

HARASSMENT POLICY

I. Policy Section

6.0 Human Resources

II. Policy Subsection

6.3 Harassment (All Forms)

III. Date of most recent changes

November 9, 2006

IV. Policy Statement

The College is committed to providing an academic and work environment that respects the dignity of individuals and groups. All forms of harassment are contrary to basic standards of acceptable conduct between individuals. 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, including harassment based on any of the following: gender, race, color, national origin, religion, height, weight, age, marital status, disability, sexual orientation, status as a disabled veteran or Vietnam Era veteran and/or any other legally protected class not mentioned. GRCC shall be free of sexual harassment and all forms of sexual intimidation and exploitation.

All employees and students have the right to learn and work in an environment free from harassment and sexual pressure.

Conduct that results in the harassment of others on the basis of sex or any other protected characteristic is illegal and is not acceptable within the College. All employees and students must avoid offensive or inappropriate behavior at the College and are responsible for assuring that the College environment is 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.

V. Reason for Policy

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

This policy is to ensure that complaints of sexual harassment and other forms of harassment are brought to the attention of management so that all complaints can be investigated, dealt with and handled 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.

VI. Entities Affected by This Policy

Grand Rapids Community College Employees
Grand Rapids Community College Students
Community Members as College Guests

VII. Who Should Read This Policy

All Grand Rapids Community College Employees
Board of Trustees
Students
Community Members as College Guests

VIII. Related Documents

Title VII of the Civil Rights Act of 1964
The Elliott-Larsen Civil Rights Act
Student Handbook
GRCC Catalog
HR/LR Web Page

IX. Contacts

HR Generalists
Executive Director of Human Resources and Labor Relations
Executive Director of Human Resources and Staff Relations

X. Definitions

A. Sexual Harassment

Is defined as any unwanted physical, verbal or visual sexual advances, requests for sexual favors, and other sexually oriented conduct which is offensive or objectionable to the recipient, including, but not limited to: epithets, derogatory or suggestive comments, slurs or gestures and offensive posters, cartoons, pictures, or drawings.

Unwelcome sexual advances (either verbal or physical), requests for favors and other verbal or physical conduct of a sexual nature constitute sexual harassment when:

1. Submission to such conduct is either an explicit or implicit term or condition of/or employment (e.g., promotion, training, timekeeping or overtime assignments), public accommodations, public services, or education.
2. Submission to or rejection of the conduct or communication is used as a basis for making employment decisions (hiring, promotion, termination) or decisions regarding public accommodations, public services, or education.
3. Conduct or communication that has the purpose or effect of interfering with an individual's employment, work performance or creates an intimidating, hostile, or offensive work environment.

Examples of prohibited conduct include but are not limited to lewd or sexually suggestive comments; off-color language or jokes of sexual nature; slurs and other verbal graphic or physical conduct relating to an individual's gender; and/or display of sexually explicit pictures, cards, books, magazines, photos or cartoons, including materials displayed via computers or other forms of technology; unwelcome physical contact.

B. Types of Sexual Harassment

1. Quid Pro Quo

Quid pro quo sexual harassment occurs where submission to unwelcome sexual advances and/or requests for sexual favors and/or verbal or physical conduct or communication of a sexual nature is explicitly or implicitly made a condition of employment, or is used as a factor in decisions affecting an employee's employment or a student's success.

2. Hostile Environment

Hostile environment sexual harassment occurs when an employee or student is exposed to a work or study setting where they witness or hear verbal or physical conduct or communication of a sexual nature that creates an intimidating, hostile, or offensive working environment. An environment such as this can be created when supervisors or coworkers make frequent sexual references in the workplace or otherwise expose an employee or student to offensive sexual conduct. Other examples include,

- An instructor constantly refers to female students as "sweetie", "honey" and/or "doll" or refers to male students as "boy" and/or "hunk".
- Students working with or around other students who continually tell degrading and sexually explicit jokes about women.

3. Favoritism

Sexual harassment requires that the sexual advances or conduct be unwelcome. Courts have recognized a cause of action for welcome sexual conduct due to the effect that it has on other employees. If a supervisor has a personal interest in an employee and favors that employee; all other employees, male or female, are equally disadvantaged because they do not have a personal relationship with the supervisor.

Sexual relationships in the workplace can lead to claims of hostile environment sexual harassment if other workers are exposed to sexual comments and conduct, even though the direct object of those comments and conduct is not offended due to his or her relationship with the speaker.

If an instructor has a personal interest in an student and favors that student, all other students, male or female, are equally disadvantaged because they do not have a personal relationship with the instructor.

C. 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 complaint of harassment or for participating in a harassment investigation. Retaliatory conduct is illegal and constitutes a violation of this policy.

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.

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.

XI. Procedures For All Forms of Harassment

In order to take appropriate corrective action, the College must be 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 Labor Relations Office. Students should report to the Dean of Student Affairs.

If the supervisor is involved in the alleged harassment, please contact the Labor Relations Office directly. The Labor Relations Office will investigate the complaint in as discreet and confidential a manner as possible given the circumstances surrounding the complaint.

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 Labor Relations Office.

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 Labor Relations Office. The Labor Relations 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.

Within ten (10) working days after receiving the complaint or becoming aware of facts that may constitute a violation of this policy the Labor Relations Office will initiate an investigation of the complaint.

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

The complainant and/or the accused may appeal the decision, in writing, stating the reasons for the appeal, to the Vice President of Organizational Development within ten (10) working days after receiving the decision of Labor Relations regarding the outcome of the investigation. The Vice President of Organizational Development or designee shall review the report and render a decision in writing within thirty (30) working days thereafter, which decision shall be final.

Employee/Student Rights

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

XII. Form Complaint Resolution Form