

## Violence/Harassment Policy and Procedures

Kellogg Community College is committed to providing an educational and work environment free from all forms of harassment and violence. The College does this in full compliance and support of the Equal Employment Opportunity Act, of 1972, Title VII of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, the Campus Crimes Act (Clery Act) and the Violence Against Women Act of 1994.

Kellogg Community College's implementation of a violence/harassment policy demonstrates our commitment to respect for all individuals and, where applicable, respect for the law. It is not an issue of what is legal or illegal, but what is right and wrong and how we treat each other, guests, employees, and students, in the College. A well-developed violence/harassment policy can assist in promoting a quality educational environment, good working relationships, and help in preventing the legal and financial problems.

This policy is not developed to police or monitor individuals, but rather to eliminate threats of violence in the workplace and educational setting and provide an avenue of recourse for those individuals who are subjected to threatening, violent or harassing behavior. A strong violence/harassment policy, supported by top administration and the Board of Trustees, may prevent and resolve most instances of violence and harassment.

In addition to a violence/harassment policy, the best defense against violence and harassment within the College begins with the education of its members and the raising of the level of awareness of violence and harassment issues. Too often individuals do not have an accurate understanding of what constitutes violence and harassment. What appears to be innocent or insignificant to one individual may not be to another.

## Violence/Harassment Policy

Kellogg Community College is committed to providing an educational and work environment free from all forms of violence and harassment including sexual harassment.

**Therefore, the policy of Kellogg Community College is zero tolerance to all forms of violence, harassment and other forms of abusive behavior, physical or verbal, by employees, students or the public on its property, in its facilities or elsewhere when conducting its business.**

The College will take all reasonable steps to prevent or eliminate harassment or violence not only within the College but also by non-employees who are likely to have workplace contact with our employees and students.

### Harassment Based upon Race, Color, Religion, Gender, Sexual Orientation, National Origin, Age, Disability, Height, Marital Status and Veteran Status

Harassment includes harassment based on race, color, religion, gender (distinguished from sexual harassment), sexual orientation, national origin, age, disability, height, marital status and veteran status and as such violates Title VII of the Civil Rights Act of 1964 the Age Discrimination and Employment Act, the Americans with Disabilities Act, the Rehabilitation Act of 1977, Title IX of the Education Amendments of 1972, the Campus Crimes Act (Clery Act) and the Violence Against Women Act of 1994. It includes verbal or physical conduct that shows hostility, threat, or aversion toward an individual because of him or herself or his or her relatives, friends or associates for any of the above stated reasons, and that:

1. Has the purpose or effect of creating an intimidating, hostile, or offensive work or classroom environment;
2. Has the purpose or effect of reasonably interfering with an individual's work or classroom performance; or
3. Otherwise adversely affects an individual's employment or educational opportunities.

Harassing conduct includes, but is not limited to, the following:

1. Epithets, slurs, negative stereotyping, or threatening, intimidating or hostile acts that relate to race, color, religion, gender, sexual orientation, national origin, age, disability, marital status or veteran status; and
2. Written or graphic material that denigrates or shows hostility toward an individual or group because of these reasons and that is placed on walls, bulletin boards, or elsewhere on Kellogg Community College property or circulated on campus.

The standard for determining whether verbal or physical conduct relating to any of these factors is sufficiently severe or pervasive to create a hostile or abusive environment is whether a reasonable person in the same or similar circumstances would find the conduct intimidating, hostile or abusive.

## Sexual Harassment

Sexual harassment of Kellogg Community College employees and students is defined as any 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 status or opportunity;
2. Submission to or rejection of such conduct is used as the basis for employment or educational decisions affecting that individual;
3. Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or educational experience, or creates an intimidating, hostile, or offensive work or educational environment.

Prohibited sexual harassment includes unsolicited and unwelcome contact that has sexual overtones. It is unwelcome behavior if the recipient did not initiate it and regards it as offensive.

This includes, but is not limited to:

1. Written contact, such as sexually suggestive or obscene letters or notes;
2. Verbal harassment, including making sexual comments about a person's clothing, body, or sexual activities; telling sexual jokes or stories; sexual innuendoes; whistling; asking or telling about sexual fantasies; obscene gestures; using demeaning or inappropriate terms, such as "Babe," or using crude and offensive language;
3. Physical contact, such as intentional touching, pinching, brushing against another's body, impeding or blocking movement, assault, coercing, or touching oneself in a sexual manner in front of another person;
4. Non-verbal harassment such as leering or staring at another's body; gesturing or displaying sexually suggestive objectives, pictures, posters, or magazines.

Sexual harassment includes continuing to express sexual or social interest after being informed directly that the interest is unwelcome. Also included is the use of sexual behavior to control, influence, or affect career, salary, classroom, or work environment of an individual in such a way as it would reasonably be and is perceived as hostile or abusive.

Sexual harassment does not refer to occasional compliments. It refers to behavior of a sexual nature which interferes with the work or education of its victims and their co-workers or fellow students.

## Violence or Threat of Violence

Violence is any overt or threatened abusive behavior, physical or verbal, by employees, students or members of the public on the campus or elsewhere when conducting College business. It consists of physical contact, threats of physical contact or harm and harassment for any reason.

## Complaint Procedure and Investigation

Options available to the student's complainant are:

1. If a threat of violence presents the chance of immediate danger to oneself or others report it to security or, if not available, any administrator or other College employee.
2. Report an incident of violence or harassment to the faculty member or administrator of your choice. That person then has the responsibility of reporting to Title IX Coordinator in Human Resources.
3. File an informal concern with Title IX Coordinator in Human Resources.

Options available to the employee complainant are:

1. If a threat of violence presents the change of immediate danger to oneself or others report it to security or, if not available, your supervisor, any College administrator or other College employee as the situation permits. That person has the responsibility of reporting to the Violence/Harassment Officer (Director Human Resources or the Director Public Safety and Student Relations) or Human Resources.
2. File an informal concern with the Violence/Harassment Officer (Director Human Resources or the Director Public Safety and Student Relations) or Human Resources.

The President of the College will designate one male and one female administrator as Kellogg Community College Violence/Harassment Officers. Those individuals are the Director, Human Resources, extension 2363 and the Director of Public Safety and Student Relations at x2065.

The President of the College also designates a Title IX Coordinator. This individual is the Manager of Human Resources at 269-965-4127.

Harassment, including sexual harassment, may also include harassment where the harasser is not a student or employee of the College, but a vendor, contractor or a member of the general public. If you should feel harassed by any of these people you should complain in the same manner as if you were harassed by a student, employee, coworker or supervisor.

All reports of violence or harassment will be handled as confidentially as possible. However, due to the circumstances of each individual case confidentiality is not always possible.

The Violence/Harassment Officer will promptly investigate complaints involving violations of this policy and where violence or threats of violence are involved report the incident to the Appropriate Threat Response Team Member who will review the situation and take whatever action is necessary. Every attempt will be made to investigate all complaints. A report concerning the action to be taken will be given to the complainant and also to the accused when appropriate.

This procedure is designed and established to handle those incidents that can be resolved within the College and is not intended to take the place of the necessity of calling for police assistance when necessary.

## Violence or Threat of Violence - Procedure

In cases of violence or threatened violence employees should:

1. Secure personal safety.
2. Call 911 if the situation requires the immediate response of police, fire or EMS. Be prepared to provide a description of the perpetrator(s) and behaviors and the location of the incident. Security is to take any required action, based on training and policies, until arrival of an administrator.
3. Immediately notify security and/or an administrator when seeing or hearing any threatening, violent or other physically abusive behavior. Administrators shall:
  - a. Notify the Title IX Coordinator.
  - b. Stay in charge until relieved by your supervisor or a member of the Threat Response Team.
  - c. Take necessary appropriate action to ensure the safety of students, staff, and the public.

## Threat Response Team

The Threat Response Team is trained to address these incidents and consists of representatives from the following areas:

Administration	Legal	Staff
Human Resources	Employee Assistance Program	Community Relations
Institutional Facilities	Faculty	Student Services

## Title IX Coordinator

Its function is to conduct an investigation within twenty-four (24) hours of the incident (or sooner when necessary) and submit a written investigative report to the President within ten (10) working days of the incident. This should include:

1. Action being taken to:
  - a. Obtain signed witness statements, police reports, and incident reports, documents referenced in the report or formal Corrective Action Plan, and other relevant documents.
  - b. Remedy situation.
  - c. Help those present deal with reactions.
  - d. Prevent recurrence.
  - e. Use Corrective Action Plan to help respond to incidents.
2. Recommendations.

The Threat Response team is to review investigative reports on a biannual basis for consideration of possible policy and procedure updates.

*(Note: These procedures are currently under review for submission and approval by the College Board of Trustees.)*