AP 325 – NON-DISCRIMINATION, ANTI-HARASSMENT, AND EQUAL OPPORTUNITY EMPLOYMENT

Associated Board Policy: 325.00 - Non-Discrimination, Anti-Harassment, and Equal Opportunity Employment

Procedure Owner: Human Resources

Related Procedures: None

I. Procedure Scope and Purpose

The Policy of Equal Employment Opportunity, Non-Discrimination and Anti-Harassment applies to all aspects of the relationship between Cowley College and its employees, including: recruitment, employment, promotion, transfer, training, working conditions, wages and salary administration, employee benefits and application of policies and procedures.

Cowley College strives to create and maintain a work environment in which people are treated with dignity, decency and respect. The environment of the College should be characterized by mutual trust and the absence of intimidation, oppression and exploitation. Employees should be able to work and learn in a safe, yet stimulating atmosphere. The accomplishment of this goal is essential to the mission of the College. For that reason, Cowley College will not tolerate unlawful discrimination or harassment of any kind. Through enforcement of this policy/procedure and by education of employees, the College will seek to prevent, correct and discipline behavior that violates this policy.

II. Definitions

Discrimination: Treating an individual adversely based on race, color, religion, sex, national origin, age, disability, veteran status, sexual orientation, gender identity or expression, genetic information, marital status, political affiliation or any other characteristic protected by law.

Harassment: Verbal, written or physical conduct that denigrates or shows hostility or aversion toward an individual because of his or her race, color, religion, sex, national origin, age, disability, veteran status, sexual orientation, gender and identity expression, genetic information, marital status, political affiliation or any other characteristic protected by law.

Sexual Harassment: Unwelcome sexual advances, request for sexual favors and 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, 2) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individuals, or 3) such conduct has the purpose of effect of substantially interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment.

Retaliation: Any adverse action taken against an individual because the individual reported or opposed conduct believed in good faith to violate this policy, requested an accommodation protected by law, or participated in an investigation or other legally protected activity.

III. Procedure

Cowley College will courteously treat any person who invokes this complaint procedure, and the College will handle all complaints swiftly and confidentially to the extent possible in light of the need to take appropriate

corrective action. Lodging a complaint will in no way be used against the employee or have an adverse impact on the individual's employment status. Employees are encouraged to report concerns under this procedure. Complaints made in good faith will not result in disciplinary action solely because they are unsubstantiated. Knowingly false or malicious complaints may result in appropriate disciplinary action.

Confidentiality
During the complaint process, the confidentiality of the information received, the privacy of the individuals involved and the wishes of the complaining person will be protected to as great a degree as is legally possible. The expressed wishes of the complaining person for confidentiality will be considered in the context of the College's legal obligation to act the charge and the right of the charged party to obtain information. In most cases, however, confidentiality will be strictly maintained by the College and those involved in the investigation. In addition, any notes or documents written by or received by the person(s) conducting the investigation will be kept confidential to the extent possible and according to any existing state or federal law.

Cowley College has established the following procedure for lodging a complaint of harassment, discrimination or retaliation. The College will treat all aspects of the procedure confidentially to the extent reasonably possible.

A. An individual who feels harassed, discriminated or retaliated against may initiate the complaint process by discussing the complaint with Human Resources. A written complaint may also be submitted.

   Any person with knowledge or belief of conduct which may constitute harassment, discrimination or retaliation should report the alleged conduct immediately to Human Resources. If a supervisor or manager becomes aware that any of this type of conduct is occurring, either from personal observation or as a result of an employee's coming forward, the supervisor or manager should immediately report it to Human Resources.

   Employees may also report concerns to any supervisor or manager, who must promptly forward the report to the appropriate designated official.

   If Human Resources is the subject of a complaint, has a conflict of interest, or has the appearance of a conflict of interest, the complaint shall be submitted to the College President, who will designate an impartial individual to handle the complaint.

   If the College President is the subject of the complaint or has a conflict of interest, the complaint shall be submitted to the Chair of the Board of Trustees or the Clerk of the Board for referral to an appropriate impartial investigator.

   Complaints involving the Board of Trustees shall be submitted through the Clerk of the Board in accordance with applicable Board policy.

   Employees may report concerns through any of these designated channels, as applicable, without being required to report to the individual who is the subject of the complaint.

B. Upon receiving a complaint or being advised by a supervisor or manager that violation of this policy may be occurring, Human Resources will notify the College President. Human Resources will notify the College's Title IX Officer if the complaint involves potential sexual harassment issues involving a student.

C. Within five (5) working days of receiving the complaint, Human Resources will notify the person(s) charged [hereafter referred to as "respondent(s)"] of a complaint and initiate the investigation to determine whether there is a reasonable basis for believing that the alleged violation of this policy occurred. The respondent(s) will have five (5) working days from the date of notification to

make a written response to the complaint.

D. During the investigation, Human Resources will interview the complainant, the respondent and any witnesses to determine whether the alleged conduct occurred. All parties involved in the investigation, including the complainant and the respondent, will be expected to respect the sensitive nature of the matter and to protect the confidentiality of the process and all those involved in the investigation.

E. Within 15 business days of the complaint being filed (or the matter being referred to Human Resources), Human Resources will conclude the investigation and submit a written report of the findings to the College President.

The College will make reasonable efforts to complete investigations within the stated timeframes. When additional time is reasonably necessary due to the complexity of the matter or other circumstances, the timeframe may be extended, and the parties will be notified of the delay and anticipated completion date, as appropriate.

If it is determined that harassment, discrimination or retaliation in violation of this policy has occurred, Human Resources will recommend appropriate disciplinary action. The appropriate action will depend on the following factors: a) the severity, frequency and pervasiveness of the conduct; b) prior complaints made by the complainant; c) prior complaints made against the respondent; and d) the quality of the evidence (e.g., first-hand knowledge, credible corroboration).

F. If the investigation is inconclusive or if it is determined that there has been no violation of policy but potentially problematic conduct may have occurred, Human Resources may recommend appropriate preventive action.

G. Within five (5) days after the investigation is concluded, Human Resources will meet with the complainant and the respondent separately, notify them of the findings of the investigation, and inform them of the action being recommended.

H. The complainant and the respondent may submit statements to Human Resources challenging the factual basis of the findings. Any such statement must be submitted no later than five (5) working days after the meeting with Human Resources in which the findings of the investigation are discussed.

I. Within ten (10) days from the date Human Resources meets with the complainant and respondent, the College President will review the investigative report and any statements submitted by the complainant or respondent, discuss results of the investigation with Human Resources and other management staff as may be appropriate, and decide what action, if any, will be taken. Human Resources will report the College's decision to the complainant, the respondent and the appropriate management assigned to the department(s) in which the complainant and the respondent work. The College's decision will be in writing and will include findings of fact and a statement for or against disciplinary action. If disciplinary action is to be taken, the respondent will be informed of the nature of the discipline and how it will be executed.

If the College President is the subject of the complaint or has a conflict of interest, the final decision shall be made by an impartial designated authority, which may include the Chair of the Board of Trustees or another appropriate authority, consistent with applicable Board policy.

Alternative Legal Remedies

Nothing in this procedure requires an individual to complete the College's internal complaint process before pursuing a complaint or remedy through an applicable local, state, or federal agency or court. Internal complaint procedures and deadlines do not extend or replace any external filing deadlines established by law.

IV. Effective Date(s)

This procedure first became effective: July 2, 2014
Revised: November 3, 2026

V. Signature and Title

This procedure implemented by: Megan Sweaney

Title: Human Resources Generalist