

**Title: Non-Discrimination and Equal Employment Opportunity Policy**

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- Board Resolution: 17-040, 19-042
- Last Revised
  - Policy: August 29, 2019
  - Procedure: September 11, 2020
- Last Reviewed: August 2020
- Effective: September 11, 2020
- Next Review: August 29, 2022
- Responsibility: Human Resources

**POLICY**

Cecil College strives to create and maintain a work environment where people are treated with dignity, decency and respect. Cecil College will not tolerate discrimination or harassment of any kind. All employees, regardless of their positions, are covered by and are expected to comply with this Policy, and to take appropriate measures to ensure that prohibited conduct does not occur.

**PROCEDURE**

This Policy will be enforced in accordance with applicable federal, state and local laws.

**Nondiscrimination and Equal Employment Opportunity**

Cecil College prohibits discrimination against any member of the College community or any applicant for employment based on race, color, national origin, ancestry, age, religion, disability, sex, sexual orientation, gender identity and expression, genetic status, genetic information, marital status, veteran status or any other status protected by federal, state or local law.

The College is committed to ensuring equal employment opportunity and non-discrimination in all of its hiring and employment practices. This policy applies to all terms, conditions and privileges of employment, including but not limited to, hiring, promotion, compensation, training, appointments for advancement, leave, transfer, demotion, layoffs and recalls. Applicants and employees will not be discriminated against on the basis of race, color, national origin, ancestry, age, religion, disability, sex, sexual orientation, gender identity and expression, genetic status, genetic information, marital status, veteran status or any other status protected by federal, state or local law.

**Americans with Disabilities Act**

It is Cecil College's policy not to discriminate against any qualified employee or applicant with regard to any terms or conditions of employment because of such individual's disability or perceived disability so long as the employee can perform the essential functions

of the job. Consistent with this policy, Cecil College will provide reasonable accommodations to a qualified individual with a disability who has made the College aware of their disability, provided that such accommodation does not constitute an undue hardship. An employee seeking to request a reasonable accommodation for a disability should contact the College's Human Resources office.

### **Reasonable Accommodations For Disabilities Due to Pregnancy**

The College will provide reasonable accommodations that do not create an undue hardship for an employee's known disability caused or contributed to by pregnancy. Employees requesting such accommodations must provide medical certification to the Human Resources department. Accommodations may include changing the employee's job duties; changing the employee's work hours; relocating the employee's work area; providing the employee with mechanical or electrical aids; transferring the employee to a less strenuous or less hazardous position; or providing the employee with leave. For any questions or concerns, please contact Human Resources.

### **Harassment**

Cecil College prohibits harassment of any kind, including harassment based on race, color, religion, disability, ancestry, national origin, sex, age marital status, sexual orientation, gender identity and expression, genetic status, genetic information, veteran status or any other status protected by federal, state or local law. The College will take appropriate and immediate action in response to complaints or knowledge of violations of this Policy.

### **Sexual Harassment**

Unwelcome sexual advances, direct or indirect demands for sexual favors, sexual comments, gestures or physical conduct of a sexual nature toward another individual of the same or opposite sex will be considered sexual harassment when:

- Submission to or rejection of such conduct is made either explicitly or implicitly a term or condition of an individual's employment;
- Submission or rejection of such conduct by an employee is used as the basis for an employment decision; or
- Conduct has the purpose or effect of unreasonably interfering with an employee's work performance or creating an intimidating, hostile or offensive work environment.

Conduct constituting sexual harassment includes but is not limited to unwelcome verbal, physical or visual conduct of a sexual nature; kidding, teasing or jokes of a sexual nature; repeated offensive activities; physical conduct such as touching, patting, pinching, sexual gestures, or brushing against another person's body; or unwelcome display of objects or pictures which are sexual in nature and which create an offensive work environment.

Sexual harassment does not refer to occasional compliments of socially acceptable nature or welcome social relationships. Courteous, respectful, non-coercive interactions between employees that are acceptable to and welcomed by both parties, are not considered to be harassment, including sexual harassment.

Anyone who believes that they have been sexually harassed should unequivocally direct the harasser to stop the behavior as well as immediately notify their supervisor, department director and/or Human Resources. You never have to report the harassment to the person whom you believe is harassing you.

### **Hostile Work Environment Harassment**

Hostile work environment harassment is unwelcome conduct, based on an individual's race, sex, age, religion, color, national origin, ancestry, sexual orientation, gender identity and expression, genetic status, genetic information, disability, marital status, veteran status, or any other legally protected characteristic that is so severe, pervasive or persistent that it unreasonably interferes with an individual's job performance or creates an intimidating, hostile, or offensive working environment.

### **Retaliation**

Cecil College prohibits any form of retaliation. Retaliation against an individual who opposes or objects to discrimination or harassment, files a complaint, or testifies or participates in an investigation of a claim of discrimination or harassment, is prohibited. Acts of retaliation should be reported immediately. Cecil College prohibits retaliation against an individual for making a report of discrimination or harassment in good faith under this policy or for participating in an investigation into a complaint under this policy. All complaints will be handled with sensitivity and confidentiality to the maximum extent possible. Any person who is found to have engaged in conduct constituting retaliation in any form against another individual will be subject to discipline, up to and including termination of employment.

### **Process For Investigation Of Discrimination, Harassment and Retaliation**

Cecil College has established the following procedure for filing and investigation of a complaint that implicates this Policy and is not otherwise covered by procedures outlined in the College's Sexual Discrimination and Harassment Policy. Conduct that implicates the College's Sexual Discrimination and Harassment Policy will be reviewed in accordance with that policy.

Any individual who believes that they have been discriminated, harassed, or retaliated against in any form in connection with their employment at Cecil College should bring the matter to the immediate attention of Cecil College's Director of Human Resources. If a supervisor becomes aware that harassment or discrimination is occurring, either from personal observation or as a result of an employee coming forward, the supervisor must immediately report it to Human Resources. All reports will be kept as confidential as possible, while recognizing that disclosure may be necessary for the purpose of investigation and/or discipline.

An individual who feels harassed, discriminated or retaliated against may initiate the complaint

process by filing a complaint in writing with Cecil College's Director of Human Resources. The sooner the individual brings the concern to the College's attention, the sooner the College can take action. Upon receipt of a complaint, Human Resources will review the complaint and an investigation of the complaint will be initiated within five (5) business days.

Written notice will be provided to both parties and an investigation will be conducted.

As part of the investigatory process, the investigator will interview the complainant, the respondent, and any witnesses deemed to have relevant information to the investigation to determine whether there has been a violation of policy.

Within fifteen (15) business days of the conclusion of interviews and information gathering, the investigator will complete a written report of his or her findings and provide the report to a designated College Administrator to review the investigation. This time period may be extended by the College as appropriate. If it is determined that a violation of College policy has occurred, the College will recommend appropriate disciplinary action.

If it is determined that there is insufficient evidence to support a violation of policy, but potentially problematic conduct may have occurred, appropriate preventive action may be recommended. The College will meet with the complainant and the respondent separately and notify them in writing of the findings of the investigation.

### **Appeals Process**

An appeal may be filed by either party to a complaint for only the following reasons: (i) a procedural error that significantly affected the outcome of the investigation; and (ii) to consider new evidence, unknown or unavailable during the investigation, that could substantially impact the original finding. No other basis for appeal is permitted.

An appeal must be submitted in writing to the Director of Human Resources, within five (5) business days following notice of findings and discipline, if applicable. If a request for appeal is not received within that time, the findings and any discipline will stand. The appeal must contain a detailed written statement specifying the precise grounds for appeal with supporting facts. The appeal must be signed by the employee filing the appeal, or sent using the employee's College issued email account.

A College Administrator will review the investigative file and report and make a final determination regarding findings and any discipline. The decision and discipline determined by the College Administrator will be final. No other grievance processes otherwise available to employees may be used to further appeal the decision.

## **Standard of Review**

The preponderance-of-the-evidence (i.e., more likely than not) standard will be applied as the standard of review for determining findings of fact in any investigation pursuant to this policy.

## **Employee Assistance Program**

The Employee Assistance Program (EAP) serves as a resource for counseling services to College employees. Individuals wishing to discuss an incident confidentially or seeking information and advice of a personal nature are encouraged to contact the EAP, to understand to what extent information shared may be kept confidential. The role of the EAP in such cases will be limited to personal counseling and treatment for the person who is then an EAP client. Contacting the EAP will not qualify as notification to Cecil College of a complaint for harassment or discrimination. Employees must follow the complaint process described in this policy.

## **Consensual Romantic Relationships**

Romantic or sexual relationships where one employee has influence or control over the other's conditions of employment are inappropriate. Such relationships, even if consensual, tend to create conflicts of interest or the appearance of such conflicts, undermining the spirit of trust and mutual respect that is essential to a healthy work environment. If such a relationship exists or develops:

- The supervisor or employee who has influence or control over the other's conditions of employment has an obligation to disclose their relationship to the department head or next level of administrator.
- The other employee involved in the relationship is encouraged to disclose the relationship to either the next level of administrator or Human Resources.

If a relationship is deemed to be inappropriate under these guidelines, the department head or next level of administrator, after consultation with Human Resources will take appropriate action, taking into consideration what actions will be least disruptive to the College as a whole. Actions taken may include, but are not limited to, an agreed upon transfer, a change in shift, a change in reporting structure, or discharge.

If an employee, whether or not involved in the relationship, believes they have been, or are being, adversely affected, they are encouraged to contact Human Resources.

When relationships develop into situations that may be viewed as harassment or discrimination, employees should follow the appropriate complaint reporting procedure.