

GRAYS HARBOR COLLEGE
Operational Policy

Subject: Anti Discrimination and Sexual Harassment Policy
All Employees and Students

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Operational Policy 625

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Anti-Discrimination Policy

Grays Harbor College reaffirms its commitment to attain equal opportunity for all its employees, students (see Operations Policy 407) and applicants for employment and its commitment to assure that there is no discrimination against any persons on the grounds of race, religion, creed, color, national origin, age, sex, sexual orientation, marital status, the presence of any physical, sensory, or mental disability, or status as a Veteran or disabled veteran in accordance with state and federal laws.

This policy extends to all areas of employment, and to all relations with and employees including: recruitment, selection and placement, compensation, promotion and transfer, disciplinary measures, demotions, layoffs, terminations, testing, training, daily working employment. The College is committed to the elimination of all barriers to employment, which artificially restrict hiring, promotion, recruitment and tenure on the basis of any physical, cultural, religious or other status, which is not directly related to the performance on the job.

The College is committed to take affirmative action to increase the numbers of persons of color, women, persons between the ages of 40 and 70, persons of disability and disabled and Vietnam era veterans throughout the campus community, especially in areas where it is determined they are underutilized.

In order to successfully implement this policy, the College will develop a plan for affirmative action, which will contain goals and timetables, and a system for monitoring progress. The long-term goals will reflect a commitment to go beyond the short-term goal of eliminating under-utilization of protected groups. In order to assure that the College is working effectively to eliminate barriers to equal opportunity, the affirmative action plan will include remedies such as employee orientation, management training, educational workshops, target recruiting, and other affirmative responses to identified problem areas.

Sexual Harassment Policy

Grays Harbor College as a place of work and study for staff, faculty and students is to be maintained free of sexual harassment and all forms of sexual intimidation and exploitation. All staff, faculty and students should be aware both that the College is concerned and prepared to take action to prevent and correct such behavior, and that individuals who engage in such behavior are subject to discipline.

Sexual harassment is a form of discriminatory misconduct and is illegal. It will not be tolerated at this institution. The determination of what constitutes sexual harassment will vary with the particular circumstances, but it may be described generally as repeated and unwanted/uninvited

sexual behavior, such as physical contact and verbal comments or suggestions, which adversely affects the working or learning environment.

Examples of behaviors that may constitute sexual harassment may include, but are not limited to, the following:

- Persistent, unwelcome flirtation, advances and/or propositions of a sexual nature;
- Repeated, offensive and unwelcome insults and/or jokes that are sexual in nature;
- Repeated, unwelcome comments of a sexual nature about an individual's body or clothing;
- Deliberate and unwelcome touching, such as patting, pinching, hugging or repeated brushing against an individual's body;
- Unwelcome and offensive displays of sexually suggestive objects or pictures;
- Pressure for dates or sex, if unwelcome and repeated;
- Pressure for dates or sex in exchange for grades, promotions, salary increases or benefits;
- Stating or implying to an applicant that he/she will be hired with sexual relations as a condition of employment; and/or,
- Defaming the reputation of an employee or student in front of others by implying sexual involvement.

Sexual harassment occurs through improper sexual advances, requests for sexual favors and other unwelcome verbal or physical conduct of a sexual nature when:

- Submission to such conduct is made, either explicitly or implicitly, a term or condition of an individual's employment or academic success;
- Submission to, or rejection of, such conduct by an individual is used as the basis for employment or academic decisions affecting such individual; or
- Such conduct has the purpose or effect of unreasonably interfering with an individual's performance or creating an intimidating, threatening, hostile or offensive environment.

Anyone who is subjected to offensive sexual behavior is encourage to pursue the matter through either specific procedures established by College policy, appropriate formal grievance procedures, or the means afforded them through RCW, Chapter 49.60, or under Title VII of the Civil Rights Act of 1964, as amended in 1972.

Contact the Office of Human Resources/Affirmative Action for more information, or assistance.

Discrimination / Sexual Harassment Complaint Procedures

Grays Harbor College affirms its commitment to assure that there is no discrimination against any employee or applicant for employment on the basis of race, religion, creed, color, national origin, age, gender, sexual orientation, marital status, the presence of any physical, sensory or mental disability, or status as a disabled or Vietnam era veteran in accordance with state and federal laws. This policy extends to all areas of employment and to all relations with employees.

GHC also affirms its commitment to attain equal educational opportunity for all its students, and its commitment to assure that there is no discrimination against any student on these same grounds.

In order to provide recourse for individuals who feel they may have been discriminated against, the following procedure has been implemented:

A. Informal Complaints

Discrimination may take many forms and the perpetrator may not understand that his/her behavior is being perceived as discriminatory. Therefore, any College staff, faculty, or student who feels that she/he is being subjected to discriminatory behavior is encouraged to discuss the offensive behavior directly with the person involved. If direct communication is either impractical or feels too intimidating to the complainant, there are others on campus who can either intercede or assist with this conversation. Students may contact the Vice President for Student Services or a Counselor for assistance, and staff/faculty may contact their supervisor/Director/VP, or the Chief Human Resource Officer.

Any college official receiving a report or complaint of such a nature should immediately provide a copy of the Sexual Harassment Policy or the Equal Opportunity/Anti-Discrimination Policy to the complainant, as appropriate. Sexual harassment, and other forms of discrimination, are illegal activities requiring a response from the College, and as such must be reported to the Chief Human Resource Officer. Total confidentiality should not be promised when dealing with reports of illegal behavior, since at least one other person on campus (the Chief Human Resource Officer) must be brought into the situation.

If the situation cannot be settled informally, the complainant may file a formal internal complaint. Employees and students are not required to utilize informal procedures, but may go directly to the following formal internal complaint procedure. Students may wish to consult the Student Handbook, Student Rights and Responsibilities, Discrimination/Sexual Harassment for guidance in addition to this procedure.

B. Formal Internal Complaints

Without feeling constrained by specific definitions of harassment or discrimination, or by reporting relationships, GHC community members may make a written complaint concerning allegations of discrimination to the Chief Human Resource Officer. The Chief Human Resource Officer may elect to advise the immediate supervisor (in the case of an employee complaint), or the Vice President for Student Services (in the case of a student complaint), of the allegation at this point.

Complaints will be held in confidence to the extent possible and/or as necessary, however as noted above, discrimination is an illegal activity requiring an active response from the College. Parties to the complaint will become directly involved, and any subsequent legal actions may result in discovery or public disclosure requests. Complainants and the accused have the right to bring a person of his/her choice to all subsequent meeting with the Chief Human Resource Officer.

The Chief Human Resource Officer shall assure that both the person making a formal complaint, and the accused, have been provided copies of the Sexual Harassment and/or the Equal Opportunity/Anti-Discrimination policies and this procedure.

Following consultation with the complainant the College may elect to pursue an investigation. The investigation shall be conducted by the Chief Human Resource Officer or their designee(s). Since discrimination represents an illegal activity, the College may elect to investigate even those cases where the complainant has withdrawn the complaint, or otherwise refuses to cooperate in the investigation.

If the complainant and accused agree, informal meetings may be held in lieu of an investigation. However, the College shall remain free to conduct an investigation as is determined to be necessary by the Chief Human Resource Officer. Any such informal meetings shall occur with the Chief Human Resource Officer present, who will subsequently make a written recommendation for action on the complaint to the President within ten days following the last meeting regarding the complaint.

A draft or preliminary report shall be produced at the end of the investigation and copies provided to the accused, and to the complainant. The two parties shall each have ten calendar days to prepare a response to the report before any action is taken. Once responses have been received, the investigator shall, within five days, produce a final report. Copies will be distributed to the complainant, the accused, and the GHC President. The Chief Human Resource Officer shall make a recommendation for action based on the final report to the President within ten days of its completion.

The decision regarding what action to take on the complaint, including appropriate corrective or discipline measures, shall be made by the President in conjunction with the Chief Human Resource Officer (for staff/admin/faculty issues), or the Vice President for Student Services (for student issues). Discipline actions or formal reprimands will be entered in the appropriate student file, or employee personnel file. If any disciplinary action is imposed, the disciplined employee or student may appeal the action thru established grievance or appeal channels.

A copy of the final report, and all supplemental materials shall be maintained in the confidential Affirmative Action files as located in the Office of Human Resources. These records shall be considered "personal information in files maintained for employees which affects their right to Privacy," within the meaning of Washington State's public disclosure law, RCW 42.17. Complainants and the accused will be asked to respond to a questionnaire at the close of the informal/formal process. The information will be used to assess satisfaction with the handling of complaints and their resolution, and to help determine policy and procedural effectiveness.

C. External Complaints

Inquires or appeals beyond the institutional level may be filed with the following agencies, or any other agency with the jurisdiction to hear such complaints:

Equal Employment Opportunity Commission (a federal agency)
909 First Avenue
Seattle, WA 98104

(800)669-4000

Human Rights Commission (a state agency)
1511 Third Avenue
Seattle, WA 98101
(206)464-6500

Department of Education (a federal agency)
Office for Civil Rights
915 – 2nd Ave, Room 3310
Seattle, WA 98174
(206)220-7900