

ANTI-HARASSMENT/DISCRIMINATION POLICY

Policy No: 3.3.1	Revision Number: 5 Revision Date: 3-12-19
Original Effective Date: 6-22-98 Revision Dates: 5-4-10; 6-13-11; 10-4-12; 11-3-14; 3-12-19	Revision Summary: Refines and updates format, and combines into one Policy what were previously sequential Policies 3.3.1 through 3.3.1.5.
Responsible Official: Office of General Counsel	References: Administrative Procedure 3.3.1-P ; Administrative Procedure 3.3.1A-P ; Administrative Policy 6.6

1. PURPOSE

This document articulates KCTCS' policy to maintain an educational and work environment free of illegal discrimination and harassment based on or relating to gender, race, color, religion (or lack thereof), national origin, age, disability, marital status, sexual orientation, gender identity, genetic information, pregnancy, veteran or social status, social origin, indigenous status, or any other characteristic, trait, or identification protected by law. It provides for the internal reporting and investigation of allegations of illegal discrimination and harassment. It also prohibits retaliation against any individual who reports a perceived incident of discrimination or harassment, or a violation of law or policy, in good faith (or who participates in an investigation of any such report).

2. SCOPE

- 2.1. This Policy applies to all KCTCS stakeholders, including its applicants, students, employees, volunteers, visitors, vendors, consultants, customers, colleges, offices, and workplaces, regardless of location and regardless of whether the conduct is engaged in by students or employees, or someone not directly connected to KCTCS. This Policy also applies to all KCTCS-related conduct, policies, decisions, and actions. All KCTCS stakeholders, particularly those with supervisory authority, are responsible for enforcing this Policy and its related Procedure. Compliance with this Policy and its related Procedure are conditions of employment or continued employment.
- 2.2. This Policy does not apply to mere disagreements, disciplinary actions, performance evaluation appeals, adverse actions, and other routine issues **unless those issues are based on** a legally protected classification, or retaliation.

3. POLICY

- 3.1 It is KCTCS' policy that all of its stakeholders have the right to work, learn, and interact in an environment that promotes equal opportunity and treatment, and is free of discriminatory practices and harassment in all its forms, including sexual harassment. Harassment and discrimination based on any protected classification is prohibited.

- 3.2 It is KCTCS' policy to not discriminate on the basis of sex in the education programs or activities it operates, as KCTCS is required by Title IX not to discriminate in such a manner. This policy relates to all KCTCS stakeholders, including employees.
- 3.3 KCTCS encourages reporting of all perceived incidents of discrimination or harassment, and all allegations of harassment and discrimination will be promptly and thoroughly investigated. Management shall promptly and appropriately respond to findings of impermissible harassment and discrimination.
- 3.4 KCTCS prohibits retaliation against any individual who in good faith reports discrimination or harassment, or a violation of law or policy, or who participates in an investigation of any such report.
- 3.5 KCTCS stakeholders shall immediately report good faith allegations of impermissible harassment and discrimination, which shall be timely investigated in accordance with the Anti-Harassment/Discrimination Procedure; [the Student Harassment or Discrimination Grievance Procedure](#), the [KCTCS Code of Student Conduct](#), and/or the [Sexual Misconduct Procedure](#). KCTCS administration shall take appropriate action based on the results of the investigation.
- 3.6 KCTCS shall ensure that all employees and volunteers receive substantive training about proper behavior in the workplace, what constitutes illegal harassment/discrimination, and the applicable policies, procedures and legal requirements. Training required by Title IX and the Clery Act is made available to students online and is included in the employee/volunteer training as described in this section.

3.7 **DEFINITIONS**

- A. **PROTECTED CLASSIFICATION** is a characteristic, trait, or other identification on which basis applicable law forbids discrimination. Such categories include gender, race, color, religion or lack thereof, national origin, age, disability, marital status, sexual orientation, gender identity, genetic information, pregnancy, veteran or social status, social origin, and indigenous status.
- B. **DISCRIMINATION** is conduct directed at a specific individual (or group of identifiable individuals) that subjects the individual or group to treatment that adversely affects their employment or education because of a protected classification.
1. Examples: making negative employment decisions (such as time, type, or location of assignment, evaluation, promotion, demotion, etc.) based on a protected classification; making negative academic decisions (such as grades, etc.) based on a protected classification; and making insults, slurs, quips, or negative stereotyping related to a protected classification.

- C. **HARASSMENT**, as a form of discrimination, means verbal or physical conduct that degrades or shows hostility or dislike toward a specific individual (or group of identifiable individuals) because of a protected classification which (1) creates an intimidating, hostile, or offensive work or learning environment; (2) significantly interferes with one's work or academic performance; or (3) is so objectively offensive that it alters the conditions of one's employment or education.
1. **Examples:** engaging in threatening, intimidating, or hostile acts related to a protected classification; written or graphic material (including objects, pictures, graffiti, videos, or content via other electronic means) that degrades or shows hostility or dislike based on a protected classification; and jokes, pranks, or other forms of humor that reference or relate to a protected classification.
- D. **SEXUAL HARASSMENT** is a form of sex discrimination that includes unwelcomed or unwanted verbal or physical conduct of a sexual nature where (1) submission to, or rejection of, the conduct affects an aspect of one's employment or education (including but not limited to hiring, performance evaluations, promotions, grades, etc.), or (2) the conduct creates an intimidating, hostile, or offensive work or learning environment.
1. **Examples:** forced sexual acts; express or implied demands for sexual favors in exchange for anything; unwanted sexual advances to which an employee or student objects; staring at, touching, or assaulting someone's body; verbal comments about someone's body or sexuality; repeated sexual jokes, language, insults, gossip, comments, flirtations, advances, propositions, or questions; suggestive, insulting, or obscene comments or gestures; and graphic and sexually suggestive material (including objects, pictures, graffiti, videos, or content via other electronic means).
- E. A **HOSTILE WORK OR LEARNING ENVIRONMENT** is created by unfair, oppressive, or abusive treatment in the workplace or educational environment based on a protected classification. A hostile work or learning environment exists when a reasonable and prudent person under the same or similar circumstances would consider the workplace or educational environment intimidating, hostile, or abusive. An intimidating, hostile, or abusive work or learning environment is not established by mere assertion or by subjective conclusion.
- F. **RETALIATION** means taking an adverse or negative action, or harassing or imposing any type of punishment or consequence against or upon a person in a manner that substantially affects his/her employment or education based on the fact that he/she made a good faith report of a violation of law or policy, participated in good faith in an investigation of any complaint, matter, or issue, or in good faith sought relief from any perceived adverse condition of

employment. Good faith reports **do not** include reports or complaints based on lies, falsifications, or intentionally misleading statements; those based on slander, libel, or defamation; or those made with malicious intent to harm. Reports or complaints based on such factors may subject the reporter to disciplinary action, up to, and including termination of employment.

4. PROCEDURE

[Procedure 3.3.1-P](#) and [Sexual Misconduct Procedure 3.3.1A-P](#) collectively implement this Policy and contain specific directives for stakeholders who wish to assert Title IX claims. Other applicable policies and procedures that apply based on the types of claims are detailed in [Procedure 3.3.1-P](#).

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