2.17 UNLAWFUL HARASSMENT

Last Revised: October 2010

Policy: It is the policy of PCC to maintain a work environment and a learning culture that is free from harassment and intimidation of any kind, including harassment on the basis of race, color, religion, sex, national origin, age, genetic information, veteran status, sexual orientation or handicapping condition.

Piedmont Community College recognizes the worth and dignity of all individuals and strives to respect individualism and diversity.

Faculty, Staff and Students are expected and instructed to conduct themselves so as to contribute to an atmosphere free of unlawful harassment of any kind. Harassment of an employee by a supervisor or another employee, of a student by an employee, of an employee by a student, or of a student by another student is a violation of the policy of this college and will not be tolerated.

PCC believes information and education are the best approaches to preventing unlawful harassment. Therefore, all full-time faculty and staff are required to take a sexual harassment online interactive training course selected by PCC. The program explains the legal aspects of sexual harassment and provides examples of harassing language and behaviors to be avoided. Although it focuses on sexual harassment, its principles also apply to other forms of discriminatory harassment as well.

PCC trusts that all employees and students will act in a responsible and professional manner to establish a pleasant working environment free of harassment.

Purpose/Definitions:
Unlawful Harassment is unwelcomed or unsolicited speech or conduct that creates an intimidating, hostile or offensive work or learning environment or circumstances involving quid pro quo.

Hostile Work Environment is one that both a reasonable person would find hostile or abusive and one that the particular person who is the object of the harassment perceives to be hostile or abusive. Hostile work environment is determined by looking at all of the circumstances, including the frequency of the allegedly harassing conduct, its severity, whether it is physically threatening or humiliating, and whether it unreasonably interferes with an employee’s work performance or a student’s learning ability.

Quid Pro Quo harassment consists of unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct when

(a) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment, or
(b) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual.
(c) submission to or rejection of such conduct by a student is made the basis for decisions concerning a student's grade, academic achievement or progress, or participation in any program, curriculum or activity of the College; or
(d) such conduct has the purpose or effect of unreasonably interfering with an employee’s or student's performance, or creating an intimidating, hostile or offensive work or study environment.
Retaliation is adverse treatment which occurs because of opposition to unlawful workplace harassment. It is a violation of this policy to engage in retaliatory acts against any employee or student who reports an incident of alleged harassment, or any employee or student who testifies, assists or participates in an investigation relating to such allegation of harassment. Students and employees who believe they have been retaliated against in violation of this policy should meet with and seek the advice of the appropriate vice president or the Vice President, Administrative Services. This form of conduct will result in disciplinary action.

Investigator – (appropriate) immediate supervisor or VP or designee of President

Student includes applicants for admission to the College and persons currently enrolled in courses.

Employee includes full- and part-time faculty, full- and part-time non-faculty personnel and applicants for employment.

Approval Authority/Monitoring Authority: Piedmont Community College’s Board of Trustees has approval authority for this policy.

Procedure:
Piedmont Community College recognizes the worth and dignity of all individuals and strives to respect individualism and diversity.

Faculty, Staff and Students are expected and instructed to conduct themselves so as to contribute to an atmosphere free of unlawful harassment of any kind. Harassment of an employee by a supervisor or another employee, of a student by an employee, of an employee by a student, or of a student by another student is a violation of the policy of this college and will not be tolerated.

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PCC trusts that all employees and students will act in a responsible and professional manner to establish a pleasant working environment free of harassment.

Employees who have complaints of sexual or other unlawful harassment should report such conduct in writing within 30 calendar days of the alleged harassing action to their immediate supervisor, if appropriate. If the immediate supervisor is involved, the complaint should be made to the appropriate vice president or the Vice President, Administrative Services. An unreasonable delay in reporting may make investigation more difficult and may be an appropriate consideration in evaluating the merits of the complaint.

Students who have complaints of sexual or other unlawful harassment should report such conduct in writing within 30 calendar days of the alleged harassing action to the Dean, Student Development, if appropriate. If not appropriate, the written complaint should be made to the Vice President, Instruction
and Student Development for curriculum students or to the Vice President, Continuing Education for continuing education students. An unreasonable delay in reporting may make investigation more difficult and may be an appropriate consideration in evaluating the merits of the complaint.

All information regarding the complaint will be kept strictly confidential, except to the extent required in order to adequately conduct the investigation. The investigator shall have the authority to implement informal measures designed to address the substance of the complaint, both before and during investigation of a complaint.

All complaints of sexual or other unlawful harassment will be investigated within 60 calendar days from the date of the complaint unless PCC has waived the 60-day period, and the complainant has acknowledged such waiver. The waiver and acknowledgement shall be in writing.

The investigation will include interviewing the complainant, the respondent (the person against whom the complaint is made) and any witnesses required to provide all the necessary information to make a determination of whether unlawful harassment has occurred. If investigation confirms the allegations, appropriate corrective action will be taken.

The complainant and the respondent shall have the right to:
(a) Receive written notice of the complaint, including a statement of the allegations, as soon after the commencement of the investigation as is practicable and to the extent permitted by applicable law;
(b) Present relevant information to the investigator; and
(c) Receive, at the conclusion of the investigation, a copy of any report, to the extent permitted by law.

Once the investigation is completed, the investigator will review the findings with the appropriate vice president and the Vice President, Administrative Services. This group will develop a written recommendation to resolve the complaint. The written report shall include a statement of factual findings and a determination of whether this policy has been violated.

The following actions can be taken if the complaint proves to be true. The various actions would depend on the level of sexual harassment or unlawful harassment:
(a) Discussion with employee or student concerning a change in their behavior
(b) Reprimand;
(c) Suspension or transfer to other duties; or
(d) Dismissal

All appeals of any actions will be made directly to the President, who shall approve, disapprove or modify the recommendation of the investigating officer. The foregoing procedure shall be in lieu of proceedings under Policies 5.20 and 7.12, but in the case of dismissal or demotion of an employee during a contract term, the President shall proceed pursuant to Policy 5.19.
Legal Citation: Title VII of the Civil Rights Act of 1964; Title IX of the Education Amendments of 1972; N.C.G.S. 126-16

History: Effective January 20, 1993; Revised October, 2001, January, 2005; Adoption of Unlawful Harassment Policy October, 2010 - the contents of Policy 2.17 Sexual Harassment were replaced with the policy contents for Unlawful Harassment (2.17)