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.
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 Success 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**

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 Success 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. Complaint 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 Success 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 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 extent 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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