

PROCEDURE # *II-001.5 (Page 1 of 4)*
TITLE *Illegal Discrimination and Harassment Complaints (Including Sexual Harassment)*

TYPE All Personnel - Procedures for General Policies and Compliance Issues

RATIONALE

APPROVED **October 16, 2014**

PROCEDURE

Discrimination Prohibited

Jefferson College is committed to maintaining a workplace and educational environment that is free from illegal discrimination or harassment in admission or access to, or treatment or employment in, its programs, activities and facilities. Discrimination or harassment against employees, students or others on the basis of age, ancestry, color, creed, disability, genetic information, marital status, national origin, race, religion, sex, gender identity or expression, sexual orientation, or veteran status, or any other characteristic protected by law is strictly prohibited. The College also prohibits:

1. Retaliatory actions based on making complaints of prohibited discrimination or harassment or based on participation in an investigation, formal proceeding or informal resolution concerning prohibited discrimination or harassment.
2. Aiding, abetting, inciting, compelling or coercing discrimination or harassment.
3. Discrimination or harassment against any person because of such person's association with a person protected from discrimination or harassment due to one (1) or more of the above-stated characteristics.

All employees, students and visitors must immediately report to the district for investigation any incident or behavior that could constitute illegal discrimination or harassment.

Investigation and Resolution of Complaints

Definitions:

- Complaint – a verbal or written report of discrimination or harassment made to the compliance officer.
- Discrimination – conferring, refusing or denying benefits, or providing differential treatment to a person or class of persons on the basis of age, ancestry, color, creed, disability, genetic information, marital status, national origin, race, religion, sex, gender identity or expression, sexual orientation, or veteran status, or any other characteristic protected by law.

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- Harassment – a form of discrimination, as defined above, that occurs when the school or work environment becomes permeated with intimidation, ridicule or insult that is sufficiently severe or pervasive enough that it unreasonably alters the employment or educational environment. Behaviors that could constitute illegal harassment include, but are not limited to, the following act if based on age, ancestry, color, creed, disability, genetic information, marital status, national origin, race, religion, sex, gender identity or expression, sexual orientation, or veteran status, or any other characteristic protected by law; graffiti; display of written material or pictures; name calling; slurs; jokes; gestures; threatening, intimidating or hostile acts; thefts; or damage to property.
- Sexual Harassment – A form of discrimination, as defined above, on the basis of sex. Sexual harassment is unwelcome conduct that occurs when a) benefits or decisions are implicitly or explicitly conditioned upon submission to, or punishment is applied for refusing to comply with, unwelcome sexual advances, requests for sexual favors or conduct of a sexual nature; or b) the school or work environment permeated with intimidation, ridicule or insult that is based on sex or is sexual in nature and that is sufficiently severe or pervasive enough to alter the conditions of participation in the College’s programs and activities or the conditions of employment. Sexual harassment may occur between members of the same or opposite sex.

Behaviors that could constitute sexual harassment include, but are not limited to:

1. Sexual advances and requests or pressure of any kind for sexual favors, activities or contact.
2. Conditioning grades, promotions, rewards or privileges on submission to sexual favors, activities or contact.
3. Punishing or reprimanding persons who refuse to comply with sexual requests, activities or contact.
4. Graffiti, name calling, slurs, jokes, gestures or communications of a sexual nature or based on sex.
5. Physical contact or touching of a sexual nature, including touching of intimate parts and sexually motivated or inappropriate patting, pinching or rubbing.

Compliance Officers

The Board of Trustees designates the following individuals to act as the College’s compliance officers:

For Employees:
Director of Human Resources
Jefferson College
1000 Viking Drive
Hillsboro, MO 63050
Phone: 636-481-3157

For Students:
Director of Student Compliance
Jefferson College
1000 Viking Drive
Hillsboro, MO 63050
636-481-3258

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The compliance officer will:

1. Coordinate compliance with this policy and the law.
2. Receive all complaints regarding discrimination and harassment at the College.
3. Serve as College's contact person for compliance with discrimination laws.
4. Investigate or assign persons to investigate complaints; monitor the status of complaints; and recommend consequences.
5. Seek legal advice when necessary to enforce this policy.
6. Report to the College President and the Board of Trustees aggregate information regarding the number and frequency of complaints and compliance with this policy.
7. Make recommendations regarding the implementation of this policy.
8. Coordinate and institute training programs for district staff and supervisors as necessary to meet the goals of this policy, including instruction in recognizing behavior that constitutes discrimination and harassment.
9. Perform other duties as assigned by the College President.

Complaint Process

Except as stated below, employees who believe that they have been victims of illegal discrimination or harassment may file a formal complaint with the Director of Human Resources. Students may file a formal complaint with the Director of Student Compliance. All complaints will be promptly investigated.

Employee complaints of disability discrimination should be filed and handled pursuant to Procedure #II-003.2. Student complaints of disability discrimination should be filed and processed pursuant to Procedure #VII-010.

Procedure for Investigation of Complaints

The compliance officer or his/her designee will promptly investigate all complaints. All persons are required to cooperate fully in the investigation. The compliance officer or other designated investigator may utilize an attorney or other professionals to conduct the investigation.

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In determining whether alleged conduct constitutes discrimination or harassment, the College will consider the surrounding circumstances, the nature of the behavior, and the relationship between the parties involved, past incidents, the context in which the alleged incidents occurred, and all other relevant information. Whether a particular action or incident constitutes a violation of this policy requires a determination based on all the facts and surrounding circumstances. If, after investigation, school officials determine that it is more likely than not that discrimination, harassment or other prohibited behavior has occurred, the College will take immediate corrective action.

The following procedure will be used as a guideline for investigating complaints:

1. Interview complainant regarding the nature and specifics of the incident(s);
2. Interview the person accused; and
3. Interview other possible witnesses, if appropriate.

Consequences

Following the investigation, the compliance officer shall confer with the College President and shall make a recommendation regarding the complaint. The College President shall decide on the appropriate discipline, if any. Appropriate due process procedures will be followed.

Employees who violate this policy will be disciplined, up to and including employment termination. Students who violate this policy will be disciplined, which may include suspension or expulsion. Patrons, contractors, visitors or others who violate this policy may be prohibited from College grounds or otherwise restricted while on College grounds.

Confidentiality and Records

To the extent permitted by law, the College will keep confidential the identity of the person filing a complaint and any complaint or other document that is generated or received pertaining to complaints. Information may be disclosed if necessary to further the investigation, or resolution of a complaint, or if necessary to carry out disciplinary measures. The College will disclose information to the College's attorney, law enforcement, and others when necessary to enforce this policy or when required by law. In implementing this policy, the College will comply with state and federal laws regarding the confidentiality of student and employee records. Information regarding any resulting employee or student disciplinary action will be maintained and released in the same manner as any other disciplinary record.

BOARD MONITORING

Deans, Vice Presidents, and Human Resources