

## **EMPLOYEE HARASSMENT POLICY & PROCEDURE**

### **Policy Statement:**

Sinclair Community College is strongly committed to a policy of equal opportunity in its employment practices, educational programs and activities, and the many services it offers to the community. The college does not discriminate against applicants, employees, or students on the basis of race, color, creed, religion, age, sex, sexual orientation, gender identity, marital status, veteran status, national origin, ancestry, citizenship or disability. Offensive or harassing behavior will not be tolerated against any person in the workplace.

### **Scope:**

This policy applies to all employees, including but not limited to full-time, part-time, and seasonal employees, of the College and extends to harassment by or of applicants, customers, visitors, vendors or contractors. Incidents involving only students are not covered by this policy, but are covered by the Student Harassment Policy set forth in the Student Handbook. Examples of harassing conduct covered by this policy include, but are not limited to: faculty member harassing student and vice versa; administrator or staff harassing student and vice versa; faculty harassing other faculty; administrator or staff harassing other co-workers; campus visitor or contractor harassing student or College employee and vice versa.

The policy applies while employees are working at the College, attending any College-sponsored event or activity off-campus, or participating in any other work activity (i.e. attending conference, teaching class, etc.).

### **Definitions:**

#### **Prohibited conduct**

Offensive conduct and/or harassment that is of a sexual nature, or based on race, color, creed, religion, age, sex, marital status, veteran status, national origin, ancestry, citizenship, or disability, or any other protected status is strictly prohibited.

Examples of prohibited conduct, including specific examples of sexual harassment, are listed below:

Any type of physical contact, demeaning or abusive written or spoken language, or graphic communication that is unwelcome or unwanted by the recipient. This includes, but is not limited to, physical assault that is sexual in nature.

Slurs, jokes, posters, cartoons or gestures that are offensive, hostile or intimidating to an individual.

Unwelcome sexual advances, requests for sexual favors and/or other verbal, physical, or nonverbal offensive conduct when: (1) submission to such conduct is made either explicitly or implicitly a term or condition of the individual's employment (work status, promotion, etc.) or the student's academic

performance (better grades, letters of recommendation, etc.), (2) submission to or rejection of the conduct by an individual is used as a basis for employment decisions or the student's academic performance affecting that individual, or (3) the conduct has the purpose or effect of unreasonably interfering with an individual's work or academic performance or creating an intimidating, hostile, or offensive working or academic environment.

A pattern of conduct (not legitimately related to the subject matter of a course) that has the purpose or effect of creating an embarrassing, uncomfortable, hostile, intimidating, or offensive environment including:

1. discriminatory comments based upon race, color, sex, age, religion, disability, or any other protected status;
2. sexually explicit or otherwise discriminatory statements, questions, jokes, or anecdotes;
3. touching, patting, hugging or brushing against a person's body;
4. repeated or unwanted provocative staring;
5. remarks about sexual activity, experience or orientation; and
6. possession and/or display of inappropriate sexually oriented materials in the workplace

### Complaint

An allegation of harassment reported to an appropriate official of the College, including the employee's supervisor, the supervisor's superior, the Equal Opportunity Officer, Director of Human Resources, Department Chairperson, Dean, or Vice President for Student Services.

### Parties

Both the person lodging a complaint of harassment, and the person about whom the complaint is made.

### Harassment

The College prohibits discrimination and/or harassment on the basis of race, color, creed, religion, age, sex, marital status, veteran status, national origin, ancestry, citizenship, or disability, or any other protected status. This policy covers harassment on any of these bases.

### Consensual

Any act or pattern of behavior between two parties that is conducted with mutual agreement.

### **Provisions:**

Employees may report any harassing act(s) or pattern of conduct to any of the following persons: his/her supervisor or the supervisor's superior, the Equal Opportunity Officer, or the Director of Human Resources. Students may also report any harassing act(s) or pattern of conduct by an employee to any of the following persons: Vice President for Student Services, Department Chairperson, or Dean. Any witnesses or others who have credible information about the alleged harassment may also report the action to these parties in a timely manner.

The complainant has a responsibility to immediately report a complaint of harassment to the appropriate party, while the party taking the complaint bears the responsibility of contacting and forwarding the complaint to the Equal Opportunity Office in a timely fashion. According to the Harassment Procedure, which is attached to this Policy, the Equal Opportunity Officer will conduct an investigation of the complaint.

### Confidentiality:

The College will make every effort to maintain confidentiality in addressing complaints of harassment. There may be times, however, when the identity of parties involved in an incident must be revealed to appropriate parties during an investigation. All persons involved with a complaint of harassment should treat the matter with discretion, respect and confidentiality.

### Retaliation:

The College will not retaliate against any individual for protesting, reporting and/or participating in a complaint and/or investigation of harassment. Retaliation is a serious violation that can subject the offending person to corrective measures, independent of the merits of the case of harassment.

### False accusations:

It is a violation of this policy for anyone knowingly to make false accusations of harassment and will result in disciplinary action. Failure to prove a claim of harassment is not equivalent to a false accusation.

### Information and Training:

Employees and supervisors/managers are periodically trained on discrimination and harassment in the workplace. The College provides training to employees, supervisors and managers that enables awareness of the College policy and the behaviors/materials that may constitute harassment. The Policy is distributed and published in handbooks in order to notify individuals of their rights and obligations under the Policy.

### Academic freedom:

The proper exercise of academic freedom by a member of the faculty is not restricted by the College's prohibition on harassment. (See Faculty Handbook, 2.4.1, Faculty Rights and Privileges–Academic Freedom)

### Consensual Romantic and/or Sexual Relationships:

No person involved in a consensual romantic and/or sexual relationship shall have direct responsibility for evaluating the employment or academic performance, or for making decisions about the promotion, tenure, or compensation of the other party in the relationship.

Consensual romantic and sexual relationships between a supervisor and an employee or an employee and student, including faculty and student, are prohibited. Relationships between supervisor/employee and/or employee/student present concerns about the validity of consent, conflicts of interest, and unfair treatment of other students or employees. These relationships can undermine the atmosphere of trust essential to the educational process and the employment relationship.

### Relationships Between an Employee and a Minor Student:

Under Ohio Revised Code Section 2907.03(A)(8), it is a third degree felony for a teacher, administrator, coach, or other person in authority employed by or serving in an institution of higher education to engage in sexual conduct with a minor who is enrolled at the College. Such conduct is strictly prohibited and will result in immediate termination of the person's employment, and referral for prosecution.

### Discipline/termination:

When it has been determined that an individual has engaged in unlawful harassment, the College will take prompt, remedial action to stop the harassment. Violation of this policy will be grounds for discipline, up to and including termination of employment.

Discipline may also be imposed for any management official of the College who fails to respond appropriately to a complaint of harassment. An "appropriate response" is one which is consistent and in accordance with the Sinclair Community College Harassment Policy and Procedure.

## **HARASSMENT PROCEDURE**

### Complaint Process.

An employee may report an incident involving a harassing act or pattern of behavior to any of the following persons: his/her supervisor or the supervisor's superior, the Equal Opportunity Officer, or the Director of Human Resources. Students reporting incidents of harassment

involving an employee may report an incident to the Vice President for Student Services, Dean, or Department Chairperson.

Once a complaint of harassment has been reported, the person taking the complaint must gather important and relevant facts from the complainant. This constitutes only the first step in addressing a complaint of harassment. While the person taking the complaint plays an important role in the fact-gathering process, several other persons are involved in the investigation and resolution process. If the Equal Opportunity Officer is not the recipient of the complaint, the person taking the complaint should immediately contact the Equal Opportunity Office for guidance and assistance. In any event, the Equal Opportunity Office must be notified of the complaint no later than 24 hours after the incident is reported by the student or employee.

The Equal Opportunity Officer will be responsible for conducting a timely and thorough investigation of the complaint. However, the College reserves the right to hire an outside party to assist and/or conduct the investigation. An investigation might include a meeting with the alleged harasser, and discussions with any witnesses to the incident. The investigator will also meet with the alleged harasser to discuss the incident, and provide him/her with an opportunity to respond. The investigator will inform the parties that a complete record of the process may be kept in both the complainant's and the alleged harasser's file. The investigator is responsible for preparing a complete record of all pertinent issues.

Upon the request and agreement of all parties, the investigator may also mediate the dispute between the parties, in an effort to resolve the complaint equitably and to the satisfaction of the parties involved. If the parties agree on an equitable solution, the parties will acknowledge their agreement in writing. If the complainant or the alleged harasser cannot reach a resolution, either party can pursue an appeal under the Sinclair Community College Faculty or Non-Faculty Grievance Process, where applicable.

If it is determined that the individual engaged in a harassing act or pattern of behavior toward an employee, student, or other individual at the College, the College will take appropriate disciplinary action, up to and including termination of employment.



**Sinclair  
Community  
College**

**I ACKNOWLEDGE**

**that I have read and understand the  
Employee Harassment Policy & Procedure.**

**Signed by:** \_\_\_\_\_ **Date:** \_\_\_\_\_

**Printed Name:** \_\_\_\_\_