

Section: 300 – Human Resources	Subject: Employment Environment
Policy: Workplace Conduct	Approved: February 27, 2018
Policy #: CCS 323.01	Date of Last Amendment: June 18, 2021
Approved: Susan Huard, Interim Chancellor	Effective Date: June 22, 2021

I. Policy Statement

The Community College System of New Hampshire (CCSNH) is committed to creating and maintaining a positive and productive learning environment for students, a professional setting for its employees, and a community atmosphere grounded in mutual respect, dignity, and integrity. In light of these objectives, CCSNH prohibits: 1) all manner of discrimination in the administration of its education and employment programs and practices on the basis of unlawful criteria including race, color, religion, national or ethnic origin, age, sex, sexual orientation, marital status, disability, gender identity or expression, genetic information, and veteran status, as defined under applicable law; and 2) will not in any instance tolerate harassment, intimidation or bullying behavior of any kind.

Also see Policy CCS 323.02, Title IX/RSA 188-H Sexual Misconduct and Grievance Procedure (Employees).

II. Policy Purpose

The purpose of this policy is to establish and communicate to all employees:

- The type of conduct that is prohibited by this policy;
- The responsibility of supervisors, managers, and executives to establish a learning and work environment that is free from harassment and discrimination and to encourage reporting of discriminatory conduct, harassment, intimidation and bullying;
- The responsibility of executives to treat complaints and incidents of discrimination, harassment, intimidation and bullying seriously, and to respond quickly, impartially, and appropriately to such complaints and incidents;
- The responsibility of all employees to support a learning and work environment that is free from discrimination, harassment, intimidation, and bullying, to report incidents of discrimination, harassment, intimidation, and bullying, to cooperate with investigations of such complaints and incidents, and to respect confidentiality; and
- The responsibility of all employees to refrain from retaliatory conduct against individuals raising claims of discrimination, harassment, intimidation, and bullying, or against individuals participating in investigations of such claims.

III. Scope of Policy

This policy applies to all CCSNH and College employees, students (when acting in the course of employment with CCSNH), contractors, and any other person whose conduct affects the learning and work environment, at the place of work and/or in the course of employment.

IV. Definitions

A. Bullying and harassment are both defined as repeated inappropriate behavior, either direct or indirect, whether verbal, physical or otherwise, conducted by one or more persons against another or others, at the place of work and/or in the course of employment that unreasonably interferes with an employee's work performance, a student's educational program or activity, or creates an intimidating, hostile, or otherwise offensive environment.

1. Verbal bullying and harassment: Slandering, ridiculing, or maligning a person or their family or associates; persistent name calling that is hurtful, insulting or humiliating; using a person as the target of jokes; obscene, abusive, and offensive remarks or nicknames; shouting or raising voice at an individual in public or private; constant criticism on matter(s) unrelated or minimally related to the person's job performance or job description; public reprimands.
2. Physical bullying and harassment: Pushing, shoving, kicking, poking, tripping, assaulting, or threatening physical assault, damage to a person's work area or property; unwanted physical contact, physical abuse, or threats of physical abuse to an individual or an individual's property (*i.e.*, defacing or marking up property).
3. Gesture bullying and harassment: Nonverbal threatening or obscene gestures; glances that can convey threatening messages.
4. Other bullying and harassment: Socially or physically excluding or disregarding a person in educational and/or work-related activities; not allowing the person to speak or express themselves (*i.e.*, ignoring or interrupting); public humiliation in any form; deliberately interfering with mail or other communications; spreading rumors or gossip regarding individuals; encouraging others to disregard a supervisor's instructions.

B. Intimidation is defined as intentional inappropriate behavior that would cause a person of ordinary sensibilities to fear injury or harm (physical or mental), or material and detrimental loss to the person.

C. Sexual Misconduct (including Sexual Harassment):

Sexual misconduct is defined in CCS Policy 323.02 – Title IX/RSA 188-H Sexual Misconduct Policy and Grievance Procedure (Employees). Sexual misconduct which is determined to fall within the definitions of Title IX sexual harassment shall be addressed by the grievance procedure in that Policy. Any sexual misconduct which does not meet the definitions of Title IX sexual harassment shall be addressed by the procedure in this policy.

D. Discriminatory conduct is defined as treating or proposing to treat someone unfavorably or subjecting someone to unwelcome conduct because of race, color, religion, national or ethnic origin,

age, sex, sexual orientation, marital status, disability, gender identity or expression, genetic information, and veteran status. Unwelcome conduct may include, but is not limited to, offensive jokes, slurs, epithets, or name calling, physical assaults or threats, intimidation, ridicule or mockery, insults or put-downs, offensive objects or pictures, and interference with work performance.

V. Prohibited Conduct

CCSNH prohibits bullying, harassment, intimidation, and discriminatory conduct including sexual misconduct, sexual harassment, and all manner of discrimination on the basis of unlawful criteria including race, color, religion, national or ethnic origin, age, sex, sexual orientation, marital status, disability, gender identity or expression, genetic information, and veteran status, which affects the learning or work environment.

VI. Retaliation Prohibited

Retaliation of any kind against anyone who is involved in making/reporting a complaint or the investigation of a suspected violation of this policy is prohibited.

VII. Responsibility of Supervisors, Managers and Executives

Supervisors, managers, and executives are responsible for promoting a learning and work environment that is free from harassment and discrimination by exercising reasonable care to prevent and correct any behavior which may violate this policy, and encouraging reporting of discriminatory conduct, harassment, intimidation, and bullying.

Supervisors, managers, and executives (Responsible Officials) who observe, are informed of, or reasonably suspect incidents of possible discrimination, harassment, intimidation and bullying, or retaliation are required to report such incidents as soon as possible to the College Human Resource Officer or CCSNH Director of Human Resources (or the appropriate Title IX Coordinator if sexual misconduct is involved). Failure to report such incidents will be considered a violation of this policy and may result in disciplinary action. Responsible Officials must take effective measures to prevent further discriminatory conduct, harassment, intimidation, bullying, or retaliation pending completion of an investigation.

VIII. Reporting of Complaints or Incidents

If possible, employees are encouraged to try to resolve issues among themselves, but if that is not appropriate or is not successful, employees are encouraged to make complaints or reports of incidents of discrimination, harassment, intimidation and bullying, or retaliation related to such complaints or reports either in writing or verbally, to an employee's supervisor, department manager, College Human Resource Officer or CCSNH Director of Human Resources. Complaints or reports involving possible sexual misconduct must be reported to the appropriate Title IX Coordinator for assessment as to which policy applies. Any complaints or reports of sexual misconduct that are not made directly to a Title IX Coordinator, must be reported by the person receiving the complaint or report to the appropriate Title IX Coordinator.

All complaints and reports received at the College level shall be reported to the CCSNH Director of Human Resources.

IX. Investigations of Complaints and Reports of Incidents

All complaints and reports of incidents will be investigated as expeditiously as possible (and in accordance with the applicable procedure), with reasonable thoroughness and particular care to

preserve the confidentiality of all persons involved. All employees who are contacted by an investigator are expected to be truthful, forthcoming, and cooperative in connection with the investigation.

Allegations of sexual misconduct that meet the definition of Title IX sexual harassment under CCS Policy 323.02 shall be addressed by following the grievance procedures in CCS Policy 323.02.

All other allegations of misconduct in the workplace as defined in this policy, including discriminatory conduct, harassment (including non-Title IX/NH RSA 188-H sexual misconduct/harassment), intimidation, bullying, or retaliation shall be addressed through this Policy.

A. Preliminary Review Process

For reports or complaints covered by this Policy, the College Human Resources Officer, with the assistance of the CCSNH Director of Human Resources, will evaluate the facts reported to determine the nature, extent and period covered in the report. Based upon the evaluation and consultation as appropriate, the College Human Resources Officer, in consultation with the CCSNH Director of Human Resources, may propose an informal resolution to the employee and/or supervisor.

If the issue cannot be resolved or is not appropriate for informal resolution, the matter will be referred to the President of the College or the Chancellor as appropriate to commence a formal investigation.

B. Investigation Process

1. Appointment of Investigator

Upon determination by the President or Chancellor that a formal investigation is appropriate, the President or Chancellor will appoint an impartial investigator to determine whether the alleged acts occurred and if so, whether the conduct violates CCSNH policy.

2. Notice of Investigation

Upon appointment of the investigator, the President or Chancellor shall notify the complainant and respondent (the person who is alleged to have engaged in the prohibited conduct) in writing. The written notification shall provide an overview of the alleged prohibited conduct, the policy implicated, the name of the investigator, and the anticipated duration of the investigation.

3. Representation at an Investigative Interview/Meetings

An employee shall be entitled to representation at an investigative interview or meeting. Such representation shall be handled in accordance with CCSNH policies and the provisions of collective bargaining agreements, as applicable. The representative's role at an investigative interview or meeting is solely to support the employee, not to speak for the employee, who shall provide their own account of the matter(s) under investigation.

4. Time to Complete Investigation

All investigations shall be completed within sixty (60) calendar days unless exceptional circumstances justify an extension of time. Notice of an extension shall be provided in writing by the President or Chancellor, as applicable, to the complainant and respondent before the expiration of the sixty (60) day period and shall set forth the reasons for the extension and the date of anticipated completion.

5. Confidentiality of Investigation

Investigations shall be conducted with particular care to preserve the confidentiality of all persons involved, to the extent possible for a thorough investigation.

6. Suspension Pending Completion of Investigation

CCSNH may suspend an employee, with or without pay, for a limited period of time (typically up to 30 calendar days) when 1) allegations of misconduct made against the employee are related to the employee's duties and responsibilities and require an internal investigation; and 2) the nature of the allegations warrant the removal of the employee from the work site. In such cases, the employee shall be available at a location acceptable and accessible to CCSNH and investigators for the duration of the investigation. An extension of a suspension for one or more additional periods not exceeding 30 calendar days each may be granted with the approval of the CCSNH Director of Human Resources, provided that at the end of the initial period of suspension with pay, 1) the conditions set forth above continue to exist; and 2) the investigation has not been completed.

If, at the conclusion of the investigation, it is determined that no disciplinary action is warranted, an employee who was suspended without pay shall be returned to paid status and shall be entitled to any lost compensation for their regular appointment during the period of suspension.

7. Notice of Investigative Findings

Upon completion of the investigation, the investigator shall prepare a report of findings and conclusions for submission to the College President or Chancellor. The findings of fact shall be determined by a preponderance of the evidence. Upon receiving the report, the College President or Chancellor shall provide written notice of the investigative findings to both the complainant and respondent.

X. Administrative/Disciplinary Actions

Violation of this policy will result in appropriate administrative and/or disciplinary action consistent with the rules and regulations governing employees of CCSNH and its Colleges, which may include discharge of employees.