



## ADMINISTRATIVE PROCEDURE

**ADMINISTRATIVE PROCEDURE NO: AP: 302**

**RELATED TO POLICY NO. 302**

**TITLE: EEO/RESPECTFUL WORKPLACE PROCEDURE**

Equal opportunity for employees is central to the growth and success of the College. It is our policy to provide equal employment opportunities to all qualified persons without regard to race, color, national origin, religion, age, gender, sexual orientation, gender identity, mental or physical disability, veteran status, marital status, or any other protected status or activity in accordance with applicable law. This policy extends to all areas of employment opportunities, benefits and other terms and conditions of employment.

It is the responsibility of all employees of the College to understand and comply with this policy. Supervisors and managers have the additional responsibility to support the College's commitment to compliance with our equal employment opportunity policies by actively promoting their enforcement.

It is the policy of the College that all employees have a right to work in an environment where the dignity of each individual is respected. Harassment of employees, regardless of working relationships and supervisory status, is prohibited. Harassment of employees by non-employees in the workplace also will not be tolerated. Likewise, we do not permit our employees to harass others in the workplace.

Specifically forbidden is harassment related to an individual's race, color, national origin, religion, age, gender, sexual orientation, gender identity, mental or physical disability, veteran status, marital status, or other legally protected status or activity. For purposes of this policy, the term "harassment" can include any on-duty or off-duty conduct of a verbal, graphic, or physical nature that has the purpose or effect of creating an offensive or intimidating work environment, or unreasonably interfering with an employee's work performance.

**Sexual harassment may include the following examples of prohibited conduct:**

**TITLE: FREE SPEECH & DISTRIBUTION OF MATERIALS (BP 723.01)**

- Sexual or lewd comments, jokes, innuendos or gestures;
- Making derogatory comments or jokes about a particular gender;
- Asking for dates or other unwelcome advances or propositions;
- Leering or staring at body parts;
- Displaying or distributing pictures, cartoons or posters of a sexual nature;
- Making comments about an individual's body;
- Unwelcome touching;
- Impeding or blocking movements;
- Talking about your sex life;
- Spreading rumors or asking others about their sex life;
- Using College computers, fax machines or other communication systems to access, transmit, store, or display material of a sexual or gender-based nature; and
- **Engaging in any other verbal, graphic or physical conduct of a sexual or gender-based nature that would tend to create an intimidating or offensive work environment, or unreasonably interfere with another employee's work performance.**

**Unlawful harassment may also include the following examples of prohibited conduct:**

- Making racial slurs or ethnic comments;
- Telling racial or ethnic jokes;
- Displaying racist symbols;
- Displaying cartoons, printed material or other objects which are racially or ethnically offensive or derogatory;
- Making derogatory comments or jokes about a person's physical or mental disability;
- Pushing your religious beliefs on someone;
- Criticizing or making fun of another person's religious beliefs;
- Pushing your political beliefs on someone;
- Criticizing or making fun of another person's political beliefs;
- Making derogatory comments or jokes about a person's age;
- Making derogatory comments about people who are gay, lesbian, transgender, etc.;
- Using College computers, fax machines or other communication systems to access, transmit, store or display derogatory material related to race, national origin, religion, age, disability, sexual orientation, or other protected status; and
- **Engaging in any other verbal, graphic or physical conduct related to race, national origin, religion, age, disability, sexual orientation or other protected status that would tend to create an offensive or intimidating work environment, or unreasonably interfere with another employee's work performance.**

Obviously, we cannot list every kind of conduct that is prohibited by this policy and these are just some of the common examples of conduct that may be viewed as harassment. Employees are expected to exercise common sense and refrain from other similar kinds of conduct.

## **TITLE: FREE SPEECH & DISTRIBUTION OF MATERIALS (BP 723.01)**

**You should assume that the conduct described above is unwelcome and offensive to other employees, and that it is prohibited regardless of the circumstances. It will not be considered an acceptable excuse that others participated in the conduct, or did not appear to be offended.**

In addition, it is prohibited for any supervisory employee to suggest or threaten that a person's employment may be affected in any manner based on whether they tolerate or oppose this kind of conduct. The College does not make employment decisions on that basis.

### **Retaliation**

It is also important to understand that the College respects the rights of its employees and others on our campus to raise harassment and discrimination concerns, and we expect employees to cooperate fully in workplace investigations. We do not allow supervisors, managers, employees or others in the workplace to retaliate against individuals who engage in these activities.

"Retaliation" is broadly construed and means any adverse action against an individual for reporting harassment or discrimination against themselves or others, participating in a workplace investigation, or otherwise opposing discrimination or harassment in the workplace. It includes any ***on-duty or off-duty*** conduct that is based on an employee's protected activity and would tend to discourage individuals from engaging in these types of protected activities.

It can include conduct such as changing an employee's job duties, refusing to work with an employee, or taking action against another person who is close to the employee. It can also include giving an employee the "cold shoulder," badmouthing the employee to others, or giving a negative performance evaluation or reference. Retaliation complaints will be promptly investigated and violators will be subject to appropriate disciplinary action, up to and including termination of employment.

### **Reporting Procedure**

If you believe that you are being subjected to discrimination, harassment or retaliation prohibited by this policy, or you believe that this is happening to another person, you are expected to immediately notify your Department Director or the Human Resources Director. If you are not comfortable discussing the matter with either of those individuals for any reason, or if those individuals are not available, you should report the concern to the President's Office or a member of the Board of Trustees. Our ability to resolve these kinds of problems is dependent on cooperation from employees in bringing these matters to our attention.

## **TITLE: FREE SPEECH & DISTRIBUTION OF MATERIALS (BP 723.01)**

All complaints of discrimination, harassment or retaliation will be investigated promptly, and we will attempt to keep the matter as confidential as possible while still complying with our obligations to fully investigate and take corrective action. Our goal will be to restore an appropriate and respectful work environment as soon as possible. This may include temporary measures pending completion of the investigation, such as placing the accused person on administrative leave.

If we find that an employee or other individual has engaged in discrimination, harassment or retaliation, corrective action will be taken up to and including termination from employment and/or removing the offender from the campus community. Other remedial action, such as individualized or group training, may also be taken as we deem appropriate.

### **Disability Accommodation**

The College complies with applicable disability discrimination laws. This means that we prohibit unlawful discrimination against disabled applicants and employees, and we also comply with reasonable accommodation obligations. We cannot, however, respond to workplace obstacles if we don't know they exist. Consequently, if you believe that a workplace modification or other assistance is needed to accommodate your disability, it is your responsibility to contact the College's Human Resources Director as soon as possible. If the Human Resources Director is not available, you should contact your Department Director or the President's Office.

Please note that not every physical or mental limitation qualifies as a disability. If you advise us of a condition that you believe requires accommodation, it will generally be necessary to obtain information regarding your medical condition to determine whether it constitutes a disability, and you will be asked to sign an authorization for the College to obtain this information. Assuming your condition qualifies as a disability, we will discuss your limitations with you and/or your medical provider to determine what, if any, accommodations can be made to enable you to perform your job duties in a safe and satisfactory manner. This may include a leave of absence, if this would enable you to perform your job duties after you return to work.

If an accommodation is made that you feel is not effective, you should notify the College's Human Resources Director at the earliest opportunity. We may conclude that no reasonable accommodation is available to enable you to perform your current job in a safe and satisfactory manner. In that case, we will explore other options consistent with applicable law, including the possibility of transferring you to a suitable and available position that is consistent with your limitations. If you have questions regarding this policy, please contact the Human Resources Director.

**TITLE: FREE SPEECH & DISTRIBUTION OF MATERIALS (BP 723.01)**

Revised 12/12/2012

**RELATED TO POLICY NO.**

**TITLE:**

**DATE OF ADOPTION:**

**DATE(S) OF REVISION(S): 12/4/12**

**DATE OF LAST REVIEW:**