

ADMINISTRATIVE PROCEDURE 875
HARASSMENT

I. PURPOSE

To provide definition and procedures for implementation of College policy concerning harassment. The College does not tolerate any form of harassment. (College Policy 871 Harassment)

II. DEFINITIONS

A. **HARASSMENT:** Harassment is defined as any behavior which creates an intimidating, hostile, or offensive work or learning environment, especially if the behavior is repeated and/or if it continues after the offending party is informed of the objectionable and/or inappropriate nature of the behavior. Harassment is behavior that is based on individual or group characteristics, including but not limited to, race, color, ethnicity, gender, age, disability, religion, political belief or affiliation, marital status, ancestry, veteran status, sexual orientation, gender identity or expression, or membership in any other protected group under federal, state or local law. This procedure applies to all employees, students, as well as anyone using College resources, and prohibits harassment, discrimination, and retaliation whether engaged in by fellow employees or students, by a supervisor or manager, or by someone not directly connected to the College (e.g., an outside vendor, consultant, or client). Conduct prohibited by this policy is unacceptable in the workplace and in any College-related social events including trips, social gatherings, and meetings.

Harassment includes but is not limited to the following behaviors:

Verbal harassment such as jokes, epithets, slurs, negative stereotyping, and unwelcome or patronizing remarks about protected characteristics as named above.

Physical harassment such as physical interference with normal work, impeding or blocking movements, assault, unwelcome physical contact, staring at a person's body, or threatening, intimidating or hostile acts that relate to a protected characteristic as named above.

Visual harassment such as offensive photographs, calendars, posters, e-mails, cards, cartoons, drawings and gestures, display of lewd objects, unwelcome notes or letters, or any written, printed, electronic, or graphic material that denigrates and shows hostility or aversion based on protected characteristics as named above toward an individual and/or group.

Electronic harassment includes but is not limited to any of the behavior named above that is distributed via email, computer systems, or other electronic devices and creates an intimidating, hostile, or offensive work or learning environment.

Sexual harassment is specifically defined as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature or conduct directed toward another person because of his/her gender where:

- Submission to such conduct is made – either implicitly or explicitly – a term or condition of a person’s academic or employment status;
- Such behavior has the purpose or effect of substantially interfering with the individual’s academic or work performance or creating an intimidating hostile or offensive classroom or working or academic environment, or
- Submission to or rejection of such conduct by an individual is used as the basis for decisions affecting the individual.

B. All vendors and contractors used by the College will receive notice of the Harassment Policy by actual copy of the policy (CP 871). Students will receive notice in the Student Handbook and all employees will receive notice in their respective handbooks.

III. PROCEDURE

A. Any member of the College community who believes he or she is being subjected to, has witnessed, or has knowledge of harassment shall report the situation to an Authorized Staff Person (ASP) defined as either his/her administrative-level supervisor or the administrator to whom the alleged harasser reports. Employees may also contact the Human Resource Office. Students may contact the Chief Student Affairs Officer (CSAO) or Chief Regional Campus Administrator (CRCA) or designee.

B. Guidelines for Employees and Students

1. The procedures herein set forth are intended to encourage the possibility of resolution at the earliest time possible.
2. No part of this procedure should be interpreted to preclude an individual’s right to report instances of harassment to an appropriate external agency or pursuing legal remedies outside the College following completion of internal administrative procedures. Employees may make complaints outside the College to the Federal Equal Employment Opportunities Commission within 300 days of the alleged act of harassment or to the Pennsylvania Human Relations Commission within 180 days. Students may make complaints to the

US Department of Education, Office of Civil Rights within 180 days of the alleged act of harassment.

3. The College does not retaliate nor does it tolerate retaliation against any employee or student who reports, complains, witnesses, or participates in the investigation of harassment in the workplace or classroom. Claims of retaliation should be reported to the Executive Director of Human Resources, the CSAO, or the CRCA or designee.
4. In assessing whether reported behavior is intimidating, hostile, or offensive, the ASP, Administrative Officer, Executive Director of Human Resources, the CSAO and/ or the CRCA or designee shall apply a “reasonable person standard.”
5. If the complaint involves someone not directly connected to the College (e.g., an outside vendor, consultant, or client), the complaint should be directed to Human Resources.
6. The Board of Trustees’ Policy, “Statement of Individual Rights of All Members of the College Community, Visitors, and Guests” (CP 071) is incorporated by reference in this Administrative Procedure.

C. Informal Phase:

1. The ASP will meet with the complainant. Normally, the ASP will then meet with the accused. If, however, the matter appears from the accusation to be extremely serious, the ASP may meet with other witnesses before meeting with the accused. If it appears from the initial witness interviews that the matter involves egregious conduct or requires substantiation through a more complete investigation, the matter will move to the Formal Phase. This will only be done after the ASP has discussed the matter with the accused and given the accused an opportunity to be heard. In all cases, the ASP will provide the complainant and accused a copy of this Procedure and inform all parties of the importance of confidentiality and the College's prohibition of retaliation, and will notify them that they are prohibited from influencing individuals who may be witnesses.
2. If after the initial fact finding, the ASP determines that the matter should be investigated informally, the ASP will then conduct a confidential investigation. All parties are to strive to present their concerns in a professional manner. Anyone behaving in an unproductive or disruptive manner or found to be interfering with an investigation may be disciplined. Specific procedures used will depend upon the group membership of the accused as defined by current Administrative Procedures AP 888, Performance Improvement and Disciplinary Action for Faculty and Staff, or AP 592, Student Disciplinary Action.

3. The ASP will then inform both parties whether or not the alleged behavior is harassment. All documentation involving employees will be retained by the Executive Director of Human Resources in a confidential file; student documentation should be given to the CSAO or CRCA. If the meetings resolve the issue with concurrence of the complainant and the ASP, no further action will take place. If harassment has been substantiated, the ASP will inform the Executive Director of Human Resources; if the complaint involves students only, the ASP will inform the CSAO, CRCA or designee—all within 5 business days following the conclusion of the informal phase.
4. If the matter cannot be resolved through the informal process as described in III. C, to either party's satisfaction, the reported behavior is egregious or requires substantiation through a thorough, confidential investigation, the ASP will inform the Executive Director of Human Resources and/or the CSAO or CRCA or designee. If one of the parties is requesting a formal investigation, he or she must submit a request in writing to the Executive Director of Human Resources if the complaint involves a College employee or to the CSAO or CRCA if the complaints involve students only. Complainants are encouraged to submit the request in a timely manner.

D. Formal Phase:

1. The Executive Director of Human Resources and/or CSAO or CRCA will then promptly coordinate a complete, formal investigation with the assistance of the ASP who has been handling the complaint. If the complaint involves a faculty member, the Academic Dean will be notified. If for some reason it is inappropriate for either the Executive Director of Human Resources or the CSAO or CRCA to coordinate the investigation, the President will appoint an administrator to serve as designee. During the formal phase, the accused will receive a formal notice of the complaint in writing, including a statement of the charge(s) against him/her.
2. Investigations will include:
 - a. A written statement from and/or an interview with the complainant, during which specific dates, circumstances, statements, and/or behaviors observed and witnesses who can corroborate the alleged behavior will also be identified.
 - b. A written statement from and/or an interview with the accused.
 - c. A written statement from and/or an interview with all named witnesses.
 - d. A review of any relevant documents provided by those involved.

3. The Administrative Officer(s) will then decide, ordinarily within 30 days^{*}, whether the complaint(s) warrant(s) written recommendations leading to:
 - a. Dismissal of a claim as not being a violation of HACC's policy.
 - b. Dismissal of a claim as unsubstantiated.
 - c. Action calculated to stop harassment.
 - d. Disciplinary action up to and including dismissal of the accused party(ies).
 - e. If claims of the alleged victim (person claiming harassment by the accused) are found to be made in bad faith, the College may bring disciplinary action against that individual. (AP 888, Performance Improvement and Disciplinary Action for Faculty and Staff; or AP 592, Student Disciplinary Action).
 4. In the event the investigation indicates probable cause for discipline and/or corrective action, the appropriate College procedures will be followed. Specific procedures used will depend upon the group membership of the accused as defined by current Administrative Procedures (AP 888 Performance Improvement and Disciplinary Action for Faculty and Staff; or AP 592, Student Disciplinary Action).
- E. Results of any investigation of alleged harassment will be documented and coordinated through the appropriate office, Human Resources Executive Director or CSAO or CRCA or designee. If the complaint is not substantiated, all documentation of the investigation of an employee will be maintained by the Executive Director of Human Resources in a confidential file.
- F. Appeals may be made using the grievance procedure AP 887, Grievance Procedures for Faculty and Staff, or AP 591, Student Grievances.

MET/EVB - 9/21/00
MET/EVB – 4/15/04
MET/EVB – 10/18/07
MET/RRY – 11/18/10

^{*} Limited extensions may be granted by the Human Resources under extenuating circumstances, in which case all parties will be notified.