

Section: EEO/AA
Subject: Harassment
Number: HR 3005

I. Institutional Regulations

Harassment that is based upon an individual's race, color, national origin, creed, religion, sex (including pregnancy), sexual orientation, gender identity, age, disability, genetic information, actual or potential parental, family or marital status of a person or, to the extent covered by law, veteran status is a form of discrimination. The harassment of College employees, students and applicants for employment by supervisors, faculty, students, colleagues or College business associates is prohibited.

II. Procedure

A. Harassment

Harassment is verbal or physical conduct or graphic display which is unwelcome, severe, offensive or shows malice toward an individual because of his/her race, color, national origin, creed, religion, sex (including pregnancy), sexual orientation, gender identity, age, disability, genetic information, actual or potential parental, family or marital status of a person or, to the extent covered by law, veteran status. Examples of prohibited behavior include:

1. Abuse that diminishes the dignity of an individual through insulting or degrading remarks or conduct such as but not limited to racial or ethnic slurs, written or graphic material, vandalism, threats, physical contact or pranks which show malice or ridicule toward an individual or group, jokes which are demeaning to a racial or religious group, or to a particular nationality, or to one's sex;
2. Threats, demands or suggestions that an employee's work status, a student's academic progress, or an applicant's employment opportunity is contingent upon his/her toleration of or acquiescence to harassment.

B. Sexual Harassment

1. Sexual harassment is harassment of a sexual nature. It includes, but is not limited to, unwelcome sexual advances, requests for sexual favors, displays of graphic sexual material and other verbal or physical conduct of a sexual nature when:
 - a. Submission to or rejection of such conduct is made either explicitly or implicitly a term or condition of status as an employee, a student or an applicant for employment;
OR
 - b. Submission to or rejection of such conduct by an individual is used as the basis for decisions affecting such individual's work status, academic progress or employment opportunities;
OR
 - c. Such conduct has the purpose or effect of unreasonably interfering with an individual's work status, academic progress or employment opportunities or creating an intimidating, hostile, or offensive working or academic environment.
2. Employees in positions of authority need to be sensitive to the potential for conflicts of interest in personal relationships with students and/or subordinate employees. Such relationships may well give rise to questions regarding the mutuality of consent and are considered inappropriate.
3. Prohibited conduct under this policy also includes attempting or aiding in the commission of Sexual Misconduct or retaliating against another for exercising his/her rights under this policy.

C. Harassment Complaints

1. If an individual believes s/he is being harassed on the basis of a protected status (e.g. sex, race, etc.), s/he should make his/her objections known to the alleged harasser. If this fails to stop the objectionable behavior, or if the individual is not comfortable confronting the alleged harasser, s/he should immediately bring the matter to the attention of the employee's current supervisor, a College administrator, or the Affirmative Action Officer. The College Affirmative Action Officer is the Executive Director, Human Resources. If the Affirmative Action Officer is named in an individual's allegations, the matter may be taken directly to the next higher level authority.

A student who believes that s/he has been subjected to sexual harassment is not required to confront his/her alleged harasser, and may proceed immediately to filing a complaint with the appropriate Academic Dean or Campus Provost through the student Discrimination and Harassment Complaint Procedure ES4645 located at https://www.dmacc.edu/student_services/int/Procedures/ES4645%20Final.pdf.

2. DMACC employees (unless bound by confidentiality requirements such as licensed mental health counseling staff) are required to address/report all student related sexual harassment issues brought to their attention.
 - Reports are to be made to Security, or to a Provost, Associate Provost, Dean, Associate Dean or Director.
 - Security, Provost, Associate Provost, Dean, Associate Dean and Director staff receiving reports are to notify the Judicial Officer, Title IX Officer and Chief Student Support Officer who will proceed with the investigation in accordance with ES4631 Sex Offenses and Offenders.

3. Employee harassment complaints may be filed formally (in writing) or informally (verbally). If an individual elects not to file a formal complaint, the College shall still be obligated to investigate the individual's allegations.
 - a. Formal complaints from employees shall be filed through the Discrimination Complaint Procedures (see HR 3010) or with the appropriate state and/or federal agencies. Complaint forms may be obtained from the DMACC Web site, Affirmative Action Officer, Human Resources, campus Provosts' offices, and Academic Deans' offices. Individuals are encouraged to file complaints in writing to ensure that issues are correctly understood and addressed. Students may file a formal complaint through the College Discrimination Complaint Procedure for Students (ES4645).
 - b. A College administrator, Affirmative Action Officer or designee shall investigate employee formal and informal complaints of harassment.
 - c. In the case of sexual harassment complaints, arrangements shall be made if the complainant wishes to speak specifically to a male or a female investigator.
 - d. Information related to a complaint shall be kept confidential to the maximum extent possible. However, because the College has a duty to investigate all complaints, information regarding a complaint, including the name of the reporting party, may be disclosed as deemed necessary by the person in charge of the investigation.
 - e. As in all discrimination complaint investigations, investigators shall maintain the role of a neutral. Investigations shall be conducted in a thorough and objective manner to determine the facts of the complaint.
 - f. An employee found to have committed harassment may be subject to discipline, up to and including discharge. Employees may not be defended or indemnified by the College if they are sued for harassing behavior.

- g. The College shall prohibit the retaliation of any kind against an individual for his/her filing of a harassment claim or for their participation in the investigation of a harassment complaint. Any employee who is found to have retaliated against another in violation of this policy will be subject to discipline, up to and including termination.
- h. The College expressly prohibits the intentional filing of a false harassment claim. An intentional false claim is different from a claim where the conclusion is unfounded or of no eventual determination.

APPROVED:



Executive Director, Human Resources

Date: October 1, 2002
Revised: October 1, 2004
November 1, 2007
November 1, 2009
November 1, 2010
March 1, 2011
October 1, 2014
October 30, 2015
March 24, 2016
February 21, 2017