

109-01 WORKPLACE DISCRIMINATION & HARASSMENT—PROCEDURE

1. PURPOSE

Coconino Community College is committed to providing a positive, respectful and productive work environment for all employees, students, contractors, and visitors. Therefore, it is against the College's policy for any employee or student to engage in prohibited discrimination or harassment of any member of the College community.

2. PROCEDURE

1. Definitions

- a. Unlawful Discrimination: Different treatment of or denial of a benefit to a person because of the person's protected status, including race, color, religion, national origin, sex, marital status, disability, veteran status, age, sexual orientation, or any other status protected by federal, state, or local law.
- b. Harassment: Workplace harassment is a form of offensive treatment or behavior which, to a reasonable person, creates an intimidating, verbal or physical bullying, hostile or abusive work environment. It may also encompass other forms of hostile, intimidating, threatening, humiliating or violent behavior, which are not necessarily illegal discrimination (for example based on education or position), but are nonetheless prohibited by this procedure. It can be a form of unlawful discrimination when it consists of unwelcome verbal, nonverbal (for example, whistling), visual or physical conduct based on protected status that is so severe, persistent, and pervasive that it interferes with or limits a student, faculty or staff member's ability to participate in or benefit from the College's educational and/or employment opportunities, programs or activities. Discriminatory harassment includes Sexual Harassment (see Policy 105-00 and Procedure 105-01).

2. Examples

The following specific examples of workplace harassment are provided, but are not intended to be all-inclusive:

- a) Slurs and jokes about a class of persons based on disability, sexual orientation or race;
- b) Display of explicit or offensive calendars, posters, pictures, drawings or cartoons which reflect disparagingly upon a class of persons or particular person;
- c) Derogatory remarks about a person's national origin, race, language or accent;
- d) A pattern of:
 - a) Disparaging or disrespectful comments or gestures, even if unrelated to a person's race, color, sex, national origin, age or disability; or
 - b) Loud, angry outbursts or obscenities directed toward another employee, a student, a contractor or a visitor in the workplace.

- e) Electronic communication that is disrespectful or written to interfere with an employee's attempt to carry out assigned duties at the College;
- f) Any employment or academic decision based on a person's protected status.

3. **Academic Freedom**

It is not the intent of this procedure to limit the free exchange of ideas. However, while the College is committed to the principles of free inquiry and free expression, harassment identified in this policy is neither legally protected expression nor the proper exercise of academic freedom, and will not be tolerated.

4. **Reporting and Confidentiality**

The College strongly encourages all individuals to report prohibited discrimination and/or harassment to their supervisor, Director of Human Resources, or member of faculty or staff leadership.

All complaints are to be promptly and thoroughly investigated. If the investigation reveals that unlawful workplace harassment or discrimination has occurred, disciplinary action is to be immediately taken against the appropriate person or persons. If the victim requests confidentiality, asks that the report not be pursued, or declines to participate in an investigation or disciplinary proceeding, the College will document the request. The College will take reasonable steps to investigate and respond to reports consistent with such a request, if possible. Requests will be evaluated and weighed against the College's responsibility to provide a safe and nondiscriminatory environment.

In addition to promptly investigating and addressing all reports of harassment, ongoing educational efforts and training on these issues shall continue for employees and students.

5. **Prohibition Against Retaliation**

Accused individuals shall not intimidate, harass, coerce, or otherwise retaliate against individuals who report harassment; assist someone in reporting harassment; participate in any manner in an investigation; or protest any form of harassment or misconduct.

6. **Fabricated Allegations**

Any allegations suspected to be fabricated for the purpose of harassing the accused party or disrupting the College's operations are subject to investigation and could result in disciplinary action, up to and including dismissal.

3. BACKGROUND

1. References: Civil Rights Act of 1964 (as amended); related Executive Orders 11246 and 11375, Title IX of the Education Amendments Act of 1972, Section 504 of the Rehabilitation Act of 1973, Americans with Disabilities Act of 1990 (as amended), Uniformed Services Employment and Reemployment Rights Act (“USERRA”), Title II of the Genetic Information Nondiscrimination Act of 2008, and all local and state civil rights laws.
2. Revision history: 11/02/2016 (new)
3. Legal review: 8/25/2016, 9/22/2016
4. Sponsor: Human Resources Department

Adopted by College Council: 11/02/2016