

## 2.17 Unlawful Harassment

**Last Revised:** May 2022

**Policy:** It is the policy of PCC to maintain a work environment and a learning culture that is free from harassment and intimidation of any kind, including harassment on the basis of race, color, religion, sex, national origin, age, genetic information, veteran status, sexual orientation or handicapping condition.

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### **Purpose/Definitions:**

#### **Purpose**

Piedmont Community College recognizes the worth and dignity of all individuals and strives to respect individualism and diversity.

Faculty, Staff and Students are expected and instructed to conduct themselves so as to contribute to an atmosphere free of unlawful harassment of any kind. Harassment of an employee by a supervisor or another employee, of a student by an employee, of an employee by a student, or of a student by another student is a violation of the policy of this college and will not be tolerated.

PCC trusts that all employees and students will act in a responsible and professional manner to establish a pleasant working environment free of harassment.

#### **Definitions**

**Employee**—includes full- and part-time faculty, full- and part-time non-faculty personnel and applicants for employment.

**Hostile Work Environment**—is one that both a reasonable person would find hostile or abusive and one that the particular person who is the object of the harassment perceives to be hostile or abusive. Hostile work environment is determined by looking at all of the circumstances, including the frequency of the allegedly harassing conduct, its severity, whether it is physically threatening or humiliating, and whether it unreasonably interferes with an employee's work performance or a student's learning ability.

**Investigator**—(appropriate) immediate supervisor or Vice President or designee of President

**Quid Pro Quo**—harassment consists of unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct when:

- (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;
- (c) submission to or rejection of such conduct by a student is made the basis for decisions concerning a student's grade, academic achievement or progress, or participation in any program, curriculum or activity of the College; or
- (d) such conduct has the purpose or effect of unreasonably interfering with an employee's or student's performance, or creating an intimidating, hostile or offensive work or study environment.

**Retaliation**—is adverse treatment which occurs because of opposition to unlawful workplace harassment. It is a violation of this policy to engage in retaliatory acts against any employee or student who reports an incident of alleged harassment, or any employee or student who testifies, assists or participates in an investigation relating to such allegation of harassment. Students and employees who believe they have been retaliated against in violation of this policy should meet with and seek the advice of the appropriate vice president or the Vice President, Administrative Services. This form of conduct will result in disciplinary action.

**Student**— any person who applies, attends or has attended PCC, and therefore may have information access and rights typically extended to PCC students.

**Unlawful Harassment**—is unwelcomed or unsolicited speech or conduct that creates an intimidating, hostile or offensive work or learning environment or circumstances involving quid pro quo.

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**Approval Authority/Monitoring Authority:** Piedmont Community College's Board of Trustees has approval authority for this policy. The Vice President, Administrative Services/CFO has monitoring authority for this policy.

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**Procedure:**

Section 1: Education

- 1.1. PCC believes information and education are the best approaches to preventing unlawful harassment. Therefore, all faculty and staff are required to complete online interactive training courses selected by PCC, which explain the legal aspects and provide examples of harassing language and behaviors to be avoided.

Section 2: Reporting

2.1. Employee Reporting

- 2.1.1. Employees who have complaints of unlawful harassment should follow the reporting guidelines in PCC Policy 2.6 Title IX Complaint Process or Policy 5.20 Employee Grievance, as appropriate.

2.2. Student Reporting

- 2.2.1. Students who have complaints of unlawful harassment should follow the reporting guidelines in PCC Policy 2.6 Title IX Complaint Process and/or Policy 7.12 Student Grievance, as appropriate.

Section 3: Confidentiality

- 3.1. All information regarding the complaint will be kept strictly confidential, except to the extent required in order to adequately conduct the investigation.
- 3.2. The investigator shall have the authority to implement informal measures designed to address the substance of the complaint, both before and during investigation of a complaint.

Section 4: Investigation

- 4.1. All complaints of unlawful harassment will be investigated within the timeframe and other guidelines specified by PCC Policy 2.6 Title IX Complaint Process, Policy 5.20 Employee Grievance, or Policy 7.12 Student Grievance, as appropriate.

Section 5: Complainant and Respondent Rights

- 5.1. The complainant and the respondent shall have the right to:
  - 5.1.1. Receive written notice of the complaint, including a statement of the allegations, as soon after the commencement of the investigation as is practicable and to the extent permitted by applicable law
  - 5.1.2. Present relevant information to the investigator
  - 5.1.3. Receive, at the conclusion of the investigation, a copy of any report, to the extent permitted by law
- 5.2. Other complainant and respondent rights as outlined in PCC Policy 2.6 Title IX Complaint Process, Policy 5.20 Employee Grievance, or Policy 7.12 Student Grievance.

Section 6: Resolution

- 6.1. Unless otherwise specified in PCC Policy 2.6 Title IX Complaint Process, Policy 5.20 Employee Grievance, or Policy 7.12 Student Grievance, once the investigation is completed, the investigator will review the findings with the appropriate vice president.
  - 6.1.1. This group will develop a written recommendation to resolve the complaint.
  - 6.1.2. The written report shall include a statement of factual findings and a determination of whether this policy has been violated.
- 6.2. The following actions can be taken if the complaint proves to be true. The various actions would depend on the level of unlawful harassment:
  - 6.2.1. Discussion with employee or student concerning a change in their behavior
  - 6.2.2. Reprimand
  - 6.2.3. Demotion, suspension or transfer to other duties
  - 6.2.4. Dismissal
  - 6.2.5. Loss of privileges
  - 6.2.6. Other actions as deemed appropriate and in accordance with PCC Policy 2.6 Title IX Complaint Process, Policy 5.19 Employee Disciplinary Policy, Policy 5.20 Employee Grievance, Policy 7.5 Code of Conduct, or Policy 7.12 Student Grievance, as appropriate.

Section 7: Appeals

- 7.1. All appeals should follow the process outlined in PCC Policy 2.6 Title IX Complaint Process, Policy 5.20 Employee Grievance, Policy 7.5 Code of Conduct, or Policy 7.12 Student Grievance, as appropriate.

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**Legal Citation:** [Title VII of the Civil Rights Act of 1964](#); [Title IX of the Education Amendments of 1972](#); [N.C.G.S. 126-16](#)

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**History:** Effective January 20, 1993; Revised October, 2001, January, 2005; Adoption of Unlawful Harassment Policy October, 2010 - the contents of Policy 2.17 Sexual Harassment were replaced with the policy contents for Unlawful Harassment (2.17); revised November 2020—cross-references PCC Policies 2.6 Title IX Complaint Process, 5.19 Employee Disciplinary

Policy, 5.20 Employee Grievance, 7.5 Code of Conduct, and 7.12 Student Grievance; May 2022—updated definitions