

POLICY STATEMENT AGAINST SEXUAL AND OTHER ILLEGAL HARASSMENT

Central Maine Community College has an obligation to its students and employees to maintain a work and learning environment free from sexual harassment or harassment of any kind, including intimidation or hostility. Such harassment is a form of discrimination, is counter to College policy and is subject to disciplinary action. **Sexual Harassment** is:

- **conduct** (verbal or physical) of a **sexual nature**;
- AND
- submission to which is either explicitly or implicitly a **term or condition** of an individual's employment or educational benefits;
- OR
- submission to or rejection of which is a **basis for an academic or employment decision** affecting the individual;
- OR
- which has the purpose or effect of **substantially interfering with** an individual's academic or work performance or which creates an intimidating, hostile or offensive educational, work or living **environment**;
- AND
- the conduct is **known** by the actor to be unwelcome, harmful or offensive
- OR
- a **person of reasonable sensibilities would have clearly understood** such conduct to be unwelcome, harmful or offensive.

Other Illegal Harassment is deliberate or repeated unsolicited and unwelcome comments of such a nature as to create an offensive, hostile, or intimidating work or learning environment.

In keeping with these policies, managers, supervisors, and instructors are expected to actively prevent and eliminate sexual harassment and all other forms of illegal harassment within their areas of responsibility. Any employee who becomes aware of possible sexual or other harassment shall report it to the Affirmative Action Officer. As well, each employee will be held personally responsible for compliance with these policies. Corrective action will be taken immediately upon discovery of harassment.

The Affirmative Action Officer is available to provide assistance to students and employees regarding these policies.

COMPLAINT PROCEDURE

Discrimination, including sexual harassment, is a violation of the Student Code of Conduct and the Policies of Central Maine Community College. Any student or employee, who believes he or she has been discriminated against, must make a report to the Affirmative Action Officer ("Officer"). While a student or employee is free to disclose his or her complaint to instructors or other employees, and while instructors and other employees are encouraged to refer such disclosures to the Officer, a student or employee **must not** rely on disclosures to persons other than the Officer. If a student or employee discusses a complaint with any Executive Officer of the College or with any person with supervisory or disciplinary authority over the alleged perpetrator(s) of the discrimination, that person **must** in turn report it to the Affirmative Action Officer. The Affirmative Action Officer will notify the President of each such complaint. The Officer may be contacted at Central Maine Community College, Affirmative Action Office, Jalbert Hall, (207) 755-5233.

Every effort will be made to resolve a complaint of discrimination in as informal a manner as possible by talking with the person or persons alleged to have violated the policy of nondiscrimination. The following complaint procedure must be used for complaints of discrimination or non-compliance:

1. Filing a Complaint

A person who believes he or she has been discriminated against must provide timely notice to the Officer; timely notice generally means within 20 calendar days of the alleged violation. The complainant must disclose the identity of the alleged violator, and location, date(s) and description of the alleged discrimination.

2. Investigation

Within 10 calendar days, the Officer will meet with the complainant to discuss the complaint and will conduct an investigation into the facts of the matter and will determine whether or not unlawful discrimination occurred. Within 10 calendar days of completing the investigation the Officer will report findings to the complainant and the alleged perpetrator and to the appropriate disciplinary authority for action if a violation has occurred. If a disciplinary action is taken as a result of a grievance decision, that action will be taken utilizing procedures established by collective bargaining agreements or the Student Code of Conduct.

The Officer may refer a misconduct report to other College personnel for review or to solicit assistance for the victim. At the discretion of the President of the College, the matter may be referred to MCCA General Counsel.

3. Appeals to College President

Within fifteen (15) calendar days after receiving the Officer's decision, any party to the complaint who is aggrieved by the decision may appeal to the College President or designee.

4. Decision of the College President

Within 15 calendar days of receipt of the appeal, the College President or designee will meet with the student to discuss the appeal. As soon as practical after the meeting, the College President or designee will issue in a format accessible to the student a final decision regarding the grievance.

5. Record Retention

The College will retain a record of all complaints, appeals and responses under the above policy and procedure for at least three (3) years.