

HARASSMENT POLICY

I. Policy Section

6.0 Human Resources

II. Policy Subsection

6.3 Unlawful Harassment (hereinafter referred to as Harassment) (All Forms)

III. Policy Statement

The College is committed to providing an academic and work environment that respects the dignity of individuals and groups. All forms of unlawful harassment are contrary to basic standards of acceptable conduct between individuals. For purposes of this policy, harassment means unlawful conduct related to a protected status which is prohibited under state and federal law or College Policy. Harassment is prohibited by state and federal law, as well as this policy, and will not be tolerated.

The College shall be free of all forms of harassment in all of its educational programs and activities. All employees and students have the right to learn and work in an environment free from harassment.

This policy applies to all aspects of the academic and work environment including, but not limited to, classroom conditions, grades, academic standing, employment opportunities, scholarships, recommendations, disciplinary actions, and participation in any community college activity. In addition, this policy applies to all terms and conditions of employment including, but not limited to, hiring, placement, promotion, disciplinary action, layoff, recall, transfer, leave of absence, training opportunities and compensation.

IV. Reason for Policy

Harassment is a form of unlawful conduct that undermines the integrity of the College, creates tension in the workplace and academic environment, and creates potential friction between employees and/or students.

This policy is to ensure that complaints of harassment are brought to the attention of management so complaints can be investigated, and addressed in an appropriate and timely manner.

This policy will inform individuals of the procedures for resolving harassment claims. In addition, the procedures will provide direction for College

employees/offices that receive harassment complaints.

V. Entities Affected by this Policy

Persons covered by this policy include employees, students, applicants for employment, persons employed on the premises of the College as independent contractors, volunteers and persons participating in or attending College-sponsored programs.

VI. Who Should Read this Policy

Grand Rapids Community College
Employees
Board of Trustees
Students
Community Members as College Guests
Volunteers
Independent Contractors

VII. Related Documents

A. College Documents:

- i. Student Handbook
- ii. GRCC Catalog
- iii. Human Resources Webpage
- iv. Office of General Counsel Webpage
- v. Ethics Monitoring System Brochure
- vi. GRCC Conflict of Interest Policy
- vii. Faculty Code of Ethics
- viii. Acceptable Use Agreement
- ix. Conflict of Interest Policy

B. Other Documents:

- i. The Elliott-Larsen Civil Rights Act
- ii. Title IX of the Education Amendments of 1972, 20 U.S.C. § 1681(a) (2006).
- iii. Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d (2000).
- iv. Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e (2000).

VIII. Contacts

Policy Owner: Executive Director Human Resources
Labor Relations Generalist
Office of General Counsel
Human Resources Generalists

Dean of Student Affairs

IX. Definitions:

- A. Unlawful Harassment: Unlawful harassment is unwelcome, unwanted conduct related to a protected status and includes, but is not limited to, physical or verbal abuse, or conduct that is threatening, intimidating, humiliating, insulting, isolates people at work, or undermines their reputation or job performance, or affects the terms and condition of their employment through verbal or non-verbal communications. Harassment includes written, verbal, non-verbal, and physical contact.
- i. Harassment on the basis of a person's real or perceived age, race, color, religion, marital status, sex/gender, pregnancy, sexual orientation, gender identity, gender expression, height, weight, national origin, disability, political affiliation, familial status, veteran status or genetics or other protected status is a violation of this policy and is a form of prohibited discrimination under State and/or Federal laws.
 - ii. Sexual harassment is a violation of this policy and is addressed in specific detail in GRCC's Sexual Misconduct Policy. Other forms of harassment may be based on age, race, color, religion, marital status, sex/gender, pregnancy, sexual orientation, gender identity, gender expression, height, weight, national origin, disability, political affiliation, familial status, veteran status, genetics, or other protected classes, as defined by State and Federal law.
 - iii. Bullying based on any protected class is covered under this policy.
 - iv. Unlawful harassment is behavior that may take many forms, including but not limited to, repeated unwanted physical, verbal, or written acts inclusive of but not limited to emails and cyber-attacks which are hostile or offensive, targeted at an individual or group, who is in a protected class as defined by state and federal law, and creates an intimidating and/or threatening environment which produces a risk of psychological and/or physical harm.
 1. Hostile behaviors include, but are not limited to, inappropriate behaviors that are harmful or damaging to an individual and/or property. Behaviors that are intimidating, threatening, disruptive, humiliating, sarcastic, or vicious

may also constitute hostile behavior.

2. Offensive behaviors may include, but are not limited to, inappropriate behaviors such as abusive language, derogatory remarks, insults, or epithets. Other offensive behaviors may include the use of condescending, humiliating, or vulgar language, swearing, shouting or use of unsuitable language, use of obscene gestures, or mocking.
 3. Cyber stalking means to engage in a course of conduct to communicate, or to cause to be communicated, words, images, or language by or through the use of electronic mail or electronic communication, directed at or about a specific person, causing substantial emotional distress to that person and serving no legitimate purpose.
 4. Cyber bullying is defined as the willful and repeated harassment and intimidation of a person through the use of digital technologies, including, but not limited to, email, blogs, texting on cell phones, social websites (e.g., MySpace, Facebook, Twitter, etc.), chat rooms, “sexting”, instant messaging, or video voyeurism.
 5. Harassment, for the purposes of this policy, is not conduct that is simply incivility or rudeness but conduct that violates the protections afforded to employees and/or students who are members of a protected class under state and federal law.
- B. Retaliation: The College seeks to foster an environment in which all employees and students feel free to report incidents of harassment without fear of retaliation or reprisal. Therefore, the College strictly prohibits retaliation against any individual for filing a good faith complaint of harassment or for participating in a harassment investigation.
- i. Retaliatory conduct is illegal and constitutes a violation of this policy.
 - ii. All allegations of retaliation will be swiftly and thoroughly investigated. If it is determined that retaliation has occurred, the College will take all reasonable steps within its power to stop such conduct. Individuals who engage in retaliatory conduct are subject to disciplinary action, up to and including termination or expulsion.
 - iii. Any student or employee, who believes that he or she has been

harassed or retaliated against in violation of this policy, should immediately report such incidents by following the procedures indicated below. Supervisors are mandated to report all incidents of harassment and retaliation that come to their attention.

X. Procedures for All Forms of Harassment

A. Reporting a Complaint:

- i. In order to take appropriate corrective action, the College must be made aware of harassment or related retaliation. Therefore, anyone who believes that he/she has experienced or witnessed harassment or related retaliation should promptly report such behavior to their immediate Supervisor or the office of General Counsel. Students should report to the Dean of Student Affairs.
- ii. If the supervisor is involved in the alleged harassment, contact the office of General Counsel directly. The Office of General Counsel or its designee will investigate the complaint in as discreet and confidential a manner as possible given the circumstances surrounding the complaint.
- iii. Any supervisor who experiences, witnesses or receives a written or oral report or complaint of harassment or related retaliation shall promptly report it to the Office of General Counsel.

B. Timelines:

Within a reasonable period of time after the incident, which normally will not exceed fifteen (15) working days, the facts shall be put in writing and submitted to the Office of General Counsel.

- i. The General Counsel's Office will initiate an investigation in the absence of a written complaint if it becomes aware of facts that may constitute a violation of this policy.
- ii. Within ten (10) working days after receiving a complaint or becoming aware of facts that may constitute a violation of this policy, the General Counsel's Office will initiate an investigation of the complaint.

C. Process:

All investigations will be conducted professionally, confidentially and as expeditiously as possible. Where an investigation confirms the allegations, appropriate responsive action will be taken. This can include (but will not be limited to) counseling, warning, transfer, demotion or

termination, or other appropriate disciplinary action. The College does not and cannot guarantee confidentiality. A thorough and impartial investigation will generally include:

- i. Interview the complainant;
- ii. Interview the alleged harasser;
- iii. Interview witnesses identified by the complainant or the alleged harasser or other potential witnesses who may have observed the alleged conduct or who may possess knowledge regarding the allegation under investigation.
- iv. Review any documentation or other evidence submitted by the complainant or the alleged harasser;
- v. Determine the validity of the complaint.

D. Conclusion:

If substantial evidence supports a finding of harassment, the College will take appropriate corrective action or disciplinary action. Action taken by the College may include (but will not be limited to) counseling, warning, transfer, demotion, termination or other appropriate disciplinary action, as outlined in the Employee Handbook and/or the Student Code of Conduct depending upon applicability. The written report of the *action* taken shall then be placed in the personnel record of the employee or student file.

E. Appeal:

i. For Employee misconduct:

1. The complainant and/or the accused may appeal the decision, in writing, stating the reasons for the appeal, to the Executive Director of Human Resources within ten (10) working days after receiving the decision of the Office of General Counsel or its designee regarding the outcome of the investigation. The Executive Director of Human Resources or designee shall review the report and render a decision in writing within thirty (30) working days thereafter, which decision shall be final and binding.

ii. For Student misconduct refer to Student Code of Conduct.

F. Right of Representation:

The complainant and accused may have union and/or other representation present during the investigatory meeting(s).

G. Violations of Law:

An employee or student may be accountable for sexual or other unlawful harassment under applicable local, state, and/or federal law, as well as under GRCC policy. During the course of investigation, should GRCC become aware of criminal acts, the College will report the actions to the appropriate law enforcement authorities. Disciplinary action by GRCC may proceed while criminal proceedings are pending and are not subject to challenge on the grounds that criminal charges involving the same incident have been dismissed or reduced.

- XI. Forms:
N/A

- XII. XI. Effective Date:
October 4, 2010

- XIII. Policy History
Revision dates: September, 2011
 October, 2015

- XIV. Next Review/Revision Date:
October, 2017