

# NORTHEAST COMMUNITY COLLEGE

ADMINISTRATIVE PROCEDURE NUMBER: AP-7011.1

FOR POLICY NUMBER: BP – 7011

## SEXUAL HARASSMENT

### 1. PROCEDURE SUMMARY STATEMENT

To establish protocol for sexual harassment reporting and resolution.

### 2. DEFINITIONS

- 2.1** Sexual harassment - is defined as unwelcomed conduct of a sexual nature that is sufficiently persistent or offensive to unreasonably interfere with an employee's job performance or create an intimidating, hostile or offensive working or educational environment. Sexual harassment is defined by the Equal Employment Opportunity Commission Guidelines as unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature when, for example: a) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment, b) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual, or c) such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment.
- 2.2** Under Title VII of the Civil Rights Act of 1964 - there are two types of sexual harassment: a) quid pro quo and 2) hostile work environment. Sexual harassment can be physical and psychological in nature. An aggregation of a series of incidents can constitute sexual harassment even if one of the incidents considered on its own would not be harassing. Employees are prohibited from harassing other employees whether or not the incidents of sexual harassment occur on employer premises and whether or not the incidents occur during working hours.
- 2.3** Reporting Party - is defined as the person who has alleged that they have been subjected to sexual harassment.
- 2.4** The Accused - is defined as the person who is being accused of sexual harassment.

### 3. PROCEDURE

#### 3.1 General

3.1.1 Any member of the College community who believes that they have been sexually harassed is responsible for reporting their concern to college officials as follows:

3.1.1.1 Students are responsible for reporting alleged cases of sexual harassment to the Vice President of Student Services and/or college advisors. Student to student cases will be handled in accordance with the policy and procedures specified in the Student Code of Conduct (BP-5220 and AP-5220.0). Student cases involving faculty/staff will be handled in accordance with applicable policy and procedures (BP-7011 and AP-7011.0 and 7011.1).

3.1.1.2 Staff members are responsible for reporting alleged cases of sexual harassment to their immediate supervisor and/or to the Associate Vice President of Human Resources or their designee. Reports may also be made directly to the Executive Vice President as necessary or appropriate.

3.1.2 The College will do its best to preserve and protect the anonymity of those involved and maintain confidentiality in the alleged case. Each individual will be advised that they have a right to file a charge of discrimination with the Nebraska Equal Opportunity Commission and/or the United States Equal Opportunity Commission.

### 3.2 Informal Resolution

3.2.1 When possible and appropriate, college officials may ask the reporting party if they are comfortable confronting the accused directly with the intent of stopping the sexual harassment. The reporting party, at their discretion, may decline this option and move directly to the formal resolution process.

3.2.2 Should direct confrontation by the reporting party fail to resolve the problem or if direct confrontation is not appropriate in the particular circumstance, the individual may request the college official to directly confront the accused on their behalf.

### 3.3 Formal Resolution

3.3.1 If the informal resolution fails or is not possible or appropriate, and if, after discussion and analysis of the circumstances, there appears to be adequate grounds for filing a formal complaint, the student or staff member will be advised of the following procedures.

3.3.1.1 The reporting party will provide a signed statement detailing the specific offenses.

3.3.1.2 The Associate Vice President of Human Resources or their designee will appoint an internal team to investigate the complaint.

- 3.3.1.3 The investigation team will notify the accused of the complaint and provide them with a copy of the formal written complaint, interview the parties involved as well as other individuals who may have knowledge of the alleged offenses and provide a written report indicating the team's findings and recommendations to the Associate Vice President of Human Resources or their designee. The investigation team will make every effort to fully investigate the charge in a timely manner. The individual making the complaint and the accused will be apprised of the progress of the investigation by the investigation team.
- 3.3.1.4 A final determination will be made by the Associate Vice President of Human Resources or their designee and both parties will be notified in writing. If the process results in a determination that sexual harassment was committed, disciplinary action will be taken based on existing policies and administrative procedures. (See Positive Discipline policy BP-7322 and administrative procedure AP-7322.0).
- 3.3.1.5 If the individual making the complaint or the accused feel the matter has not been resolved in a satisfactory manner, the individual may file a grievance in accordance with the Employee Grievance policy (BP-7710) or Student Grievance policy (BP-5230).

#### 3.4 Retribution or Retaliation Prohibited

- 3.4.1 Under no circumstances will any person who in good faith makes a complaint of sexual harassment or assists in its investigation be subject to any form of retribution or retaliation. Any person who makes or participates in such retribution or retaliation, directly or indirectly, will be subject to disciplinary action. A person who believes they have been or are being subjected to retribution or retaliation should immediately notify the Associate Vice President of Human Resources or their designee, or the Vice President of Student Services.

#### 3.5 Other Remedies or Prosecution

- 3.5.1 It should also be noted that sexual harassment and/or retribution/retaliation may result in criminal and/or civil court action.
- 3.5.2 While the foregoing are the College's procedures regarding sexual harassment, the reporting party will avail themselves of any civil remedies which may be available to them under federal or state law; and the person who may have committed the sexual harassment may be subject to possible prosecution under either federal or state law.

## 4. APPLICABILITY

N/A

**ISSUE DATE:** 03/28/2018

**EFFECTIVE DATE:** 03/28/2018

**REVISION DATE(S):** N/A

**PRIOR POLICY/PROCEDURE NUMBER:** N/A

**SCHEDULE FOR REVIEW:** 2023

**DIVISIONS/DEPARTMENT RESPONSIBLE FOR REVIEW & UPDATE:** Human Resources

**SPONSORING DIVISION/DEPARTMENT:** Human Resources

**RELATED PROCEDURES/ REFERENCE:** AP-7011.0

**PROCEDURE KEY WORDS:** sexual harassment