**Policy 108: Harassment, Sexual Harassment, and Unlawful Discrimination**

Category: Personnel

Covered Individuals: All CEI Employees

#####  Approved: 3/28/2023

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**108.1 Policy**

CEI is committed to maintaining 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. College of Eastern Idaho will not tolerate harassment or unlawful discrimination of any kind. Through enforcement of this policy and by education of employees, College of Eastern Idaho will seek to prevent, correct, and discipline behavior that violates this policy.

Harassment or discrimination based on age, race, color, creed, sexual orientation, religion, national origin, physical or mental disability, medical condition, veteran status, or gender is prohibited. Harassing conduct that affects tangible job benefits, interferes with an individual’s work performance, or creates an intimidating, hostile or offensive work environment will not be tolerated by CEI. Violation of this policy shall be considered grounds for disciplinary action up to and including termination.

Harassment or discrimination based on age, race, color, creed, sexual orientation, religion, national origin, physical or mental disability, medical condition, veteran status, gender, or any other protected class, includes behavior such as:

* Verbal conduct such as threats, epithets, derogatory comments, or racial slurs;
* Visual conduct such as derogatory posters, photographs, cartoons, drawings, or gestures;
* Nonverbal sexual harassment such as content in letters, notes, emails, or text messages;
* Physical conduct such as assault, unwanted touching, or blocking normal movement; and;
* Retaliation for reporting harassment or threatening to report harassment

**108.2 Procedures**

College of Eastern Idaho, in compliance with all applicable federal, state and local anti-discrimination and harassment laws and regulations, enforces this policy in accordance with the following definitions and guidelines:

**Discrimination**

It is a violation of College of Eastern Idaho’s policy to discriminate in the provision of employment opportunities, benefits, or privileges; to create discriminatory work conditions; or to use discriminatory evaluative standards in employment if the basis of that discriminatory treatment is, in whole or part, the person’s race (including hairstyle/texture), color, national origin, age, religion, disability status, sex, sexual orientation, gender identity or expression, genetic information, or marital status.

Discrimination of this kind may also be strictly prohibited by a variety of federal, state and local laws, including Title VII of the Civil Rights Act of 1964, the Age Discrimination Act of 1967 and the American Disabilities Act of 1990. This policy is intended to comply with the prohibitions stated in these anti-discrimination laws.

**Harassment**

Harassment is any verbal, non-verbal or physical conduct designed to threaten, intimidate, or coerce an employee, co-worker, or any person working for or on behalf of College of Eastern Idaho. The following are examples of harassment are intended to be guidelines and are not exclusive when determining whether there has been a violation of this policy:

* Verbal harassment includes comments that offensive or unwelcome regarding a person’s national origin, race, color, religion, age, sex, sexual orientation, pregnancy, appearance, disability, gender identity or expression, marital status, or other protected status including epithets, slurs, and negative stereotyping.
* Nonverbal harassment includes distribution, display or discussion of any written or graphic material that ridicules, denigrates, insults, belittles or shows hostility, aversion or disrespect toward an individual or group because of national origin, race, color, religion, age, gender, sexual orientation, pregnancy, appearance, disability, sexual identity, marital status or other protected status.

**Sexual Harassment**

Sexual harassment is a form of unlawful employment discrimination under Title VII of the Civil Rights Act of 1964. According to the Equal Employment Opportunity Commission (EEOC), sexual harassment is defined as unwelcome sexual advances, requests for sexual favors, or other physical, verbal or visual conduct of a sexual nature. Such unwelcome conduct involving individuals of the same gender can also be sexual harassment, regardless of sexual orientation. Such conduct constitutes sexual harassment when any of the following are met:

• Submission to the conduct is an explicit or implicit term or condition of employment

• Submission to or rejection of the conduct is used as the basis for employment decisions affecting the individual

• The conduct has the purpose or effect of interfering with an individual’s work performance or creating an intimidating, hostile, or offensive work environment.

Sexual harassment takes different forms. The following examples of sexual harassment are intended to be guidelines and are not exclusive when determining if there has been a violation of this policy:

* Verbal sexual harassment includes innuendos, suggestive comments, jokes of a sexual nature, sexual propositions, lewd remarks and threats, requests for any type of sexual favor (this includes repeated, unwelcome requests for dates); and verbal abuse or “kidding” that is oriented toward a prohibitive form of harassment, including that which is sexual in nature and unwelcome;
* Nonverbal sexual harassment includes the distribution, display or discussion of any written or graphic material, including calendars, posters, or cartoons that are sexually suggestive or show hostility toward an individual or group because of sex; suggestive or insulting sounds; leering; staring; whistling; obscene gestures; content in letters, notes, instant messaging, facsimiles, e-mails, text messages, tweets, photos, and internet posting; or other forms of communication that are in sexual in nature or offensive;
* Physical sexual harassment includes unwelcome, unwanted physical contact, including touching, tickling, pinching, patting, brushing up against, hugging, cornering, kissing, fondling, and forced sexual intercourse or assault.

Courteous, mutually respectful, pleasant, noncoercive interactions between employees that are appropriate in the workplace and acceptable to and welcomed by both parties are not considered harassment, including sexual harassment. Inappropriate displays of physical affection or romantic intentions are to be avoided during work hours and while on or in CEI property, buildings, or vehicles, or at CEI sponsored events. In addition, romances between an employee and his/her immediate supervisor are prohibited.

College of Eastern Idaho prohibits a romantic or sexual relationship between a manager or other supervisory employee and an employee who reports directly or indirectly to that person, because such relationships tend to create compromising conflicts of interest or the appearance of such conflicts. In addition, such a relationship may give rise to the perception to others that there is favoritism or bias in employment decisions affecting the staff employee. Moreover, given the uneven balance of power within such relationships, consent by the staff member is suspect and may be viewed by others, or at a later date by the staff member, as having been given as the result of coercion or intimidation. The atmosphere created by such appearances of bias, favoritism, intimidation, coercion, or exploitation undermines the spirit of trust and mutual respect that is essential to a healthy work environment. If there is such a relationship, the parties need to be aware that one or both will be recipients of further action. If an employee of College of Eastern Idaho enters into a consensual relationship that is romantic or sexual in nature with an employee who reports directly or indirectly to that employee, or if one of the parties is in a supervisory capacity in the same department in which the other party works, the parties must notify the Vice President of HR. Because of potential issues regarding quid pro quo harassment, College of Eastern Idaho has made reporting mandatory. This requirement does not apply to employees who do not work in the same department or to parties where neither one supervises or otherwise manages responsibilities over the other. Sexual harassment is a form of unlawful employment discrimination under Title VII of the Civil Rights Act of 1964. Anyone who is a victim of sexual harassment or any discrimination on the basis of gender should follow the policies and procedures found in Policy 601 regarding Title IX, Equity Resolution Process (ERP). Any employee who is a victim of any other harassment or unlawful discrimination should follow the guidelines for reporting as outlined in Policy 106 Grievance Procedure for All Personnel. If an employee feels it is necessary to bypass the grievance procedure, they may report the matter to the HR Vice President through the most confidential and direct means possible. The HR Vice President will assist the employee to determine an appropriate method for resolution.

If an employee so chooses, he/she may bypass the procedure entirely and file a complaint directly with the Idaho Human Rights Commission and/or the Equal Employment Opportunity Commission (EEOC).

All employees regardless of their positions, are covered and expected to comply with this policy and to take appropriate measures to ensure that prohibited conduct does not occur. Appropriate disciplinary action will be taken against any employee who violates this policy. Based on the seriousness of the offense, disciplinary action may include , but is not limited to, warnings, reprimands, demotion, suspension, or dismissal. If appropriate, the case will be referred to proper authorities.

Managers and supervisors who knowingly allow or tolerate discrimination, harassment or retaliation, including the failure to immediately report such misconduct to human resources (HR) is in violation of this policy and subject to discipline.

If there appears to be no foundation to the allegations, the matter will be considered closed and all records of the allegation and the lack of foundation will be preserved in both the accused and the accuser’s personnel records. Bad faith allegations or misuse of this policy may result in disciplinary action against the accuser and may include, but is not limited to, warnings, reprimands, demotion, suspension, or dismissal.

All employees are responsible for helping to ensure that harassment and unlawful discrimination are avoided. Any employee aware of or suspecting the occurrence of harassment or unlawful discrimination is expected to report the matter to the HR Vice President through the most confidential and direct means possible and avoid discussing the matter with co-workers and persons not directly responsible for investigating the matter.