



## **Human Resources Policy No. 103:**

### **DISCRIMINATION AND HARASSMENT PREVENTION POLICY**

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#### **1. PURPOSE**

Champlain College is committed to providing its staff, faculty and students the opportunity to pursue excellence in their academic and professional endeavors. This opportunity can only exist when each member of our community is assured an atmosphere of mutual respect, free from unlawful discrimination and harassment. This Policy outlines expectations regarding how individuals who are members of the Champlain College community are to treat others in order to ensure such an atmosphere of mutual respect and a safe environment for our students, faculty and staff.

#### **2. SCOPE**

The Nondiscrimination and Harassment Prevention Policy applies to all administrators, employees, admissions or employment applicants, students, members of the Board of Trustees, agents of the College, and volunteers involved in College-related activities. The policy also applies for and to those who do business with the College in their interactions with members of the College community.

#### **3. DEFINITIONS**

3.1. **Harassment:** constitutes a form of discrimination and is defined as verbal or physical conduct or communications directed at or because of an individual's race, creed, color, national origin, place of birth, ancestry, religion, age, sexual orientation, sex, gender identity, veteran or military service status, HIV-positive status, qualified disability, or on the basis of any other status protected by law, which has the purpose or effect of substantially interfering with the individual's employment or educational performance, or creating an intimidating, hostile or offensive environment.

**Examples of Harassment:** Examples of kinds of conduct that may be harassment are unwelcome verbal, written or physical conduct, including but not limited to:

Pervasive sexual harassment: threats of intimidation or contact which is not freely agreed upon by both parties; unwelcome touching, patting, pinching, or leering; sexually graphic comments about a person's body; sexual advances, stalking; persistent, offensive verbal abuses including propositions, insulting or degrading comments or behavior, jokes, slurs, mimicking, gestures, innuendoes, vulgar language; obscene posters, notes or graffiti, telephone or e-mail messages; (note: such conduct may constitute harassment regardless of the sex of the individuals involved);

Threats that a person's employment status, conditions of employment, and promotional opportunities will be adversely affected by not submitting to sexual advances;

Teaching practices or communications that are demeaning, hostile, or alienating based on or because

of an individual's possessing a protected characteristic. (While the College has a policy supporting academic freedom, behavior that focuses attention on discriminatory characteristics in a context that is irrelevant to the course constitutes a serious violation of the College's Harassment Policy.)

Inappropriate personal attention by an instructor or college official who is in a position to determine a student's grade or otherwise affect the student's academic performance or professional future.

Bias incidents and hate crimes are also considered unacceptable behaviors under this policy.

**Bias incident:** Any conduct, speech or expression that demeans, degrades or harasses an individual or group based upon their membership in a protected category as recognized by law or Champlain College policy.

**Hate Crime:** As defined by Vermont law, a crime in which the defendant's conduct was maliciously motivated by the actual or perceived race, color, religion, national origin, sex, ancestry, service in the armed forces, sexual orientation, gender identity, veteran status or qualified disability of another individual or group of individuals, or on the basis of any other status protected by law.

- 3.2. **Other Specific Types of Harassment:** In addition to forms of harassment listed above, other examples of specific types of harassment might include, but are not limited to the following, if engaged in at the levels described above:

**Disability Harassment:** Verbal or physical conduct or communications directed at the characteristics of an individual's disabling condition such as manner of speaking, manner of movement, or necessary equipment.

**Sex-Based Harassment:** Verbal or physical conduct or communications directed at an individual's sex and/or gender, such as negative gender-based stereotypes and sexist comments.

**National Origin Harassment:** Verbal or physical conduct or communications directed at an individual's national origin such as negative comments regarding surnames, manner of speaking, and customs.

**Racial Harassment:** Verbal or physical conduct or communications directed at an individual's race such as words emphasizing stereotypes, comments on manner of speaking, and negative references to racial customs.

**Religious Harassment:** Verbal or physical conduct or communications directed at an individual's religion such as derogatory comments regarding surnames, religious tradition, and religious clothing.

**Sexual Harassment:** Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct or communications of a sexual nature constitutes sexual harassment when:

- a. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or education;
- b. Submission to or rejection of such conduct by an individual is used as the basis for employment or academic decisions affecting such individual; or

- c. The conduct has the purpose or effect of unreasonably interfering with an individual's work or academic performance or creating an intimidating, hostile or offensive employment, educational, or living environment.

Sexual Orientation Harassment: Verbal or physical conduct or communications directed at an individual's sexual orientation such as negative name-calling and imitating mannerisms.

Age Harassment: Verbal or physical conduct or communications directed at an individual's age, such as derogatory age-related comments and negative stereotypes.

Veteran/Military Service Status Harassment: Verbal or physical conduct or communications directed at an individual's veteran or military service status, such as pejorative references to same and negative comments regarding required service.

Gender Identity Harassment: Verbal or physical conduct or communications directed at an individual's gender identity, such as negative name-calling and intentional misuse of gender-specific pronouns.

#### 4. **POLICY**

It is imperative that Champlain College provides a safe environment conducive to learning and working. Harassment as described above is unacceptable and will not be tolerated for any reason. In accordance with Federal and State laws, the College affirms its commitment to providing equal opportunity in education and employment and will not tolerate discrimination or harassment on the basis of characteristics such as race, creed, color, national origin, place of birth, ancestry, religion, age, sexual orientation, sex, gender identity, veteran or military service status, HIV-positive status, qualified disability or any other characteristic to the extent protected, and as defined by, applicable law, in the administration of its educational and admissions policies, scholarship and loan programs, employment practices, athletic, and other college-administered programs. The College will, therefore, comply with all applicable federal and Vermont nondiscrimination laws.

Compliance with this policy is a term and condition of student enrollment and employment at the College. An individual who violates this policy may be subject to disciplinary action. Depending on the seriousness, sanctions for involvement in harassment or discriminatory activities could include verbal or written reprimand; required participation in community projects; loss of privileges; suspension (with or without pay); probation; requirement to participate in counseling; dismissal from housing, school, or employment. The College reserves the right to take action to stop and to sanction discriminatory and/or harassing behavior, even in instances where such behavior does not rise to a level that it would constitute unlawful harassment under applicable law.

The right to make a complaint is not limited to someone who is the direct target of harassment. Anyone who has observed discrimination or harassment should report the alleged incident(s) to the Director of Human Resources or to the Vice President for Student Services (student-to-student harassment). Retaliation against individuals who make or support a complaint of discrimination and/or harassment, as discussed further in the College's Discrimination and Harassment Complaint Procedure, is prohibited and will be considered a violation of this policy.

In fact, all College officials, such as vice presidents, directors, deans, and individuals in management/supervisory positions are obligated by law to report conduct that may be in violation of the College's Nondiscrimination and Harassment Prevention Policy. Personal counselors in the Student Counseling Center are the only individuals available to provide support and assistance on a confidential basis and will not release any information without the individual's permission except in circumstances where they believe that the safety and welfare of the individuals or others may be at

risk or as otherwise required by law. The College cannot, however, guarantee the confidentiality of information shared with anyone other than the College Counselors because of laws requiring that action be taken.

A copy of the Nondiscrimination and Harassment Prevention Policy is provided to every employee and student through the full- and part-time Employee Handbook(s) and The Rudder and is available at accessible locations. The College also provides appropriate educational training.

Any individual found to have engaged in discrimination or harassment as defined above will be in violation of this policy and shall be subject to appropriate disciplinary action, up to and including termination of employment. Any individual who believes he/she has been subjected to discrimination or harassment under this policy is entitled to pursue the internal Discrimination and Harassment Complaint Procedure and/or may pursue remedies provided by Federal and State law. There also are instances when the College may choose to follow up on a concern with an informal process or formal complaint without having received a formal or informal complaint from an individual (i.e., when a problem is identified by another member of the College community).

Please refer to HR Procedure 203 – Harassment and Discrimination Complaint Procedure for information regarding how to launch and resolve a complaint relative to harassment or discrimination.

#### **5. POLICY ADHERENCE**

The President shall have overall responsibility for the oversight of this policy.

#### **6. CONTACT**

Questions regarding this policy should be directed to:

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Human Resources policies and procedures are updated on an as-needed basis, as such the College reserves the right to alter, amend or suspend the terms of this policy at its sole discretion; please refer to the policies posted on the Human Resources intranet site for the most current version. This policy does not constitute an employment contract.