

Anti-Harassment & Complaint Procedures

Delta College is committed to a work environment in which all individuals are treated with respect and dignity. Each individual has the right to work in a professional atmosphere that promotes equal employment opportunities and prohibits discriminatory practices, including harassment. Therefore, Delta College expects that all relationships among persons in the office will be business-like and free of bias, prejudice and harassment.

Equal Employment Opportunity

Delta College ensures equal employment opportunity without discrimination or harassment on the basis of race, color, religion, sex, sexual orientation, age, disability, marital status, citizenship or any other characteristic protected by law. Delta College prohibits any such discrimination or harassment.

Retaliation Is Also Prohibited

Delta College encourages reporting of all incidents of discrimination or harassment. Delta College will investigate all such reports. Delta College prohibits retaliation against any individual who reports discrimination or harassment or participates in an investigation of such reports.

Definitions of Harassment

1. Harassment on the basis of any other protected characteristic is also strictly prohibited. Harassment is verbal or physical conduct that denigrates or shows hostility or aversion toward an individual because of his /her race, color, religion, sex, sexual orientation, national origin, age, disability, marital status, citizenship or any other characteristic protected by law or that of his/her relatives, friends or associates, and that: (i) has the purpose or effect of creating an intimidating, hostile or offensive work environment; (ii) has the purpose or effect of unreasonably interfering with an individual's work performance; or (iii) otherwise adversely affects an individual's employment opportunities.

Harassing conduct includes, but is not limited to: epithets, slurs or negative stereotyping; threatening, intimidating or hostile acts; denigrating jokes; and written or graphic material that denigrates or shows hostility or aversion toward an individual or group and that is placed on walls or elsewhere on the employer's premises or circulated in the workplace.

2. Sexual harassment constitutes discrimination and is illegal under federal, state and local laws. For the purpose of this procedure, sexual harassment is defined, as in 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: (1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment; (2) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or (3) 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.

Sexual harassment may include a range of subtle and not so subtle behaviors and may involve individuals of the same or different gender. Depending on the circumstances, these behaviors may include, but are not limited to: unwanted sexual advances or requests for sexual favors; sexual jokes and innuendo; verbal abuse of a sexual nature; commentary about an individual's body, sexual prowess or sexual deficiencies; leering, whistling or touching; insulting or obscene comments or gestures; display in the workplace of sexually suggestive objects or pictures; and other physical, verbal or visual conduct of a sexual nature.

Individuals and Conduct Covered

These procedures apply to all applicants and employees, whether related to conduct engaged in by fellow employees or someone not directly connected to Delta College (e.g., an outside vendor, consultant or customer).

Conduct prohibited by these procedures is unacceptable in the workplace and in any work-related setting outside the workplace, such as during business trips, business meetings and business-related social events.

Reporting an Incident of Harassment, Discrimination or Retaliation

Delta College encourages reporting of all incidents of discrimination, harassment or retaliation, regardless of the offender's identity or position. Individuals who believe that they have been the victim of such conduct should discuss their concerns with their immediate supervisor, the Director of Human Resources or the Equity Officer. See the Complaint Procedure described below.

In addition, Delta College encourages individuals who believe they are being subjected to such conduct promptly to advise the offender that his or her behavior is unwelcome and request that it be discontinued. Often this action alone will resolve the problem. Delta College recognizes, however, that an individual may prefer to pursue the matter through informal or formal complaint procedures.

Complaint Procedure

Informal Procedure

If for any reason an individual does not wish to address the offender directly, or if such action does not successfully end the offensive conduct, the individual should notify his/her immediate supervisor, the individual may request that the Director of Human Resources, or the Equity Officer, talk to the alleged offender on the individual's behalf.

An individual reporting harassment, discrimination or retaliation should be aware, however, that Delta College may decide it is necessary to take action to address such conduct beyond an informal discussion. This decision will be discussed with the individual. The best course of action in any case will depend on many factors and, therefore, the informal procedure will remain flexible. Moreover, the informal procedure is not a required first step for the reporting individual.

Formal Procedure

As noted above, individuals who believe they have been the victims of conduct prohibited by this procedure or believe they have witnessed such conduct should discuss their concerns with the Director of Human Resources, or the Equity Officer.

Delta College encourages the prompt reporting of complaints or concerns so that rapid and constructive action can be taken before relationships become irreparably strained. Therefore, while no fixed reporting period has been established, early reporting and intervention have proven to be the most effective method of resolving actual or perceived incidents of harassment.

Any reported allegations of harassment, discrimination or retaliation will be investigated promptly. The investigation may include individual interviews with the parties involved and, where necessary, with individuals who may have observed the alleged conduct or may have other relevant knowledge.

Confidentiality will be maintained involving those with a need to know throughout the investigatory process to the extent consistent with adequate investigation and appropriate corrective action.

Retaliation against an individual for reporting harassment or discrimination or for participating in an investigation of a claim of harassment or discrimination is a serious violation of this policy and, like harassment or discrimination itself, will be subject to disciplinary action. Acts of retaliation should be reported immediately and will be promptly investigated and addressed.

Misconduct constituting harassment, discrimination or retaliation will be dealt with appropriately. Responsive action may include, for example, training, referral to counseling and/or disciplinary action such as warning, reprimand, withholding of a promotion or pay increase, reassignment, temporary suspension without pay or termination, as Delta College believes appropriate under the circumstances.

If a party to a complaint does not agree with its resolution, the party may follow one of the College's Grievance Procedures.

False and malicious complaints of harassment, discrimination or retaliation as opposed to complaints which, even if erroneous, are made in good faith, may be the subject of appropriate disciplinary action.

CONFIDENTIALITY

Confidentiality shall be provided to persons choosing to pursue an informal resolution or file a formal grievance under these procedures to the extent possible consistent with carrying out necessary steps under this procedure, including meaningful investigations and hearings, and to the extent possible in compliance with law. All participants in any investigation or proceeding shall maintain appropriate confidentiality, and failure to do so shall be a separate and distinct grievable and disciplinary matter.

FILING GRIEVANCES/COMPLAINTS

Employee grievances may be filed through one of the following procedures, but not more than one:

- a) Equal Opportunity/ Equity Grievance/Complaint Procedure;
- b) The Senate Grievance Procedure
- c) The Corporate Services Grievance Procedure
- d) The Support Staff Grievance Procedure.
- e) The Local Union #845, Council 25, contract for Food Service and Maintenance employees grievance procedure.

Student grievances may be filed through one of the following procedures, but not more than one:

- a) This Equal Opportunity/Equity Grievance/Complaint Procedure;
- b) The Senate Disputed Final Grades Policy;
- c) The Student Complaint & Hearing Process.

Although a grievant or respondent always has the option to retain legal counsel at any time, counsel may not participate in these internal grievance procedures, whether formal or informal.

Conclusion

Delta College developed this procedure to ensure that all its employees can work in an environment free from harassment, discrimination and retaliation. Delta College will make every reasonable effort to ensure that all concerned are familiar with these procedures and aware that any complaint in violation of such procedures will be investigated and resolved appropriately.

PARTICIPATION: All Delta employees, including student workers