

UNLAWFUL HARASSMENT POLICY

I. Policy Section

6.0 Human Resources

II. Policy Subsection

6.3 Unlawful Harassment (hereinafter referred to as Harassment) (All Forms)

III. Policy Statement

Grand Rapids Community College (GRCC) is committed to providing an academic and work environment that respects the dignity of individuals and groups. All forms of harassment are contrary to basic standards of acceptable conduct between individuals. For purposes of this policy, harassment means unlawful conduct related to a protected status, which is prohibited under state and federal law or College Policy. Harassment is prohibited by state and federal law, as well as this policy, and will not be tolerated.

The College shall be free of all forms of harassment in all of its educational programs and activities. All staff and students have the right to learn and work in an environment free from harassment.

This policy applies to all aspects of the academic and work environment including, but not limited to, classroom conditions, grades, academic standing, employment opportunities, scholarships, recommendations, disciplinary actions, and participation in any community college activity. In addition, this policy applies to all terms and conditions of employment including, but not limited to, hiring, placement, promotion, disciplinary action, layoff, recall, transfer, leave of absence, training opportunities, and compensation.

IV. Reason for Policy

Harassment is a form of unlawful conduct that undermines the integrity of the College, creates tension in the workplace and academic environment, and creates potential friction between staff and/or students.

This policy is to ensure that complaints of harassment are brought to the attention of management so complaints can be investigated and addressed in an appropriate and timely manner.

This policy will inform individuals of the procedures for resolving harassment claims. In addition, the procedures will provide direction for College employees/offices that receive harassment complaints.

V. Entities Affected by this Policy

All employees
Board of Trustees
Independent Contractors
Applicants
Students
Vendors
College guests
Community and constituencies accessing services
Volunteers

VI. Who Should Read this Policy

All employees
Board of Trustees
Independent Contractors
Applicants
Students
Vendors
Community and constituencies accessing services
Volunteers

VII. Related Documents

A. College Documents:

- i. Equal Opportunity and Non-Discrimination Policy
- ii. Transgender and Non-Binary Equal Opportunity Policy
- iii. Non-discrimination on the Basis of Disability Policy
- iv. Sexual Misconduct Policy
- v. Student Code of Conduct
- vi. Human Resources Webpage
- vii. Office of General Counsel Webpage
- viii. Ethics Monitoring System Webpage
- ix. Conflict of Interest Policy
- x. Faculty Code of Ethics
- xi. APSS Code of Ethics
- xii. Administrator Code of Ethics
- xiii. Acceptable Use Agreement
- xiv. Conflict of Interest Policy

B. Other Documents:

- i. The Elliott-Larsen Civil Rights Act
- ii. Title IX of the Education Amendments of 1972, 20 U.S.C. § 1681 (a) (2006)
- iii. Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d (2000)
- iv. Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e (2000)

VIII. Contacts

Policy Owner: Director of Equal Opportunity Compliance
Executive Director Human Resources
Associate Director of Human Resources
Labor Relations Generalist
General Counsel
Human Resources Generalists
Dean of Student Success
Director of Student Life & Conduct

IX. Definitions

A. Unlawful Harassment: Unlawful harassment is unwelcome, unwanted conduct related to a protected status and includes, but is not limited to, physical or verbal abuse, or conduct that is threatening, intimidating, humiliating, insulting, isolates people at work, or undermines their reputation or job performance, or affects the terms and condition of their employment through verbal or non-verbal communications. Harassment includes written, verbal, non-verbal, and physical contact.

- i. Harassment on the basis of a person's real or perceived age, race, color, religion, marital status, sex/gender, pregnancy, sexual orientation, gender identity, gender expression, height, weight, national origin, disability, political affiliation, familial status, veteran status, genetics, or other protected status is a violation of this policy and is a form of prohibited discrimination under State and/or Federal laws.
- ii. Sexual harassment, disability-based harassment, and gender identity-based harassment are violations of this policy and are addressed in specific detail in their respective policies.
- iii. Bullying (as defined in the Student Code of Conduct and any applicable code of ethics) based on any protected class is covered under this policy.

- iv. Unlawful harassment is behavior that may take many forms, including but not limited to, repeated unwanted physical, verbal, or written acts inclusive of but not limited to emails and cyber-attacks, which are hostile or offensive, targeted at an individual or group, who is in a protected class as defined by state and federal law, and creates an intimidating and/or threatening environment, which produces a risk of psychological and/or physical harm.
 - 1. Hostile behaviors include, but are not limited to, inappropriate behaviors that are harmful or damaging to an individual and/or property. Behaviors that are intimidating, threatening, disruptive, humiliating, sarcastic, or vicious may also constitute hostile behavior.
 - 2. Offensive behaviors may include, but are not limited to, abusive language, derogatory remarks, insults, or epithets. Other offensive behaviors may include the use of condescending, humiliating, or vulgar language, swearing, shouting or use of unsuitable language, use of obscene gestures, or mocking.
 - 3. Harassment, for the purposes of this policy, is not conduct that is simply incivility or rudeness but conduct that violates the protections afforded to staff and/or students who are members of a protected class under state and federal law.

B. Retaliation: The College seeks to foster an environment in which all staff and students feel free to report incidents of harassment without fear of retaliation or reprisal. Therefore, the College strictly prohibits retaliation against any individual for filing a good faith complaint of harassment or for participating in a harassment investigation.

i. Retaliatory conduct is illegal and constitutes a violation of this policy.

- ii. All allegations of retaliation will be swiftly and thoroughly investigated. If it is determined that retaliation has occurred, the College will take all reasonable steps within its power to stop such conduct. Individuals who engage in retaliatory conduct are subject to disciplinary action, up to and including termination or expulsion.
- iii. Any student or employee, who believes that they have been harassed or retaliated against in violation of this policy, should

immediately report such incidents by following the procedures indicated below. Supervisors are mandated to report all incidents of harassment and retaliation that come to their attention.

X. Procedures for All Forms of Harassment

A. Reporting a Complaint

- i. In order to take appropriate action, the College must be made aware of harassment or related retaliation. Any individual who believes that they have experienced or witnessed harassment or related retaliation, coercion, interference, or intimidation by an employee should promptly report such behavior immediately to their Supervisor, the Office of General Counsel, or Human Resources. Any individual who believes they have experienced such behavior by a student should contact the Director of Student Life and Conduct. An individual may also report a concern anonymously by contacting the Ethics Hotline (616-234-3169).
- ii. If the supervisor is involved in the alleged harassment, contact the Office of General Counsel or Human Resources directly. The Office of General Counsel or its designee will investigate the complaint in as discreet and confidential a manner as possible given the circumstances surrounding the complaint.
- iii. Any staff person who experiences, witnesses or receives a written or oral report or complaint of harassment or related retaliation shall promptly report it to the Office of General Counsel.
- iv. Regardless of who reports the concern, all employees must cooperate if contacted for an interview as part of an investigation.

B. Timelines

Within a reasonable period of time after the incident, which normally will not exceed fifteen (15) working days, the facts shall be put in writing and submitted to the Office of General Counsel.

- i. The Office of General Counsel will initiate an investigation in the absence of a written complaint if it becomes aware of facts that may constitute a violation of this policy.

- ii. Within ten (10) working days after receiving a complaint or becoming aware of facts that may constitute a violation of this policy, the Office of General Counsel will initiate an investigation of the complaint.

C. Process

The Office of General Counsel will conduct all investigations professionally and as confidentially and expeditiously as possible. Where an investigation confirms the allegations, appropriate responsive action will be taken. If a senior member of Executive Leadership, Human Resources, or the Office of General Counsel is the subject of the investigation, then the College will consider the use of an external investigator to conduct the investigation. An investigation will generally follow the process below:

- i. Interview the complainant.
- ii. Interview the person against whom the complaint is brought.
- iii. Discuss with each party and implement any appropriate interim measures, which may include no contact orders, schedule adjustments, or other temporary measures designed to protect the parties involved.
- iv. Interview all witnesses identified by the complainant or the person against whom the complaint is brought.
- v. Interview other potential witnesses who may have observed the alleged conduct or who may possess knowledge regarding the allegation under investigation.
- vi. Review any documentation or other evidence submitted by the complainant or the person(s) against whom the complaint is brought.
- vii. Determine the validity of the complaint.
- viii. Final investigation reports will be made available to both parties for their review. The investigation report will not be made a part of the personnel file, though a portion of the report may be reflected in any related corrective action notice.

D. Conclusion

If substantial evidence supports a finding of harassment or retaliation, the College will take appropriate corrective action or disciplinary action.

1. For employee misconduct:

Action taken by the College will be through Human Resources. Any Corrective Action Notices (CAN) issued shall then be placed in the personnel record of the employee.

2. For student misconduct:

Action taken by the College may include (but will not be limited to) one or more of the following: a warning, educational sanction, probation, suspension, expulsion, or other appropriate disciplinary action as outlined in the Student Code of Conduct. Action will be taken by the Office of Student Life and Conduct. The written report of the action taken shall then be placed in the student file.

E. Appeal

i. For Employee misconduct:

1. The complainant and/or the accused may appeal the decision, in writing, stating the reasons for the appeal, to the Executive Director of Human Resources within ten (10) working days after receiving the decision of the Office of General Counsel or its designee regarding the outcome of the investigation. The Executive Director of Human Resources or designee shall review the report and render a final decision in writing within thirty (30) working days.
2. Extensions to these time periods may be granted where necessary and appropriate, at the discretion of the Executive Director of Human Resources. Filing an appeal does not prevent an employee covered under a collective bargaining agreement from availing themselves of the grievance process.
3. An appeal must be based on one of the following reasons which must be identified in the initial appeal notice:
 - a. Whether appropriate procedures were followed
 - b. Whether the decision was supported by evidence
 - c. Whether all relevant information was available at the time of the original investigation.

- ##### ii. For Student misconduct: Refer to the Student Code of Conduct for student appeal procedures.

F. Right of Representation

The complainant and accused may have union and/or other representation in an advisory role present during the investigatory meeting(s). The chosen representative cannot be a potential witness.

G. Violations of Law

An employee or student may be accountable for sexual or other unlawful harassment under applicable local, State, and/or Federal law, as well as under GRCC policy. During the course of investigation, should GRCC become aware of criminal acts, the College will report the actions to the GRCC Police Department, who may refer the incident to the appropriate law enforcement authorities. Disciplinary action by GRCC may proceed while criminal proceedings are pending and are not subject to challenge on the grounds that criminal charges involving the same incident have been dismissed or reduced.

H. Bargaining Agreements

Investigations and disciplinary proceedings under this policy will abide by any relevant collective bargaining agreement, or the Meet & Confer Handbook, Student Employee Handbook, and the Student Code of Conduct, as appropriate.

XI. Forms
N/A

XII. Effective Date

October 4, 2010

XIII. Policy History

Revision dates:

September, 2011
October, 2015
October, 2017

February, 2020: updated process language to match other non-discrimination policy language, added additional related documents, clarified use of external investigator, added possible sanction information, and included reference to bargaining agreements.

October, 2022: formatting and grammatical changes; and revised “Who Should Read” and “Entities Affected by this Policy” Sections.

XIV. Next Review/Revision Date

October, 2024