

Community College System of New Hampshire

Section: 300 - Human Resources

Subject: Employment Environment

Policy: Workplace Conduct

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Approved: Ross Gittell, Chancellor

I. Policy Statement

The Community College System of New Hampshire (CCSNH) is committed to creating and maintaining a positive and productive learning environment for students, a professional setting for its employees, and a community atmosphere grounded in mutual respect, dignity and integrity. In light of these objectives, CCSNH prohibits: 1) all manner of discrimination in the administration of its education and employment programs and practices on the basis of unlawful criteria including race, color, religion, national or ethnic origin, age, sex, sexual orientation, marital status, disability, gender identity or expression, genetic information, and veteran status, as defined under applicable law; and 2) will not in any instance tolerate harassment, intimidation or bullying behavior of any kind.

II. Policy Purpose

The purpose of this policy is to establish and communicate to all employees:

- The type of conduct that is prohibited by this policy;
- The responsibility of supervisors, managers and executives to establish a learning and work environment that is free from harassment and discrimination and to encourage reporting of discriminatory conduct, harassment, intimidation and bullying;
- The responsibility of executives to treat complaints and incidents of discrimination, harassment, intimidation and bullying seriously, and to respond quickly, impartially and appropriately to such complaints and incidents;
- The responsibility of all employees to support a learning and work environment that is free from discrimination, harassment, intimidation, and bullying, to report incidents of discrimination, harassment, intimidation and bullying, to cooperate with investigations of such complaints and incidents, and to respect confidentiality; and
- The responsibility of all employees to refrain from retaliatory conduct against individuals raising claims of discrimination, harassment, intimidation and bullying, or against individuals participating in investigations of such claims.

III. Scope of Policy

This policy applies to all CCSNH and College employees, students, contractors, and any other person whose conduct affects the learning and work environment, at the place of work and/or in the course of employment.

IV. Definitions

- A. Bullying and harassment are both defined as repeated inappropriate behavior, either direct or indirect, whether verbal, physical or otherwise, conducted by one or more persons against another or others, at the place of work and/or in the course of employment that unreasonably interferes with an employee's work performance, a student's educational program or activity, or creates an intimidating, hostile or otherwise offensive environment.
 - 1. Verbal bullying and harassment: Slandering, ridiculing or maligning a person or his or her family or associates; persistent name calling that is hurtful, insulting or humiliating; using a person as the target of jokes; obscene, abusive and offensive remarks or nicknames; shouting or raising voice at an individual in public or private; constant criticism on matter(s) unrelated or minimally related to the person's job performance or job description; public reprimands.
 - 2. Physical bullying and harassment: Pushing, shoving, kicking, poking, tripping, assaulting or threatening physical assault, damage to a person's work area or property; unwanted physical contact, physical abuse or threats of physical abuse to an individual or an individual's property (*i.e.*, defacing or marking up property).
 - 3. Gesture bullying and harassment: Nonverbal threatening or obscene gestures; glances that can convey threatening messages.
 - 4. Other bullying and harassment: Socially or physically excluding or disregarding a person in educational and/or work-related activities; not allowing the person to speak or express himself or herself (*i.e.*, ignoring or interrupting); public humiliation in any form; deliberately interfering with mail or other communications; spreading rumors or gossip regarding individuals; encouraging others to disregard a supervisor's instructions.
- B. Intimidation is defined as intentional inappropriate behavior that would cause a person of ordinary sensibilities to fear injury or harm (physical or mental), or material and detrimental loss to the person.
- C. Sexual harassment is defined as unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature when:
 - 1. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or educational participation;
 - 2. Submission to or rejection of such conduct by an individual is used as the basis for employment or educational decisions affecting such individual; or

3. Such conduct has the purpose or effect of unreasonably interfering with an individual's work or educational performance or creates an intimidating, hostile or offensive working or educational environment.

Any person in a supervisory role (*i.e.*, supervisor/employee, teacher/student including, but not limited to, the following supervisory roles: employment, teaching, research, academic advising, coaching, service on committees, grading, recommending in an institutional capacity for employment, fellowships, or awards, whether on or off campus, in curricular, co-curricular, or extra-curricular activities) who threatens or suggests, either explicitly or implicitly, that a subordinate's refusal to submit to sexual advances or other conduct of a sexual nature will adversely affect the employee's job and/or working conditions or student's participation in an educational program or activity has committed sexual harassment. Additionally, conduct that is considered inappropriate and is prohibited regardless of whether it rises to the level of being severe or pervasive includes: verbal abuse of a sexual nature, unwelcome, offensive sexual flirtation; unwelcome, graphic verbal comments about an individual's body; sexually degrading words to describe an individual; unwelcome brushing, touching, patting, or pinching an individual's body; sexually explicit gestures; the display in the workplace of sexually suggestive, sexually demeaning or pornographic objects, pictures, posters, or cartoons; unwelcome inquiry or comment about sexual conduct or sexual orientation or preferences; or verbal abuse consistently targeted at only one sex, even if the content of the abuse is not sexual.

- D. Discriminatory conduct is defined as treating or proposing to treat someone unfavorably or subjecting someone to unwelcome conduct because of race, color, religion, national or ethnic origin, age, sex, sexual orientation, marital status, disability, gender identity or expression, genetic information, and veteran status. Unwelcome conduct may include, but is not limited to, offensive jokes, slurs, epithets or name calling, physical assaults or threats, intimidation, ridicule or mockery, insults or put-downs, offensive objects or pictures, and interference with work performance.

V. Prohibited Conduct

CCSNH prohibits bullying, harassment, intimidation and discriminatory conduct including sexual harassment and all manner of discrimination on the basis of unlawful criteria including race, color, religion, national or ethnic origin, age, sex, sexual orientation, marital status, disability, gender identity or expression, genetic information, and veteran status, which affects the learning or work environment.

VI. Retaliation Prohibited

Retaliation of any kind against anyone who is involved in the making of a complaint and reporting or investigation of suspected violation of this policy is prohibited.

VII. Responsibility of Supervisors, Managers and Executives

Supervisors, managers and executives are responsible for promoting a learning and work environment that is free from harassment and discrimination by exercising reasonable care to prevent and correct any behavior which may violate this policy and encouraging reporting of discriminatory conduct, harassment, intimidation and bullying.

Supervisors, managers and executives (Responsible Officials) who observe, are informed of, or reasonably suspect incidents of possible discrimination, harassment, intimidation and bullying, or retaliation must immediately report such incidents to the College Human Resource Officer or CCSNH Director of Human Resources. Failure to report such incidents will be considered a violation of this policy and may result in disciplinary action. Responsible Officials must take effective measures to avoid further discriminatory conduct, harassment, intimidation, bullying or retaliation pending completion of an investigation.

VIII. Reporting of Complaints or Incidents

Complaints or reports of incidents of discrimination, harassment, intimidation and bullying, or retaliation related to such complaints or reports may be made, either in writing or verbally, to an employee's supervisor, department manager, Title IX coordinator, human resources officer, CCSNH Title IX Coordinator or CCSNH Director of Human Resources. It is every employee's obligation to report suspected instances of conduct prohibited by this policy. An employee is not required to make a complaint or report an incident to his or her direct supervisor, especially where such complaint or report contains allegations involving his or her director supervisor. All complaints and reports received shall be reported to the CCSNH Director of Human Resources.

IX. Investigations of Complaints and Reports of Incidents

All complaints and reports of incidents will be investigated as expeditiously as possible, with reasonable thoroughness and particular care to preserve the confidentiality of all persons involved.

All employees who are contacted by an investigator are expected to be truthful, forthcoming, and cooperative in connection with the investigation.

X. Violation of This Policy

Violation of this policy will result in appropriate administrative and/or disciplinary action consistent with the rules and regulations governing students and/or employees of CCSNH and its Colleges, which may include dismissal or expulsion for students or discharge for employees.