

## 702 Sexual and Other Unlawful Harassment

Cankdeska Cikana Community College (CCCC) will not discriminate in educational programs, activities, or employment practices, based on race, color, national origin, gender, sexual orientation, disability, age, religion, ancestry, or any other legally protected classification. Announcement of this policy is in accordance with Federal Law, including Titles VI and VII of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, Section 504 of the Rehabilitation Act of 1973, the Age Discrimination Act of 1975, and the Americans with Disabilities Act of 1990.

**SEXUAL HARRASSMENT DEFINED.** Sexual harassment is the unwarranted and unwanted actions of an individual against another individual involving sexual overtone. CCCC will not tolerate verbal or physical conduct by an employee which harasses, disrupts, or interferes with another's work performance or which creates an intimidating, offensive, or hostile work environment.

CCCC is opposed to sexual harassment in the work place. Such harassment is against the law. Sexually harassing conduct in the workplace or elsewhere, whether committed by supervisory or non-supervisory personnel or students, is prohibited. Such conduct may include, but is not limited to:

- Sexual flirtations, touching, advances, etc.
- Verbal abuse of a sexual nature.
- Graphic or suggestive comments about an individual's dress or body.
- Sexually degrading words to describe an individual.
- The display in the work place of sexually suggestive objects or pictures, including nude photographs.
- Explicitly or implicitly making submission to the conduct, a term or condition of an individual's employment.
- Using submission or rejection of the conduct as a basis for employment decisions.
- The conduct substantially interferes with the individual's work performance or creates an intimidating, hostile, or offensive work environment.

**RACIAL DISCRIMINATION DEFINED.** Racial discrimination occurs when one party treats an individual or group differently on the basis of race, color, or national origin without a legitimate, non-discriminatory reason so as to interfere with or limit the ability of that individual or group from participating or benefiting from the services, activities, or privileges afforded to members of the college community.

## 703 Harassment or Discrimination Procedure

The following steps are to be used in the event a student or employee wishes to file a discrimination or harassment complaint related to an individual's sex, race, ethnicity, age, religion, or any other legally protected characteristic. Employees and students of the Cankdeska Cikana Community College are required to utilize the internal process prior to utilizing external sources for remediation. Failure to comply could result in disciplinary action.

1. Any employee or student who believes that the actions or words of any employee, faculty, student or fellow employee constitute unwelcome discrimination or harassment must complete the Discrimination Complaint Form, (see page 8-0) and submit to the appropriate CCCC official listed immediately. Forms are available at the Human Resource Office, Student Services, and/or the Title IX/Section 504/ADA Coordinator.

If the alleged harasser is:

- a) Student or student group
- b) Faculty member
- c) Vice Presidents
- d) Staff member
- e) Human Resource Director
- f) Other (e.g. vendor or guests)
- g) President

Notify:

- Vice President of Student Services
- Vice President of Academic Affairs
- President
- Human Resource Director
- President
- Human Resource Director
- Board of Regents

2. Upon receipt of an allegation of discrimination or harassment, a Compliance Committee of three members will be appointed by the President will begin a thorough investigation of the allegation within 5 working days. The investigation will include conducting of interviews and/or the obtaining of statements and supporting documents from both parties to ensure a clear understanding of the event has been achieved. The investigation must be completed within 10 business days from the date the investigation begins. Contact the HR Office for the Employee Harassment Complaint Investigation/Determination Checklist form.
3. The Compliance Committee will submit a written report of the findings to the College President and notify the complainant and alleged harasser within five working days after completion of the report.
4. ENFORCEMENT: Upon completion of its investigation the Compliance Committee will submit a written report with recommendations to the College President. Any employee, who is found, after appropriate investigation, to have engaged in harassment of another employee or student, will be subject to appropriate disciplinary action and may be subject to immediate termination or expulsion.
5. GRIEVANCE: If the employee or student disagrees or is not satisfied with the decision or results of the Compliance Committee, the employee or student must submit their grievance in writing to the Board of Regents and providing a copy to the President within five business days from the date he/she is notified of the finding(s). A copy will be made for the other parties involved. The Board of Regents will hear the grievance and obtain statements from all parties involved. The Board will vote on the decision/action to remedy the grievance within five business days of the hearing.

What is NOT Harassment? It should be noted that ordinary teasing, offhand comments, or isolated non-serious incidents are not prohibited under federal law. Harassing behavior must be sufficiently frequent or severe to 1) create a hostile work environment, or 2) result in hiring, firing, promotion, demotion, or an undesirable work reassignment. A decision causing a significant change in benefits or compensation also might be interpreted as harassment.

#### Retaliation Prohibited

CCCC prohibits retaliatory behavior against any complainant or any participant in the complaint process. The initiation of a complaint of harassment will not reflect negatively on the employee who initiates the complaint nor will it affect the employee's job assignment, status, rights, privileges, or benefits.

Questions or inquiries can be made to:

*Title IX Coordinator/Section 504/ADA Coordinator  
CCCC Vice President of Student Services  
701-766-1305*

*Office of Civil Rights  
US Department of Education  
500 W. Madison Street Suite 1475  
Chicago, IL 60661*

*CCCC Human Resources, Director  
701-766-1333*

*CCCC Vice President of Academic Affairs  
701-766-1133*