, objects, calendars, graffiti, posters, promotional materials, reading materials, or other materials that are sexually suggestive, sexually demeaning, or pornographic.
6. Displaying signs or other materials purporting to segregate an employee by sex in any area of the workplace, other than restrooms and similar semiprivate lockers/changing rooms.

Unlawful Discrimination

includes, but is not limited to:

1. Derogatory remarks, slurs, or actions motivated by an employee’s race, color, religion, national origin, creed, ancestry, disability, age, sex, pregnancy, veteran’s status, marital or family status, sexual orientation or gender identity, genetic information or other status protected from discrimination.
2. Display or circulation of offensive printed or visual material (including through email or the Internet) of offensive physical actions motivated by an employee’s race, color, religion, national origin, creed, ancestry, disability, age, sex, pregnancy, veteran status, marital or family status, sexual orientation or gender identity, genetic information or other status protected from discrimination.

Retaliation

for filing harassment complaints includes, but is not limited to:

1. Disciplining, changing work assignments of, providing inaccurate work information to, or refusing to cooperate or discuss work related matters with any employee because that employee had complained about, or resisted harassment, discrimination or retaliation.
2. Intentionally pressuring, falsely denying, lying about or otherwise covering up or attempting to cover up conduct.

Discrimination

Discrimination can include the treating of members of a protected class less favorably because of their membership in that class when the treatment substantially disrupts or materially interferes with the person's access to education. The protected classes are outlined below. Discrimination also includes harassment as defined above, based on sex, race, color, age, national origin, disability, religion, sexual orientation, veteran status, or any other characteristic protected by state or federal laws, including harassment of an individual in terms of a stereotyped group characteristic or because of that person's identification with a particular group.

Procedures

All employees of DCCC are expected to adhere to the policy stated herein and to cooperate with the procedure it describes for responding to complaints of discrimination and harassment. Any employee of DCCC who believes that he or she has been a witness to or a victim or target of discrimination or harassment is urged to report promptly the facts of the incident to the Vice President of Human Resources. Delay in reporting may impede DCCC's ability to take appropriate action. No member of the DCCC community will be retaliated against for making a good-faith report of alleged harassment, discrimination, or for participating in an investigation proceeding or hearing conducted by DCCC or by a state or federal agency.

Never assume that DCCC is aware of the harassment or discrimination. It is your responsibility to promptly report incidents of which you are aware. Any conduct that constitutes a violation of this policy by an employee shall subject that employee to disciplinary action, up to and including immediate discharge. Failure to report such conduct may also constitute a violation of this policy and subject an employee to disciplinary action.

Complaint Procedures

DCCC is firmly committed to resolving all allegations of discrimination and harassment fairly and expeditiously. DCCC may, at any time, elect to address reports of discrimination or harassment by investigation or other appropriate action.

- Any employee who believes that he or she has been discriminated against or harassed may initially choose to deal with the alleged offender through a face to face discussion, a personal telephone conversation, e-mail correspondence, or letters. In some cases, this may effectively resolve the situation. However, individuals should not feel pressured to address the individual directly. Such an approach may be ineffective in correcting the problem or an individual may be uncomfortable in handling the situation alone. If so, assistance through DCCC is available and will be provided if sought.
- If you believe that you have been subject to or have witnessed unlawful discrimination, including sexual or other forms of unlawful harassment, or other inappropriate conduct, you are requested and encouraged to make a complaint. You may

complain directly to your immediate supervisor or department manager, Vice President or Director, a member of the Human Resources team, including the Vice President of Human Resources, or any other member of management with whom you feel comfortable bringing such a complaint.

- Similarly, if you observe acts of discrimination toward or harassment of another employee, you are requested and encouraged to report this to one of the foregoing individuals.
- The employee who receives the complaint will immediately report the complaint to the Vice President of Human Resources.
- All complaints will be investigated promptly, and confidentiality will be protected to the extent possible. A timely resolution of each complaint should be reached and communicated to the parties involved.
- If the investigation confirms that the subject conduct violates this policy, the College will take immediate, appropriate, corrective action, including disciplinary action, up to and including immediate termination. No reprisal, retaliation, or other adverse action will be taken against an employee for making a good faith complaint or report of discrimination or harassment or for assisting in the investigation of any such complaint or report.

The College reserves the right to designate the investigator(s) and the investigatory process. At the conclusion of the investigation, the complainant and the person(s) alleged to have committed the subject conduct shall be advised of the decision rendered by the College.