

2.17 Unlawful Harassment

Last Revised: December 2024

Policy: Piedmont Community College (PCC) maintains 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.

Purpose/Definitions:

Purpose

The purpose of this policy is to outline the steps to address 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.

Definitions

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

Hostile Work Environment—is one in which conduct is so severe or pervasive that a reasonable person would find it hostile or abusive. Hostile work environment is determined by looking at all 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.

Informal—the communication regarding an incident is simply at the inquiry stage and open to resolution without a formal procedure.

Investigator—Director, Human Resources and Organizational Development or designated employee who impartially gathers facts, evidence or any material witnesses or evidence related to the case. Investigators must be free from conflicts of interest or bias.

Retaliation—Retaliation occurs when an employer (through a manager, supervisor, administrator or directly) fires an employee or takes any other type of adverse action against an employee for engaging in protected activity. An adverse action is an action which would dissuade a reasonable employee from raising a concern about a possible violation or engaging in other related protected activity. Retaliation can have a negative impact on overall employee morale.

Student—any individual who is or has attended PCC and regarding whom PCC maintains education records.

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.

Approval Authority/Monitoring Authority: Piedmont Community College’s Board of Trustees has approval authority for this policy. The Vice President, Administrative Services/CFO has monitoring authority for this policy.

Procedure:

Section 1: Required Training

- 1.1. All full-time faculty and staff are mandated to complete online interactive training courses selected by PCC, which explain the legal aspects and provide examples of harassing language and behaviors to be avoided.

Section 2: Reporting

2.1. Employee Reporting

- 2.1.1. Employees who have complaints of unlawful harassment should follow the reporting guidelines in PCC Policy 2.6 Title IX Complaint Process or Policy 5.20 Employee Grievance, as appropriate.

2.2. Student Reporting

- 2.2.1. Students who have complaints of unlawful harassment should follow the reporting guidelines in PCC Policy 2.6 Title IX Complaint Process and/or Policy 7.12 Student Grievance, as appropriate.

Section 3: Confidentiality

- 3.1. All information regarding the complaint will be kept strictly confidential, except to the extent required to adequately conduct the investigation.

- 3.2. 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.

Section 4: Investigation

- 4.1. All complaints of unlawful harassment will be investigated within the timeframe and other guidelines specified by PCC Policy 2.6 Title IX Complaint Process, Policy 5.20 Employee Grievance, or Policy 7.12 Student Grievance, as appropriate.

Section 5: Individual Rights

- 5.1. Individuals shall have the right to:
 - 5.1.1. 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.
 - 5.1.2. Present relevant information to the investigator.
 - 5.1.3. Receive, at the conclusion of the investigation, a copy of any report, to the extent permitted by law.
- 5.2. Other rights as outlined in PCC Policy 2.6 Title IX Complaint Process, Policy 5.20 Employee Grievance, or Policy 7.12 Student Grievance.

Section 6: Resolution

- 6.1. Unless otherwise specified in PCC Policy 2.6 Title IX Complaint Process, Policy 5.20 Employee Grievance, or Policy 7.12 Student Grievance, once the investigation is completed, the investigator will review the findings with the appropriate vice president.
 - 6.1.1. This group will develop a written recommendation to resolve the complaint.
 - 6.1.2. The written report shall include a statement of factual findings and a determination of whether this policy has been violated.
- 6.2. The following actions can be taken if the complaint proves to be true. The various actions would depend on the level of unlawful harassment:
 - 6.2.1. Discussion with employee or student concerning a change in their behavior
 - 6.2.2. Reprimand

- 6.2.3. Demotion, suspension, or transfer to other duties
- 6.2.4. Dismissal
- 6.2.5. Loss of privileges
- 6.2.6. Other actions as deemed appropriate and in accordance with PCC Policy 2.6 Title IX Complaint Process, Policy 5.19 Employee Disciplinary Policy, Policy 5.20 Employee Grievance, Policy 7.5 Code of Conduct, or Policy 7.12 Student Grievance, as appropriate.

Section 7: Appeals

- 7.1. All appeals should follow the process outlined in PCC Policy 2.6 Title IX Complaint Process, Policy 5.20 Employee Grievance, Policy 7.5 Code of Conduct, or Policy 7.12 Student Grievance, as appropriate.

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); revised November 2020, May 2022, October 2022, December 2024

Cross-references PCC Policies 2.6 Title IX Complaint Process, 5.19 Employee Disciplinary Policy, 5.20 Employee Grievance, 7.5 Code of Conduct, and 7.12 Student Grievance.