

69-300-1

PROHIBITION OF WORKPLACE HARASSMENT (PROCEDURE)

A. Definitions

1. Unlawful Harassment is conduct that has the purpose or effect of creating an intimidating, hostile or offensive working environment, has the purpose or effect of unreasonably interfering with an individual's work performance or otherwise adversely affects an individual's employment opportunities

Actionable Harassment is based on an individual's race, color, religion, gender, national origin, age or disability as well as that of one's relatives, friends or associates.

Unlawful conduct includes but is not limited to: epithets, slurs, negative stereotyping or threatening, intimidating or hostile acts; written or graphic material that denigrates or shows hostility or aversion and that is on the employers premises or circulated in the workplace. Infractions of this nature require action:

- a. when such conduct is present, explicitly or implicitly, and interferes with terms or conditions of employment, instruction, or participation in college activities or programs;
- b. when submission to or rejection of such conduct by an individual is used as the basis for making personal or academic decisions affecting the individual;
- c. when such conduct has the effect of unreasonably interfering with the individual's work;
- d. when intimidating, hostile, or offensive work or learning environment is present. Harassing conduct can be present even if the complaining employee(s) are not specifically intended target of the conduct.

2. Complaint Manager means the person or persons who are responsible for the investigation of any complaints alleging noncompliance with this policy. The complaint manager of Oglala Lakota College employees will be assigned annually.

B. Publication of Policy

1. Appropriate materials regarding workplace harassment shall be

made available through yearly seminars and/or at employees' request.

2. Each employee shall receive a copy of this policy and this shall be included in the Employee Handbook.

C. Training

1. All administrators, supervisors, instructors, and other staff of Oglala Lakota College shall receive appropriate training accordingly.

2. All training shall be documented by maintaining records of the date the training was conducted; the names of all persons participating (including signed attendance sheets); an outline of the subject matter covered; the name(s) and credentials of the instructor (s); copies of hand-outs or audio-visual material used; and any copies of tests and test results, if used.

D. Complaint Procedures

1. Filing

a. Any employee who believes that he or she has been subjected to harassment has the right to file a complaint with the Complaint Manager. If the original complaint is oral, the complaining party shall be asked to put the complaint in writing. A written complaint shall include the following: the name of the complaining party; the name of the offender; the date of the offense; the location of the offense; a description in as much detail as possible of the incident (s), including any statements made by either party; and a list of all known witnesses.

b. No person, witness, or person who participates or cooperates with an investigation shall be subject to retaliation of any kind.

2. Preliminary Investigation

a. Complaints filed pursuant to this policy shall be promptly and thoroughly investigated by the Complaint Manager.

b. All circumstances of the situation shall be considered in the investigation of possible harassment incidents. In determining whether the alleged conduct constitutes workplace harassment, consideration shall be given to the totality of the circumstances, including the context in which the alleged incident (s) occurred.

c. Upon completion of the investigation, the Complaint Manager shall prepare a "workplace harassment" report including the following:

(1) the date of the incident (s); (2) the name of the complainant; (3) the name of the offender (s); (4) a summary of the factual allegations that alleged said harassment; (5) the name of all potential witnesses; (6) a summary of the steps taken to complete the investigation; (7) a summary of all witness statements (with copies of the actual statements attached); (8) a listing of any physical evidence available and (9) a factual summary of all evidence that supports or refutes the allegations of workplace harassment.

d. The investigation shall be complete within 10 working days after the complaint is filed.

3. Initiation of Grievance Procedure

a. Once the preliminary investigation on a complaint is filed, the appropriate Grievance Policy and Procedure of Oglala Lakota College will be initiated.

E. Monitoring

1. On an annual basis employees should be properly informed of the workplace harassment policy.

2. Within three months after a complaint is resolved, the complainant shall be interviewed to determine if any additional incidents have occurred and the complainant's general satisfaction with process involved.

3. The President shall report annually to the Board of Trustees providing qualitative information relative to the number of complaints, number of investigations, results of investigation, training efforts and policy publication efforts.

4. This policy will be updated every three years for compliance issues.