

### **Prevention of Harassment And Discrimination**

Revised 10/02, 08/04, 06/05, 03/06 November 2007

**Human Resources** 

**Administrative Policy & Procedure 3-140** 

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## 1.0 Harassment/Discrimination Prevention Procedure Objective

Harassment and discrimination directed at any individual or group on the basis of race, color, sex, religion, creed, age (over 40 years old), marital status, national origin, sexual orientation, disability, honorably discharged veteran or military status, and the use of a trained dog guide or service animal by a person with a disability ("protected class status") is a violation of the mission and purpose of Columbia Basin College (CBC) as an institution of higher education and, pursuant to Board policy and this procedure, shall be prohibited. The Washington Law Against Discrimination (Chapter 49.60 RCW), Age in Discrimination Employment Act, Americans with Disabilities Act, Titles VI and VII of the Civil Rights Act of 1964 and all law and regulations affecting state employees, shall apply to employment, education and services provided by CBC.

- 1.1 <u>Prohibited harassment</u>: Prohibited harassment includes, but is not limited to: verbal and written comments, slurs, jokes, innuendos, cartoons, pranks and any and all other physical or nonphysical conduct or activity that has the purpose or effect of being construed as sufficiently pervasive to create a hostile work environment, and which is directed at the individual because of the individual's protected class status. Prohibited harassment also includes any behavior or action, either physical or verbal, directed at an individual which is sexual in nature and reasonably believed to be unwelcome, unwanted or uninvited.
- 1.2 <u>Prohibited discrimination</u>: Prohibited discrimination is an action taken on the basis of an individual's protected class status with such action resulting in a change in the terms, conditions, or opportunities of learning or employment at CBC.
- 1.3 Board policy is based on the principle that harassment and/or discrimination based on an individual's protected class status is unacceptable and will be dealt with promptly and effectively. The purpose of this procedure is to establish the methods by which CBC will show reasonable care in the prevention of harassment and discrimination based on an individual's protected class status. This may include, but is not limited to the following:
  - 1.3.1 Having in place an effective harassment and discrimination prevention procedure that supports Board policy.
  - 1.3.2 Offering and communicating the existence of a flexible, accessible, and non-intimidating complaint procedure;
  - 1.3.3 Protecting complainant confidentiality to the extent possible under the law;
  - 1.3.4 Developing an investigative protocol aimed at prompt fact gathering without bias or subjectivity;
  - 1.3.5 Providing a disciplinary mechanism that is reasonably calculated to end harassing or discriminatory behavior based on an individual's protected class status;
  - 1.3.6 Providing periodic training for employees;
  - 1.3.7 Requiring managers or supervisors to address observed prohibited harassment or discrimination based on an individual's protected class status even if no complaint has been filed by the individual subject to the alleged harassing or discriminating conduct.

### 2.0 Complaint Procedures

An employee who believes that he/she has been harassed and/or discriminated based on the individual's protected class status in employment, or those students who feel that they have been harassed by or discriminated based on the individual's protected class status by an employee of CBC, are encouraged to report that belief to CBC under this procedure's complaint mechanism.

2.1 <u>Filing a Complaint:</u> Any employee or student who believes he/she has been subject to harassment/discrimination based on an individual's protected class status has the right to file a complaint using a CBC Incident Notification Form. The Form is available on the CBC website and in the Human Resources Office, and once completed, may be submitted directly to Camilla Glatt, Vice President for Human Resources & Legal Affairs at the following address:

Camilla Glatt MS-A2 2600 N. 20<sup>th</sup> Avenue Pasco, WA 99301 (509) 547-0511, extension 2348

Additionally, any supervisor or administrator is authorized to accept the completed form and immediately forward it to the Vice President for Human Resources & Legal Affairs.

Student complaints of harassment and discrimination based on an individual's protected class status by other students are handled by the Vice President for Student Services at the following address:

Dr. Madeline Jeffs MS-A1 2600 N. 20<sup>th</sup> Avenue Pasco, WA 99301 (509) 547-0511, extension 2765

All employee complaints, regardless of the perceived merit or basis, are to be forwarded for review and processing, without exception, to the Vice President for Human Resources & Legal Affairs or, in the case of student harassment and discrimination by other student complaints, to the Vice President for Student Services.

2.2 <u>Complaint Consideration</u>: Although isolated incidents of harassment and discrimination based on an individual's protected class status may not violate federal or state law, such incidents may create a course of conduct which serves no legitimate or lawful purpose. Such reasonable complaints may also be evaluated and considered under this procedure.

#### 3.0 Complaint Investigation

The Human Resources Office is solely authorized to investigate harassment and discrimination complaints based on an individual's protected class status.

3.1 <u>Investigation:</u> The Vice President of Human Resources & Legal Affairs or his/her designee, will assess the written complaint and determine the appropriate steps necessary to ensure all relevant evidence is obtained and all critical elements are addressed. This normally begins with an initial interview with the complainant(s). The goal is to obtain sufficient information to determine the next step(s); which may include providing consultation, obtaining clarification, making referral and/or initiating a formal fact-finding investigation.

- 3.2 Other Complaints: Conduct covered by this procedure are those actions that occur on the basis of an individual's protected class status or any unwelcome conduct of a sexual nature. Complaints alleging conduct not covered by this procedure should be given to the appropriate Vice President/Administrative Officer for consideration and investigation as a performance-based issue.
  - 3.2.1 Not included in this procedure, but covered by the various collective bargaining agreements between the Board and its various recognized employee representatives, is harassment or discrimination allegations based upon union activities.

### 4.0 Confidentiality and Non-Retaliation

- 4.1 <u>Confidentiality:</u> To the extent possible, investigations will be conducted in a discreet and sensitive manner. Anonymity and complete confidentiality cannot be guaranteed once a complaint is made or potentially unlawful behavior is made known.
- 4.2 <u>Records</u>: Copies of all complaints of harassment or discrimination based on protected class status, and records related to a subsequent formal investigation conducted pursuant to that complaint, if any, shall be confidentially maintained in the Human Resources Office, to the extent allowed by law, for a period of time determined by the Vice President of Human Resources & Legal Affairs.
- 4.3 <u>Retaliation</u>: Retaliation by, for or against any participant (accused, accuser or witness) is expressly prohibited and retaliatory action of any kind taken against individuals as a result of seeking redress under the applicable procedures or serving as a witness in a subsequent investigation dealing with harassment/discrimination based on an individual's protected class status is prohibited. Any person who thinks he/she has been the victim of retaliation should contact the Vice President of Human Resources & Legal Affairs or his/her designee immediately.

# 5.0 Rights of Accused

- Notice of Complaint: If a formal investigation is undertaken, the accused will be alerted to the existence of a formal complaint and that an investigation of the complaint is underway. During the investigative process the accused, if appropriate, may be informed of his/her right to union representation during any meeting that the employee reasonably believes may result in disciplinary action.
- 5.2 <u>Report of Findings</u>: When the investigation is complete, to the extent appropriate, the person(s) filing the complaint and the person(s) alleged to have committed the conduct may be informed of the results of the investigation in summary form.
- 5.3 <u>Corrective Action</u>: CBC will take appropriate corrective and/or disciplinary action in situations where it is proven or it is reasonable to believe that harassment or discrimination based on an individual's protected class status took place. That action will follow the due process provisions of applicable collective bargaining agreements or state regulations and will be reasonably calculated to end the alleged harassing or discriminatory behavior based on an individual's protected class status.

### 6.0 Training and Information

6.1 CBC will periodically provide training to employees in both how to prevent harassment and discrimination based on an individual's protected class status and in how to make and take complaints of harassment or discrimination based on an individual's protected class status.