



## **UNLAWFUL DISCRIMINATION AND HARASSMENT**

### **POLICY**

Brunswick Community College will not tolerate any form of sexual or other unlawful harassment of employees or students and maintains a firm belief that all employees and students are entitled to work and learn in an environment free of discrimination or intimidation based on gender, race, religion, color, sexual orientation, national origin, age, disability, genetic information, veteran's status, or any other classification protected by law. Any employee who engages in any form of unlawful harassment will be disciplined. Discipline may include, but is not limited to, transfer, demotion, suspension, or dismissal. The College also forbids retaliation of any type against an employee or student for reporting any type of unlawful harassment.

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### **PROCEDURES**

#### **Definitions**

- A. Discrimination is any adverse action taken or impact imposed on any employee or student based upon any classification protected, including race, color, national origin, religion, gender, disability, age, genetic information, political affiliation, or any other legally protected classification. Discrimination includes access by employees and students to any applicable facilities, benefits, and services offered by the College. Discrimination also includes any actions deemed to violate Title VII of the Civil Rights Act of 1964 as amended.
- B. Harassment is any behavior by an individual which improperly singles out, stigmatizes, or victimizes an employee or student to the employee's or student's detriment because of any protected classification under Equal Opportunity Act. Unlawful harassment may include any of the following: Verbal or physical conduct that denigrates or shows hostility or aversion toward an individual because of his or her race, color, religion, gender, sex, age, national origin, disability, or other legally protected status, or that of his or her relatives, friends, or associates, and that has the purpose or effect of creating an intimidating, hostile, or offensive environment; has the purpose or effect of interfering unreasonably with an individual's work or educational performance; or otherwise adversely affects an individual's employment or educational opportunities.
- C. Sexual Harassment consisting of either physical or verbal conduct of a sexual or harassing nature (such as unwelcome sexual advances, requests for sexual favors, repeated overt offensive sexual flirtations, continued or repeated abuse of a sexual nature, graphic or degrading comments about an individual, the display of sexually suggestive objects or pictures, or any offensive or abusive physical contact) will not be tolerated of any employee. This prohibition against sexual harassment covers not only the relationships between employees of the College but also covers the relationships between employees of the College and third parties in the employment context.
- Sexual harassment does not require physical contact, but merely has to create an unwelcome environment. Occasional compliments of a socially acceptable nature do not constitute sexual



harassment. Sexual harassment is behavior which is not welcome, which is personally offensive, which undermines morale, and which, therefore, interferes with work effectiveness.

### **Disciplinary Action**

Employees, without any fear of reprisal, have the responsibility to bring any form of sexual harassment to the attention of their supervisor or department head so that a confidential investigation may begin immediately into the circumstances of the incident and the allegations of an employee who believes that he or she is or has been the object of sexual harassment. Following this investigation, a review of the results of the investigation with the person(s) involved will be conducted and corrective and/or disciplinary action will be taken against the responsible employee(s), up to and including immediate termination of employment. During the course of an investigation into reports of sexual harassment, sexual assault, domestic violence, dating violence, or stalking, the Director of Human Resources will follow all procedures noted for compliance with Title IX (see Title IX policy which follows).

Employees who feel that they have been unlawfully harassed at work, or who feel that a fellow employee or student is being unlawfully harassed, should immediately notify their supervisors. If possible, such notice should be in writing (signed and dated), stating the date, place, time, nature of the harassment, and the name(s) and position(s) of the offending party and any witnesses to the alleged harassment. Employees who feel that their supervisors are involved in the harassment in any way, or believe that for some other reason their supervisors cannot be approached, should notify the Director of Human Resources or designee.

All reports of unlawful harassment will be investigated promptly. Supervisors who fail to effectuate this policy will be subject to discipline, up to and including discharge. To the greatest extent possible, the College will attempt to maintain the confidentiality of any harassment investigation. The disclosure of any information relating to a charge of unlawful harassment will be made only on a need-to-know basis.

The College requires all employees to fully comply with this policy and cooperate in any investigations.

Brunswick Community College will not tolerate discrimination or harassment nor will it tolerate any form of retaliation against any employee or student who has brought legitimate concerns to management or to regulatory agencies or who has properly participated in the investigation or resolution of such concerns.

Disciplinary action will be taken according to the College's disciplinary procedures. While disciplinary action taken against an employee subject to a complaint of discrimination or harassment may be the subject of a grievance under Brunswick Community College Grievance Procedures, the Director, Human Resources investigation conclusions, or alleged lack of conclusions, shall not be subject to the grievance process.

*Approved by the Brunswick Community College Board of Trustees*  
October 19, 2017