

Discrimination and Discriminatory Harassment



Keene State College Polic

Discrimination and Discriminatory Harassment Policy

[Section Menu](#)

Approved November 3, 2015 Updated: June 12, 2018

Purpose:

Keene State College is committed t

member of the campus community may engage in behavior within the jurisdiction of the College that unjustly interferes with any individual's required tasks, career opportunities, learning, or participation in campus life. All members of the campus community share responsibility for preventing and reporting discrimination and harassment, cooperating in any investigation which might result, and maintaining confidentiality.

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race, color, religion, sex, age, national origin, sexual orientation, gender identity, gender expression, marital status, veteran's status, disability or other legally protected characteristic such that:

- The conduct has the effect of unreasonably interfering with an individual's work performance or creating a hostile, intimidating, or offensive working and/or academic environment;
- Submission to or rejection of such conduct by an individual is used as the basis for employment and/or academic decisions affecting that individual;
- Submission to the conduct is made either explicitly or implicitly a term or condition of an individual's employment and/or academic work;
- Such conduct unreasonably interferes with an individual's ability to participate in or benefit from an educational program or activity.

A "Hostile Environment" exists when the conduct is sufficiently severe, persistent, or pervasive that it unreasonably interferes with, limits, or deprives an individual from participating in or benefitting from the College's education or employment programs and/or activities. Conduct must be deemed severe, persistent, or pervasive from both a subjective and an objective perspective. In evaluating whether a hostile environment exists, the College will consider the totality of known circumstances, including, but not limited to:

- (i) the frequency, nature and/or severity of the conduct;
- (ii) whether the conduct was physically threatening;
- (iii) the effect of the conduct on the Reporting Party's mental or emotional state;
- (iv) whether the conduct was directed at more than one person

prove a hostile environment, particularly if the conduct is physical. A single incident of Sexual Harassment, for example, may be sufficiently severe to constitute a hostile environment. It is also possible for a series of individual incidents, each minor in itself, to have a cumulative effect of becoming pervasively harassing behavior. In contrast, the perceived offensiveness of a single verbal or written expression, standing alone, is typically not sufficient to constitute a hostile environment.

Harassing conduct includes, but is not limited to the following, when it rises to the standards set forth above:

- Epithets, slurs, jokes, negative stereotyping or threatening, intimidating or hostile acts that relate to a person's race, color, religion, gender, national origin, age or disability.
- Scaring or intimidating an African-American student by hanging a noose on their residence hall room door
- Written or graphic material which demeans or shows hostility or aversion toward an individual or group because of race, color, religion, gender, national origin, age or disability and is posted on walls, bulletin boards, e-mail or elsewhere on the campus.
- Offending female students, faculty, or staff by posting sexually suggestive pictures in a visible location that they must pass by or through
- Submission to or rejection of such conduct by an individual is used as the basis for decisions affecting an individual's employment or grades.

Retaliation

Retaliation means any adverse action taken against a person for making a good faith report of prohibited conduct or participating in any proceeding under this policy. Retaliation includes threatening, intimidating, harassing, coercing or any other conduct which would discourage a reasonable person from engaging in an activity protected under this policy. Retaliation may exist even when the underlying complaint is determined to be 'unfounded.'

Retaliation does not include good faith actions lawfully pursued in response to a complaint.

Contacts

contact an Intake Officer as noted below. The Intake Officer will interview the Reporting Party to obtain as much informa a

- If the responsible administrator is unable to assume the duties as defined, the President will assign an alternate Responsible Administrator.
- If the described behaviors are not a violation of this policy, a referral to other policies will be made, such as the KSC Complaint and Grievance process.

Roles and Responsibilities

a member of staff of the Finance and Planning division

- The Vice President for Enrollment Strategy, Marketing and Communications when the Responding Party is a member of staff of the Advancement Division
- The President when the Responding Party is a member of the staff of the Executive Division

An Investigator assigned to assist with a complaint will:

- Conduct a full, fair and timely investigation of alleged complaint, including reasonable effort to corroborate sources of information.
- Prepare a written, dated report for the Executive Officer.
- Refer to the Sexual Misconduct Policy when the Responding Party is a student.

Formal Complaint Process

The formal complaint process is used when either a written complaint is submitted or when an initial review of an informal complaint suggests that the nature of the incidents may be serious, pervasive, or severe and when the Responding Party is an employee of Keene State College.

1. The Executive Officer will coordinate supportive measures to protect the Reporting Party and prevent retaliation or interference with the review.
2. If the Responding Party is a member of a bargaining unit, complaint procedures outlined in the collective bargaining agreement will be followed. While the procedures for managing the complaint are subject to the Collective Bargaining Agreement, the standards by which the complaint will be reviewed or determinations made will be consistent with this policy and are the same for all members of the community.
3. If the Responding Party is a non-student, campus employee other than faculty, the following procedures will be followed: A copy of the signed complaint will be given to the Responding Party within 14 calendar days of its receipt. An exception to the time requirement may be granted when both the Reporting Party and Executive Officer agree that the complaint

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should be handled after the close of the academic semester.

4. In all Formal Complaint responses, the College shall conduct a full and fair investigation of the alleged complaint, including a reasonable effort to corroborate sources of information identified by the Reporting Party and the Responding Party. The investigation will be completed as promptly as is possible. Written, dated, confidential records will be maintained throughout the investigation.

the personnel file of the Responding Party. The Executive Officer will determine appropriate sanctions based on the nature and severity of the offense and the extent of the findings. Sanctions may include but are not limited to an oral or written reprimand, reassignment of duties, mandatory counseling, suspension with or without pay, probation, or termination.

- o b. NOT SUSTAINED, i.e., in the informed judgment of the Executive Officer, the behavior did not meet the criteria

through conversation or other informal and direct steps, her

expectations for appropriate behavior and to assure appropriate sanctions are imposed.

- If the named individual is an employee other than a faculty member, the supervisor will document their discussion with the employee in a letter to the employee's permanent personnel file. The Executive Officer or direct supervisor may choose to impose sanctions for the inappropriate behavior in consultation with Human Resources
- If the Responding Party is a member of the faculty represented by a collective bargaining unit, contract guidelines will be followed.

Time Limits

Prompt reporting of discrimination and harassment is in the best interest of the entire Keene State College community. Individuals are encouraged to report incidents of alleged discrimination and harassment in a timely fashion. Faculty and staff are provided with 60 days to file a formal complaint and 60

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Health and Wellness.

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