

Title: Non-Discrimination and Equal Employment Opportunity Policy

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- Effective: September 25, 2024
- Next Review: September 2027
- Responsibility: Human Resources

POLICY

Cecil College strives to create and maintain a work environment where people are treated with dignity, decency and respect. Cecil College will not tolerate discrimination or harassment of any kind. All employees, regardless of their positions, are covered by and are expected to comply with this Policy, and to take appropriate measures to ensure that prohibited conduct does not occur.

PROCEDURE

This Policy will be enforced in accordance with applicable federal, state and local laws.

Nondiscrimination and Equal Employment Opportunity

Cecil College prohibits discrimination against any member of the College community or any applicant for employment based on race (including protected hair styles), color, national origin, ancestry, age, religion, disability, sex, sexual orientation, gender identity and expression, genetic information, marital status, veteran status, military status or any other status protected by federal, state or local law.

The College is committed to ensuring equal employment opportunity and non-discrimination in all of its hiring and employment practices. This policy applies to all terms, conditions and privileges of employment, including but not limited to, hiring, promotion, compensation, training, appointments for advancement, leave, transfer, demotion, layoffs and recalls.

Applicants and employees will not be discriminated against on the basis of race (including protected hair styles), color, national origin, ancestry, age, religion, disability, sex, sexual orientation, gender identity and expression, genetic information, marital status, veteran status, military status or any other status protected by federal, state or local law.

Americans with Disabilities Act

It is Cecil College's policy not to discriminate against any qualified employee or applicant with regard to any terms or conditions of employment because of such an individual's disability or perceived disability. Employees are expected to be able to perform their essential job duties of the job they are seeking with or without reasonable accommodation.

Consistent with this policy, Cecil College will provide reasonable accommodations to a qualified individual with a disability who has made the College aware of their disability, provided that such accommodation does not constitute an undue hardship. An employee seeking to request a reasonable accommodation for a disability should contact the College's Human Resources office.

Reasonable Accommodations For Disabilities Due to Pregnancy

In compliance with the Pregnant Workers Fairness Act (PWFA), the College will provide reasonable accommodations that do not create an undue hardship to a qualified employee's or applicants known limitations related to, affected by, or arising out of pregnancy, childbirth, or related medical conditions. Employees requesting such accommodations must provide medical certification to the Human Resources department.

Accommodations may include: changing the employee's job duties; changing the employee's work hours; relocating the employee's work area; providing the employee with mechanical or electrical aids; transferring the employee to a less strenuous or less hazardous position; or providing the employee with leave.

Additional examples of accommodations include: additional, longer, or more flexible breaks to drink water, eat, rest, or use the restroom; changing food or drink policies to allow for a water bottle or food; changing equipment, devices, or workstations, such as providing a stool to sit on, or a way to do work while standing; changing a uniform or dress code or providing safety equipment that fits; changing a work schedule, such as having shorter hours, part-time work, or a later start time; telework; temporary reassignment; temporary suspension of one or more essential functions of a job; leave for health care appointments; light duty or help with lifting or other manual labor; or leave to recover from childbirth or other medical conditions related to pregnancy or childbirth

PUMP for Nursing Mothers Act

The Fair Labor Standards Act (FLSA) requires employers to provide reasonable break time for an employee to express breast milk for their nursing child for one year after the child's birth each time such employee has need to express the milk. Employees are entitled to a place to pump at work, other than a bathroom, that is shielded from view and free from intrusion from coworkers and the public.

For any questions or concerns, please contact Human Resources.

Harassment. Hostile Work Environment Harassment. Workplace Bullying

Cecil College prohibits harassment of any kind, including harassment based on an individual's race (including protected hair styles), color, religion, disability, ancestry, national origin, sex, age marital status, sexual orientation, gender identity and expression, genetic status, genetic information, veteran status, military status or any other status protected by federal, state or local law.

Harassment is defined as unwelcome and offensive conduct, when the conduct is based on a protected class, and

- Submission to the conduct is made either explicitly or implicitly a term or condition of employment of an individual;
- Submission to or rejection of the conduct is used as a basis for employment decisions affecting the individual; or
- The conduct unreasonably creates a working environment that a reasonable person would perceive to be abusive or hostile taking into account the totality of the circumstances.

Harassment is verbal, written, or physical conduct that denigrates or shows hostility towards an individual because of a protected characteristic. Harassing conduct based on a protected characteristic can include, but is not limited to, the following:

- Epithets, slurs, derogatory remarks, denigrating jokes, offensive comments.
- Negative stereotyping.
- Written or graphic material, including pictures or cartoons, that ridicules, denigrates, insults, belittles or shows hostility, aversion or disrespect towards an individual.
- Hostile or intimidating gestures, expressions, or acts, such as demeaning pranks or mocking individuals.

Hostile work environment harassment is unwelcome conduct, when the conduct is based on a protected class and the conduct interferes with an individual's job performance or creates an intimidating, hostile, or offensive working environment.

Sex-based or sexual harassment, like other forms of harassment, may involve co-employees, subordinates, supervisors, and even non-employees who conduct business with the College.

Workplace bullying refers to repeated, unreasonable actions of individuals (or a group) directed toward an employee (or a group of employees), which are intended to intimidate, degrade, humiliate, or undermine; or which create a risk to the health or safety of the employee(s). The College does not tolerate bullying even if it is not related to a protected characteristic.

The College will take appropriate and immediate action in response to complaints or knowledge of violations of this Policy. The College will follow all applicable Maryland and Federal law in response to complaints or knowledge of violations of this policy.

Sexual Harassment

Conduct that implicates the College's Sexual Discrimination and Harassment Policy will be reviewed in accordance with that policy.

Sexual harassment is strictly prohibited under this policy. Sexual harassment includes unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when (a) submission to such conduct is made either explicitly or implicitly a term or condition of employment; (b) submission to or rejection of such conduct by an employee is used as the basis for employment decisions affecting such employee; or (c) such conduct has the purpose or effect of unreasonably interfering with an employee's work performance or creating an intimidating, hostile or offensive working environment. Sexual harassment may take different forms. The following are some examples and guidelines of conduct which may constitute sexual harassment, but which are not intended to be exclusive:

- Verbal conduct, including innuendoes, suggestive comments, jokes of a sexual nature, sexual propositions, sexual advances, lewd remarks and threats; requests for any type of sexual favor (this includes repeated, unwelcome requests for dates); questions or commentary about an individual's private life, body, sexual prowess, or sexual deficiency; requests that employees wear suggestive clothing; verbal content in letters, notes, facsimiles, e-mails, photos, text messages, tweets and Internet postings, or other forms of communication, that are sexual in nature and offensive; and verbal abuse or "kidding" that is oriented toward a prohibitive form of harassment, including that which is sexual in nature and unwelcome.
- Nonverbal conduct, including the distribution, display or discussion of any written or graphic material, including calendars, posters and 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; nonverbal content in letters, notes, facsimiles, e-mails, photos, text messages, tweets and Internet postings, or other forms of communication, that are sexual in nature

and offensive.

- Physical conduct, including unwelcome, unwanted physical contact, such as touching, tickling, pinching, patting, brushing up against, hugging, cornering, kissing, fondling, and forced sexual intercourse or assault.

Conduct constituting sexual harassment includes but is not limited to unwelcome verbal, physical or visual conduct of a sexual nature; kidding, teasing or jokes of a sexual nature; repeated offensive activities; physical conduct such as touching, patting, pinching, sexual gestures, or brushing against another person's body; or unwelcome display of objects or pictures which are sexual in nature and which create an offensive work environment.

Sexual harassment does not refer to occasional compliments of socially acceptable nature or welcome social relationships. Courteous, respectful, non-coercive interactions between employees that are acceptable to and welcomed by both parties, are not considered to be harassment, including sexual harassment.

Anyone who believes that they have been sexually harassed should unequivocally direct the harasser to stop the behavior as well as immediately notify their supervisor, department director and/or Human Resources. You never have to report the harassment to the person whom you believe is harassing you.

Retaliation

Cecil College prohibits any form of retaliation. Retaliation against an individual who opposes or objects to discrimination or harassment, files a complaint, or testifies or participates in an investigation of a claim of discrimination or harassment, is prohibited. Acts of retaliation should be reported immediately. Cecil College prohibits retaliation against an individual for making a report of discrimination or harassment in good faith under this policy or for participating in an investigation into a complaint under this policy. All complaints will be handled with sensitivity and confidentiality to the maximum extent possible. Any person who is found to have engaged in conduct constituting retaliation in any form against another individual will be subject to discipline, up to and including termination of employment.

Process For Investigation of Discrimination, Harassment and Retaliation

Cecil College has established the following procedure for filing and investigation of a complaint that implicates this Policy and is not otherwise covered by procedures outlined in the College's Sexual Discrimination and Harassment Policy. Conduct that implicates the College's Sexual Discrimination and Harassment Policy will be reviewed in accordance with that policy.

Any individual who believes that they have been discriminated, harassed, or retaliated against in any form in connection with their employment at Cecil College should bring the matter to the immediate attention of Cecil College's Executive Director of Human Resources. If a supervisor becomes aware that harassment or discrimination is occurring, either from personal observation or as a result of an employee coming forward, the supervisor must immediately report it to Human Resources. All reports will be kept as confidential as possible, while recognizing that disclosure may be necessary for the purpose of investigation and/or discipline.

An individual who feels harassed, discriminated or retaliated against may initiate the complaint process by filing a complaint in writing with Cecil College's Executive Director of Human Resources. The sooner the individual brings the concern to the College's attention, the sooner the College can take action. Upon receipt of a complaint, Human Resources will review the complaint, and an investigation of the complaint will be initiated within five (5) business days.

Written notice will be provided to both parties, and an investigation will be conducted.

As part of the investigatory process, the investigator will interview the complainant, the respondent, and any witnesses deemed to have relevant information to the investigation to determine whether there has been a violation of policy.

Within fifteen (15) business days of the conclusion of interviews and information gathering, the investigator will complete a written report of his or her findings and provide the report to a designated College Administrator to review the investigation. This time period may be extended by the College as appropriate. If it is determined that a violation of College policy has occurred, the College will recommend appropriate disciplinary action.

If it is determined that there is insufficient evidence to support a violation of policy, but potentially problematic conduct may have occurred, appropriate preventive action may be recommended. The College will meet with the complainant and the respondent separately and notify them in writing of the findings of the investigation.

Appeals Process

An appeal may be filed by either party to a complaint for only the following reasons: (i) a procedural error that significantly affected the outcome of the investigation; and (ii) to consider new evidence, unknown or unavailable during the investigation, that could substantially impact the original finding. No other basis for appeal is permitted.

An appeal must be submitted in writing to the Executive Director of Human Resources, within five (5) business days following notice of findings and discipline, if applicable. If a request for appeal is not received within that time, the findings and any discipline will stand. The appeal must contain a detailed written statement specifying the precise grounds for appeal with supporting facts. The appeal must be signed by the employee filing the appeal or sent using the employee's College issued email account.

A College Administrator will review the investigative file and report and make a final determination regarding findings and any discipline. The decision and discipline determined by the College Administrator will be final. No other grievance processes otherwise available to employees may be used to further appeal the decision.

Standard of Review

The preponderance-of-the-evidence (i.e., more likely than not) standard will be applied as the standard of review for determining findings of fact in any investigation pursuant to this policy.

Employee Assistance Program

The Employee Assistance Program (EAP) serves as a resource for counseling services to College employees. Individuals wishing to discuss an incident confidentially or seeking information and advice of a personal nature are encouraged to contact the EAP, to understand to what extent information shared may be kept confidential. The role of the EAP in such cases will be limited to personal counseling and treatment for the person who is then an EAP client. Contacting the EAP will not qualify as notification to Cecil College of a complaint for harassment or discrimination. Employees must follow the complaint process described in this policy.

Consensual Romantic Relationships

Romantic or sexual relationships where one employee has influence or control over the other's conditions of employment are inappropriate. Such relationships, even if consensual, tend to create conflicts of interest or the appearance of such conflicts, undermining the spirit of trust and mutual respect that is essential to a healthy work environment. If such a relationship exists or develops:

- The supervisor or employee who has influence or control over the other's conditions of employment has an obligation to disclose their relationship to the department head or next level of administrator.
- The other employee involved in the relationship is encouraged to disclose the relationship to either the next level of administrator or Human Resources.

If a relationship is deemed to be inappropriate under these guidelines, the department head or next level of administrator, after consultation with Human Resources will take appropriate action, taking into consideration what actions will be least disruptive to the College as a whole. Actions taken may include, but are not limited to, an agreed upon transfer, a change in shift, a change in reporting structure, or discharge.

If an employee, whether or not involved in the relationship, believes they have been, or are being, adversely affected, they are encouraged to contact Human Resources.

When relationships develop into situations that may be viewed as harassment or discrimination, employees should follow the appropriate complaint reporting procedure.