



# ACCREDITATION EVIDENCE

**Title:** Board Policy and Procedure 4420 Series: 4420A Employee Conduct-Conflict of Interest. 4420B Sexual Harassment of Employees. 4420C Forcible and Non-Forcible Sexual Assault. 4420D Workplace Harassment. Policy 4420E Responsibilities of Sponsors for Clubs and Other Activities.

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**EMPLOYEE CONDUCT - CONFLICT OF INTEREST**

Reference: Wyoming Statutes, Title 9, Administration of the Government, Chapter 13, Government Ethics Article 1, Public Officials, Member and Employees Ethics, 9-13-101 through 9-13-109

College employees are expected to meet the highest standards of integrity and ethical behavior and to act in the best interest of the College. Employees are to avoid conflicts of interest and carefully keep separate the interests of the College and the employee's personal, professional and business interests. This includes avoiding actual, apparent, potential, or the perception of conflicts of interest.

The President shall establish procedures regarding conflict of interest and the ethical conduct of College employees.

Adopted      August 8, 2013  
Revised      July 15, 2015

### EMPLOYEE CONDUCT - CONFLICT OF INTEREST

Reference: Wyoming Statutes, Title 9, Administration of the Government, Chapter 13, Government Ethics Article 1, Public Officials, Member and Employees Ethics, 9-13-101 through 9-13-109

College employees are expected to meet the highest standards of integrity and ethical behavior and to act in the best interest of the College which includes avoiding conflicts of interest.

An actual, apparent, potential, or the perception of a conflict of interest occurs when an employee is in a position to influence a decision that may result in personal gain for the employee or a relative of the employee.

Wyoming Statutes state, "No public official, public member or public employee shall use his office or position for his private benefit. As used in this section, "private benefit" means the receipt by the public official, public member or public employee of a gift which resulted from his holding that office." In addition, the acceptance of a bribe constitutes corruption and may be punishable by law.

Wyoming Statutes define family or relative as an individual's spouse, child, parent, grandparent, brother, sister, parent-in-law, brother-in-law, sister-in-law, nephew, niece, aunt, uncle or first cousin, and this procedure includes any other person living in the employee's household.

#### Prohibited Conduct

1. Employees are prohibited from using their job title, the College's name, and/or College property for private profit or benefit.
2. Employees shall not engage in any activities or relationships, including personal investments, which might directly or indirectly result in a conflict of interest or impair their independent judgment. Employees must not accept gifts of more than \$50 in value, favors, or benefits that might tend in any way to influence them in the performance of their duties. This includes, but is not limited to, selecting, awarding or administering a contract or purchase order; or any decisions involving the administration of the College.
3. Employees shall not participate in selecting, awarding, or administering any purchase or contract on behalf of the College where, to the employee's knowledge or information, any of the following has a financial or personal interest in said purchase or contract:
  - a) The employee;

- b) A member of the employee's family or household;
  - c) An organization in which the employee, family or household member is an officer, director, or employee;
  - d) A person or organization with which the employee, family or household member is negotiating employment or has any arrangement concerning prospective employment.
4. Employees shall not provide, in the performance of their duties, preferential treatment to relatives or to organizations in which they or their relatives have an interest, financial or otherwise.
5. Employees who hold an outside office or employment shall not place themselves in a position where a conflict of interest raises doubts about their ethical ability to perform their College duties.

Disclosure of Potential Conflicts

Employees must promptly disclose to the appropriate Vice President or President material information regarding any relationship, ownership or business interest (other than non-controlling investments in publicly-traded corporations), whether direct or indirect, that the employee or a member of his/her immediate family has with any person, or in any business enterprise which could be construed to be an actual or potential conflicts of interest.

The President must promptly disclose any reported direct or indirect conflict of interest to the President of the College Board of Trustees. Following such disclosure, employees should recuse themselves from direct involvement in any decisions regarding that business or financial enterprise as it concerns the College - unless the College determines otherwise.

Violation of the Conflict of Interest Policy

Any employee found to be in violation of this Conflict of Interest policy could be subject to disciplinary action, up to and including a recommendation for termination from employment.

Adopted      August 8, 2013  
Revised      July 15, 2015

**SEXUAL HARASSMENT OF EMPLOYEES**

The College prohibits the sexual harassment of its employees. College employees or students who violate this policy are subject to disciplinary action. Visitors or agents of another employer who violate this policy are subject to being barred from further interaction with the College. This policy applies to sexual harassment on College property and/or at any College activity. It also applies to sexual harassment at any time in any location when such sexual harassment can be shown to affect the College educational process or the College work environment.

The College is committed to the uninhibited, robust, and wide-open pursuit of ideas. Great care must be taken to ensure that this pursuit is not stifled by a multitude of rules. At the same time, however, every member of the College community must recognize that sexual harassment compromises the integrity of the College and its tradition of intellectual freedom.

This policy is intended to ensure that employees will experience a work environment free from intimidation, hostility, discrimination, interference, abuse, or offensive behavior related to gender.

See following page for procedure.

Adopted	December 17, 1981
Reformatted	October 7, 1986
Revised	January 18, 1996
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**SEXUAL HARASSMENT OF EMPLOYEES**

The College prohibits sexual harassment of its employees. Employees who believe they have been sexually harassed can file a complaint and request an investigation. Any College employee, WWCC student, visitor, or agent of an employer doing business with the College who sexually harasses a WWCC employee is subject to disciplinary action.

Definition

Sexual harassment can take many forms. Some of these are overt and unambiguous, while others may be more subtle and indirect. All forms of sexual harassment constitute unacceptable behavior.

Sexual harassment is a form of sex discrimination under Section 703 of Title VII of the 1964 Civil Rights Act (as amended). Sexual harassment may mean unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of sexual nature IF

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

The creation of an intimidating, hostile, or offensive work environment may include repeatedly subjecting a person to demeaning sexual stereotypes, innuendo, intimidation, or insult, or repeatedly treating a person on the basis of gender in a manner that suggests the person is inferior.

Administering the Policy and Procedure

The Vice President for Administrative Services will administer and answer any questions about this policy and procedure. When the accused is a student, the Vice President for Student Services shall also be involved to administer and answer questions about the policy/procedure.

Each administrator, division chairperson and supervisor has a responsibility for familiarizing themselves about this policy and procedure and for preventing incidents of sexual harassment, or if they occur, ensuring they are reported, investigated and dealt with in a timely manner.

This sexual harassment complaint procedure has two components:

- 1) Informal Complaint Resolution Procedure, and
- 2) Formal Complaint Resolution Procedure.

An employee may avail himself/herself to either or both of these procedures.

Informal Complaint Resolution

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Often, complaints of sexual harassment can be handled informally. These complaints are unwritten. Where possible, the College prefers that attempts be made to resolve these complaints in this manner.

Should an employee (complainant) desire to resolve a complaint informally, he/she may pursue one of the following avenues:

- 1) Discuss the complaint with the alleged perpetrator and request that person to cease the perceived harassment.
- 2) Discuss the complaint with another employee and ask that employee to speak informally to the alleged perpetrator.
- 3) Discuss the complaint with the Vice President for Administrative Services or if the alleged perpetrator is a student, with the Vice President for Student Services. These administrators could be asked to speak informally to the alleged perpetrator. All matters discussed are confidential.
- 4) Discuss the complaint with a Complaint Advisor. Complaints Advisors are volunteers who receive special training in sexual harassment matters. Their role is to help the complainant determine how best to proceed. No records are kept by the Complaint Advisors and all matters discussed are confidential. A listing of Complaint Advisors is located in the Full-time Employee Handbook.

Should informal complaint resolution attempts fail, or should a complainant choose to by-pass this avenue, then formal complaint resolution avenues are available.

#### Formal Complaint Resolution

The Vice President for Administrative Services or the Vice President for Student Services (when the accused is a WWCC student) will investigate confidentially and quickly when a formal (written) sexual harassment complaint is filed. The investigation will be completed within 30 days unless the time period is extended for good reason.

Since persons falsely accused of sexual harassment could suffer severe damage to their reputation and to their careers, all investigations must be confidential and private to the maximum extent possible. Therefore, only those investigating or enforcing this policy will have access to confidential communications, and these persons may only discuss the matter with other persons involved in the investigation or enforcement of the policy and procedure.

The appropriate investigator(s) will promptly obtain a written statement from the complainant describing the times, dates, places and circumstances if the initial written complaint contains insufficient detail. The investigator(s) will also obtain written statements from any possible witnesses. Subsequent to this action, the investigator(s) will discuss the complaint with the alleged perpetrator. The investigator may bring both parties together to discuss the complaint or accusation, upon the request of either party. The determination of sexual harassment will be made from the facts, on the basis of each individual case. If the investigator(s) cannot find

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reasonable grounds for the complaint, then the records of the complaint will be sealed and, after all opportunities for appeal or further investigation have passed, will be destroyed. Both the complainant and the alleged perpetrator will be notified of the findings. Except as noted subsequently herein, only the alleged perpetrator will be informed of the proposed disciplinary actions. However, if a ban is issued prohibiting contact with the complainant, the complainant will be so notified.

Taking Disciplinary Action

After completing the investigation, if reasonable grounds are found for the complaint, the disciplinary action will be taken by the appropriate supervisor or other administrator. The disciplinary action taken will depend on the severity and scope of the occurrence.

**I. Disciplinary Action if the Alleged Perpetrator is An Employee, visitor, or Agent of Another Employer Doing Business with the College**

If the alleged perpetrator is an employee, discipline may include required counseling, oral or written reprimands, restrictions on activities, suspension, transfer or dismissal. If the alleged perpetrator is a visitor or an agent of an employer doing business with the College, the Vice President for Administrative Services will discuss the complaint with the visitor or the agent and the employer of the alleged perpetrator. Corrective action may include warnings, restrictions on activities, or being barred from further interaction with the College.

Right to Appeal

Should disciplinary actions be taken against an employee, the employee has the right to appeal such actions through the employee Grievance Procedure (Policy and Procedure 4430B).

If the alleged perpetrator is a visitor or an agent of another employer, the visitor or agent or the employer of the agent may appeal to the President of the College. The decision of the President is final.

**II. Disciplinary Action If the Alleged Perpetrator Is A Student**

If the alleged perpetrator is a WWCC student, disciplinary action may include required counseling, warnings, probation, restrictions on activities, suspension or dismissal from the College.

Right to Appeal

Should disciplinary actions be taken against a student, the student has the right to appeal such actions through the student Non-academic Grievance Procedure (Policy and Procedure 5430C).

Protection from Retaliation

The College will discipline any individual who retaliates against any person who present a good-faith complaint alleging sexual harassment, or who retaliates against any person who testifies, assists, or participates in an investigation, proceeding, or hearing related to a sexual harassment complaint made in good faith. Retaliation includes but is not limited to any form of intimidation, reprisal, or harassment.

Informing the Complainant of Actions Taken

To the extended allowed by law, the complainant will be advised of any Disciplinary actions taken against the perpetrator, should the complainant desire to know this information.

Review by the College President

A complainant has the right to request a review by the College President of the administrative actions taken or not taken. The President will inform the complainant of his/her findings. The President shall determine whether the investigation was conducted fairly and in conformity with prescribed procedures, whether the decision reached was based on adequate information, and whether the sanctions imposed were appropriate for the violation.

The President may, at his/her discretion, require additional information and/or investigation, uphold the actions taken or not taken, or reverse actions taken or not taken.

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**FORCIBLE AND NON-FORCIBLE SEXUAL ASSAULT**

Western Wyoming Community College seeks a safe and healthy environment for all students, employees, community members and visitors. To this end, WWCC has developed this policy/procedure on forcible and non-forcible sexual assault to set forth definitions, to reaffirm the College's commitment to providing resources and processes for prevention, education, support, reporting, adjudication, protection from retaliation, and to identify the range of sanctions.

See following pages for procedure.

Cross Reference: 4420B and 5430G

Adopted January 18, 1996

Reformatted March 2012

## FORCIBLE AND NON-FORCIBLE SEXUAL ASSAULT

The personal trauma experienced by the victims of sexual assault and the nature and consequences of this crime undermine the trust essential to the process of education and the mission of Western Wyoming Community College. This crime also conflicts with the College's basic standards of behavior. These forms of sexual violence are particularly damaging to the College community because victims of sexual assault are often acquainted with and must continue to interact with their assailants.

Incidents reported to the appropriate departments will be addressed promptly and will be treated confidentially. Information will be shared among College staff and students only on a "need to know" basis necessary to allow for the investigation and the provision of assistance and services to those involved. The procedures which are used to implement this policy will take into account the need to investigate all incidents of forcible and non-forcible sexual assault and the right to confidentiality of all involved parties.

### General Information

When a forcible or non-forcible sexual assault occurs on either the Rock Springs campus or the Green River Center of Western Wyoming Community College, or occurs during any College-sponsored or supervised activity, the following procedure should be followed to assure that the incident is handled promptly, sensitively and confidentially, to protect the rights of both the accuser and the accused.

### Definition

Definitions of these criminal violations are as received from the Uniform Crime Reporting Office, Crime Statistics Unit, U.S. Department of Justice, Federal Bureau of Investigation, 1992, Washington, D.C.

### **Sex Offenses, Forcible**

Definition: Any sexual act directed against another person, forcibly and/or against that person's will; or, not forcibly or against the person's will where the victim is incapable of giving consent.

#### A) Forcible Rape (Except "Statutory Rape")

Definition: The carnal knowledge of a person, forcibly and/or against that person's will; or, not forcibly or against the person's will where the victim is incapable of giving consent because of his/her temporary or permanent mental or physical incapacity. (NOTE: If force was used or threatened, the crime should be classified as Forcible Rape regardless of the age of the victim, and if the victim was under the statutory age of consent and force was not used or threatened, the crime should be classified as Statutory Rape.)

B) Forcible Sodomy

Definition: Oral or anal sexual intercourse with another person, forcibly or against the person's will; or, not forcibly or against the person's will where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental or physical incapacity.

C) Sexual Assault with an Object

Definition: To use an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person, forcibly and/or against that person's will; or, not forcibly or against the person's will where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental or physical incapacity. (NOTE: An "object" or "instrument" is anything used by the offender other than the offender's genitalia. Examples are a finger, bottle, handgun, stick, etc.)

D) Forcible Fondling

Definition: The touching of the private body parts of another person for the purpose of sexual gratification, forcibly and/or against that person's will; or, not forcibly or against the person's will where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental incapacity. (NOTE: Forcible fondling includes "Indecent Liberties and Child Molesting.")

Because Forcible Fondling is an element of Forcible Rape, Forcible Sodomy, and Sexual Assault with an Object, it should be reported only if it is the sole forcible sex offense committed against a victim.

**Sex Offenses, Non-forcible (Except "Prostitution Offenses")**

A) Incest

Definition: Non-forcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

B) Statutory Rape

Definition: Non-forcible sexual intercourse with a person who is under the statutory age of consent. (NOTE: If force was used or threatened, the offense should be classified as Forcible Rape, not Statutory Rape.)\*\*

## Procedure 4420C

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As used in this procedure, the term “accuser” describes the individual who believes he/she is a victim of a sexual assault and the term “accused” describes the individual who allegedly committed the sexual assault.

NOTE: Separate policies exist for dealing with sexual harassment (see Policies 4420B and 5430G)

### Intervention

Western Wyoming Community College will provide resources to support the accuser, will utilize College fact-finding and disciplinary procedures within appropriate jurisdiction, will publish annual statistics on incidents of acquaintance rape and acquaintance rape attempts, and will provide education for the prevention of sexual violence including acquaintance rape at Western Wyoming Community College.

### Procedure

If the assault (or alleged assault) has recently occurred, the immediate medical and emotional needs of the accuser should first be attended to. The YWCA Support and Safe House Office (or other community office with advocates trained to assist victims of sexual assault) is to be immediately notified and requested to send an advocate to explain the options available to the accuser. A College counselor is also to be immediately notified. The Support and Safe House advocate and the College counselor will provide emotional support to the accuser, and will provide information concerning legal and medical options. The Support and Safe House advocate and the College counselor may accompany the accuser to Memorial Hospital of Sweetwater County (MHSC) or other nearby hospital to be checked for physical injuries, pregnancy, and sexually-transmitted diseases.

When a person reporting an alleged sexual assault goes to MHSC or other nearby hospital, the hospital staff must, by law, contact the local law enforcement agency with jurisdiction over the area within which the alleged sexual assault occurred. The local law enforcement officer and the Support and Safe House advocate will explain to the accuser all of the legal options available.

Any alleged or suspected sexual assault shall also be reported to the Protective Services office. This office, in turn, shall contact the Vice President for Student Success Services or other College officials. The College will initiate the College fact-finding procedures. In addition to attending to the safety and well-being of the accuser, the College will offer counseling and security services to the person accused of the sexual assault.

### Sanctions

Once the immediate medical and emotional needs of the accuser have been attended to, the following courses of action can be followed if this person chooses to pursue on-campus sanctions against the accused:

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- A) If the accuser and the accused are both students of Western Wyoming Community College or the accuser is an employee or member of the general public and the accused is a student of Western Wyoming Community College, the College will proceed according to the steps outlined in Policy 5430C "Non-Academic Grievance". Sanction may include, but are not limited to: probation, restrictions on activities, removal from student housing, and/or suspension or dismissal from the College.
- B) If the accuser is a student, employee or member of the general public, and the accused is an employee, the accuser may work with the applicable Vice President or his/her designee and disciplinary sanctions as outlined in Policy 4430A "Disciplinary Action for Improper Conduct" may be imposed.
- C) If the accuser is a student or employee and the accused is not a member of the campus community, the College will offer its counseling services and other College resources to the accuser, and will provide reasonable assistance and advice to the accuser if he/she chooses to take legal recourse against the accused.

Rights of Individuals Reporting a Sexual Assault

In all cases of sexual assault occurring on property or during any College sponsored or supervised activity, the accuser is fully afforded all of the following rights:

1. To choose and pursue counseling services offered by the College through the Student Development Center, to receive medical treatment, and to report and prosecute his/her case through the sanction processes noted above and/or the legal system. Accusers also have the right to refuse any and all of the above without reproach from any College personnel.
2. To be treated with dignity and seriousness by campus personnel.
3. To be reasonably free from intimidation and harm.
4. To be made aware of existing counseling and other student services available.
5. To be notified, if, in sanctioning the accused, a ban prohibiting contact with the accuser or entrance into the accuser's residence hall, or some other area of the campus, or a ban from the entire campus is issued.
6. To be granted a transfer from his/her present residence hall or class section(s) to any available housing or class section(s).
7. To be notified of the outcome of any College disciplinary proceeding conducted against the person accused of the sexual assault.
8. To request a review by the College President of the administrative actions taken or not taken. The President shall determine whether the investigation was conducted fairly and in conformity with prescribed procedures, whether the decision reached was based upon substantial information, and whether the sanctions imposed were appropriate for the violation. The President at his/her discretion may require additional College actions.

## Procedure 4420C

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Cross Reference: 4420B and 5430G

Adopted January 18, 1996

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**WORKPLACE HARASSMENT**

It is the policy of Western Wyoming Community College that all employees, students, contractors and visitors enjoy a positive, respectful and productive work environment, free from behavior, actions or language constituting workplace harassment.

Engaging in workplace harassment is unacceptable conduct that will not be tolerated. Any employee found to have engaged in workplace harassment will be subject to disciplinary action up to and including termination.

This policy does not address sexual harassment. Sexual harassment is addressed by Board Policy and Procedure 4420B and Board Policy and Procedure 5430G.

See following page for procedure.

Adopted July 17, 2001  
Reformatted March 2012

## WORKPLACE HARASSMENT

Workplace harassment is a form of offensive treatment or behavior, which to a reasonable person creates an intimidating, hostile or abusive work environment. It may be racial, based on national origin, age, disability, gender, sexual orientation or religion. It may also encompass other forms of hostile, intimidating, threatening, humiliating or violent behavior, which are not necessarily illegal discrimination, but are nonetheless prohibited by this procedure. It is not the intent of this procedure to limit the free exchange of ideas. In administering this procedure, the College's statement on academic freedom, Board Procedure 6110A, will be honored.

It is misconduct for an employee to direct the subject behavior at another employee, student, contractor or visitor. Workplace harassment may consist of verbal, nonverbal or physical behavior which as the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment. Workplace harassment can also be verbal, nonverbal or physical behavior that is derogatory, abusive, disparaging, "bullying", or threatening.

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

- Slurs and jokes about a class of persons based on disability, sexual orientation or race,
- Display of explicit or offensive calendars, posters, pictures, drawings or cartoons which reflect disparagingly upon a class of persons or particular person;
- Derogatory remarks about a person's national origin, race, language or accent;
- 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.

Individuals believing they have been the subject of workplace harassment should bring the matter to the attention of their supervisor for investigation. If the supervisor is the alleged perpetrator, the matter should be brought to the attention of the supervising Vice President, College President or Human Resources office.

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**RESPONSIBILITIES OF SPONSORS FOR CLUBS AND OTHER ACTIVITIES**

All student clubs and organizations must have a faculty or staff advisor/sponsor. These obligations are generally voluntary in nature and often related to the employee's primary job responsibilities. College employees who sponsor College clubs or College events, either on or off campus, must communicate College rules, regulations and applicable laws to all participants. Employees who oversee these activities will be provided with summary information regarding applicable policies and laws.

Cross Reference Policy 5610A

Adopted December 31, 1968

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