

Chapter 2 Nondiscrimination Policy

2.1 Policy.

- 2.1.1 It is the College's express policy and purpose to provide educational and employment opportunities without regard to race, religion, color, national origin, ancestry, sex, sexual orientation, gender identity, spousal affiliation, age, disability, or veteran's status, in conformity with the laws of the United States and the State of New Mexico.
- 2.1.2 Equal opportunity extends to all aspects of the employment relationship with the College, including hiring, transfers, promotions, training, terminations, working conditions, compensation, and benefits.
- 2.1.3 It is the responsibility of each member of the College's staff to comply with the College's nondiscrimination policy. The College's Human Resources Office is responsible for ensuring the College's compliance with its nondiscrimination policies in all personnel and employment matters.

2.2 Compliance.

2.2.1 Recruitment and Selection.

The Human Resources Office shall oversee recruitment and selection systems to ensure compliance with the College's Nondiscrimination Policy. To attract qualified applicants, the College shall utilize recruitment resources, including secondary schools, other institutions of higher learning, the New Mexico Department of Labor.

2.2.2 Supervisor Training.

As part of the College's Professional Development Plan, employees with supervisory authority shall be provided on-going training and technical assistance on the various laws and regulations underlying the College's Nondiscrimination Policy.

2.2.3 Job Description Review.

The Human Resources Office shall conduct periodic reviews of the College's job descriptions to confirm that essential job functions are listed and to verify that the required qualifications are job-related and consistent with business necessity. Supervisory staff shall review job descriptions prior to each evaluation period and shall create a summary of additional job duties, as assigned.

2.2.4 Equitable Compensation.

The College shall provide equal pay for equal work to ensure that individual

compensation is based upon the job held and the experience of the individual within a particular job category.

2.2.5 Employee Training Opportunities.

On-the-job training programs, as well as other training and educational programs offered by the College, shall be made available to all employees without regard to race, religion, color, national origin, ancestry, sex, sexual orientation, gender identity, spousal affiliation, age, disability, or veteran status.

2.3 Required Notices Concerning Nondiscrimination Policies.

2.3.1 As required by law, the Human Resources Office shall post federal and state government nondiscrimination posters in conspicuous locations throughout the College campus. The College's nondiscrimination policies and procedures shall also be explained to all new employees during employee orientations conducted by the Human Resources Office.

2.3.2 Notices, advertisements, forms, job descriptions, and other documents related to employment shall not indicate any preference, limitation or discrimination on the basis of race, religion, color, national origin, ancestry, sex, sexual orientation, gender identity, spousal affiliation, physical or mental handicap or serious medical condition, status as an armed forces veteran, or any other prohibited basis, in conformity with federal and state law.

2.3.3 All employment advertisements placed by the College or its contract recruiters must include the phrase: Luna Community College is an Equal Employment Opportunity Employer.

2.4 Procedure for Reporting Violations of the College's Nondiscrimination Policies.

2.4.1 College employees who believe they have been subjected to prohibited discrimination or harassment should immediately report the incident to their supervisor or to the Human Resources Director within five (5) days following the actual or constructive knowledge of the alleged discrimination or harassment. Employees may use the Discrimination/Harassment Reporting Form included as Appendix F to this Handbook. The supervisor shall report all discrimination or harassment complaints to the Human Resources Director.

2.4.2 Every reported violation of the College's nondiscrimination policies and procedures shall be promptly investigated by the Human Resources Director. Failure by an employee to fully and timely report alleged violations of the College's nondiscrimination policies or to provide supporting information, may compromise the College's ability to investigate or remedy the alleged violation. Employees found

to have engaged in discriminatory conduct or harassment shall be subject to immediate disciplinary action, up to and including termination of employment with the College.

2.4.2.1 If the Human Resources Director is implicated in the complaint, he or shee would not conduct the investigation. In the alternative, the President would hire an outside entity to investigatge the claim and recommend discipline (if any). The President would then rule on the proposed discipline.

2.4.2.2 If the President is implicated in the complaint, the Human Resources Director can either (1) investigate the claim and recommend discipline directly to the Board, or (2) hire an outside entity to perform this function and report its findings to the Board.

Chapter 11 Sexual Harassment Policy

11.1 About the College's Sexual Harassment Policy.

The College is committed to providing a working and learning environment in which all individuals are treated with respect and dignity. Each employee has the right to work and learn in an environment that is free from discrimination, including sexual harassment. No member of the College community should be required to endure sexual harassment by supervisors, peers, faculty members, educational support staff, independent contractors or vendors, or to work or learn in a hostile environment as a condition of employment or pursuit of academic excellence.

11.2 Purpose of the Sexual Harassment Policy.

The purpose of this policy is to inform all College employees that sexual harassment is illegal and that the College will not tolerate sexual harassment of its students or employees, nor will the College tolerate unprofessional conduct which leads to sexual harassment. The College intends to deter sexual harassment through the publication of this Sexual Harassment Policy on the College website and through posting the policy throughout the campus. The College will provide appropriate educational materials and programs related to understanding and implementing this Sexual Harassment Policy for students and employees.

Mandatory training on this policy will be conducted twice annually to all College employees, and employees will be required to execute certificates of completion after each training. The certificates of completion will be maintained in employee personnel files.

11.3 Sexual Harassment Policy.

The College will not tolerate or condone sexual harassment by or towards its employees, or towards its students. It is the intention of the College to take appropriate action to prevent, correct and, if necessary, to discipline an employee's behavior which violates this policy.

It is the policy of the College:

11.3.1 To prohibit any person at the College in a working or academic setting from sexually harassing any other person at the College in a work or academic setting;

11.3.2 To provide a working and academic environment free of sexual harassment;

11.3.3 To investigate all allegations of sexual harassment or misconduct in a timely and thorough manner;

11.3.4 To take appropriate and timely corrective action with respect to information or allegations that employees or students are being subjected to sexual harassment in the work or academic environment;

11.3.5 To raise awareness among College's employees regarding the Sexual Harassment

Policy;

11.3.6 To educate members of the College community that sexual harassment can occur between members of the same sex, as well as between members of the opposite sex;

11.3.7 To provide information to employees about procedures for seeking redress for alleged sexual harassment, sexual misconduct or the creation of a hostile work environment at the College.

11.4 Sexual Harassment.

11.4.1 Sexual harassment constitutes discrimination and is illegal under Federal, State and Local laws. For the purposes of this policy, sexual harassment is defined, as in the Equal Employment Opportunity Commission Guidelines, as unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature when, for example: (i) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment; ii) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or (iii) such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment.

11.4.2 Sexual harassment may include a range of subtle and not so subtle behaviors and may involve individuals of the same or different gender. Depending on the circumstances, these behaviors may include, but are not limited to: unwanted sexual advances or requests for sexual favors; sexual jokes and innuendo; verbal abuse of a sexual nature; commentary about an individual's body, sexual prowess or sexual deficiencies; leering, catcalls or touching; insulting or obscene comments or gestures; display or circulation in the workplace of sexually suggestive objects or pictures (including through e-mail); and other physical, verbal or visual conduct of a sexual nature. Sex-based harassment, that is, harassment not involving sexual activity or language (e.g., male manager yells only at female employees and not males), may also constitute discrimination if it is severe or pervasive and directed at employees because of their sex.

11.4.3 Harassment based on any other protected characteristic is also strictly prohibited. Under this policy, harassment is verbal or physical conduct that denigrates or shows hostility or aversion toward an individual because of his/her race, color, religion, national origin, age, disability, alienage or citizenship status, marital status, creed, genetic predisposition or carrier status, sexual orientation or any other characteristic protected by law or that of his/her relatives, friends or associates, and that: (i) has the purpose or effect of creating an intimidating, hostile or offensive work environment; (ii) has the purpose or effect of unreasonably interfering with an

individual's work performance; or (iii) otherwise adversely affects an individual's employment opportunities.

11.4.4 Harassing conduct includes, but is not limited to, epithets, slurs or negative stereotyping; threatening, intimidating, or hostile acts; denigrating jokes and display or circulation in the workplace of written or graphic material that denigrates or shows hostility or aversion toward an individual or group (including through e-mail).

11.5 Individuals and Conduct Covered.

11.5.1 These policies apply to all employees, and prohibit harassment, discrimination, and retaliation, whether engaged in by fellow employees, by a supervisor, or by someone not directly connected to the College (e.g., an outside vendor, consultant, or customer).

11.5.2 Conduct prohibited by these policies is unacceptable in the workplace and in any work-related setting outside the workplace, such as College-related social events.

11.6 Retaliation Is Prohibited.

The law prohibits retaliation against any employee who reports discrimination or harassment, or who participates in an investigation of such reports, or who opposes an employment practice as long as the employee has a reasonable good faith belief that the complained of conduct constitutes a violation of the law.

11.7 Reporting an Incident of Harassment, Discrimination or Retaliation.

11.7.1 The College strongly urges the prompt reporting of all incidents of discrimination, harassment or retaliation, regardless of the offender's identity or position. Individuals who believe they have experienced conduct that is contrary to the College's policy or who have concerns about such matters should promptly report such conduct or concerns to their supervisor or Human Resources Director. Employee reports may be oral or written, and employees may use the discrimination/Harassment reporting form included as Appendix F to this Handbook.

11.7.2 The availability of this complaint procedure does not preclude individuals who believe they are being subjected to harassing conduct from promptly advising the offender that his or her behavior is unwelcome and requesting that it be discontinued.

11.8 The Investigation.

The Human Resources Director will investigate any reported allegations of harassment, discrimination or retaliation promptly, thoroughly and impartially. The investigation may include individual interviews with the parties involved and, where necessary, with

individuals who may have observed the alleged conduct or may have other relevant knowledge. Confidentiality will be maintained throughout the investigatory process to the extent consistent with adequate investigation and appropriate corrective action.

11.8.1 If the Human Resources Director is implicated in the complaint, he or she would not conduct the investigation. In the alternative, the President would hire an outside entity to investigate the claim and recommend discipline (if any). The Present would then rule on the proposed discipline.

11.8.2 If the President is implicated in the complaint, the Human Resources Director can either (1) investigate the claim and recommend discipline directly to the Board, or (2) hire an outside entity to perform this investigatory function. The outside entity would report its findings directly to the Board.

11.9 Responsive Action.

Misconduct constituting harassment, discrimination, or retaliation, will be dealt with promptly and appropriately and may subject the offender to disciplinary action up to and including termination of employment.

11.10 Bad Faith or Frivolous Complaints.

The College's Sexual Harassment Policy shall not be used to bring frivolous or malicious complaints regarding sexual harassment. Disciplinary action may be taken against an employee if it is shown he or she filed a sexual harassment complaint in bad faith.



**SEXUAL HARASSMENT
FORMAL COMPLAINT FORM
For Luna Community College**

Luna Community College is committed to providing an educational and working environment that is free from sexual harassment. Prior to completing this form on Sexual Harassment review the Luna Community College Professional and Support Staff Policy and Procedure Manual adopted 08/30/10 page 57 - 60. If you choose to use this form, please include all information requested below in your complaint. By being as specific as possible when discussing incidents of harassment, discrimination or retaliation, you will assist the investigators in the fact-gathering process. Be sure to include date (s) the incident (s) occurred, the name(s) of the person (s) involved and the name (s) of those who may have witnessed the incident. Your complaint is not limited to the space provided. You are encouraged to attach additional materials, which may assist in the investigation process. Please note that information provided on this or any other form is not considered an official complaint unless it is signed by you and dated. Sexual Harassment complaints may not be submitted by e-mail.

Submit Harassment Complaints by mail or in person to:

Human Resources Director
366 Luna Drive
Las Vegas, New Mexico 87701

or

Human Resources Tech.
366 Luna Drive
Las Vegas, NM 87701

identify the individual to whom you made the report, the date you made the report and the resolution.

Please submit any additional information pertaining to the alleged discrimination:

Describe the injury or harm you suffered because of the alleged discrimination:

What would you like the College to do as a result of your complaint – remedy are you seeking:

If an advisor will assist you in the complaint process, indicate the individual's name, title, address and telephone number.

Complaint Acknowledgement:

I certify that to the best of my knowledge the information that I have provided is accurate and the events and circumstances are as I have described them. I understand and acknowledge that a copy of this complaint, along with the attachments, will be furnished to the alleged offender (“respondent”). I have attached to this complaint any supportive evidence and/or documentation such as e-mails, records, materials which I believe support my allegation. I also understand the consent to the disclosure of information contained in this complaint to appropriate administrators and witnesses interviewed for the purpose of investigating this complaint. I understand that I will have to provide contact information of witnesses identified in this complaint. I am willing to cooperate fully in the investigation and provide whatever evidence the College deems relevant.

I understand that the nature of this complaint, correspondence, and all discussion conducted in the course of investigation of the information contained in this complaint are confidential to the extent permitted by law and unauthorized disclosures of information concerning the investigation could result in disciplinary action. I agree to abide by these guidelines.

Signature: _____ Date: _____

Please note: If you indicate you will be assisted by an advisor, your signature below authorizes the named individual to receive copies of relevant student records and correspondence regarding the complaint and to accompany you to any meetings.

Signature: _____ Date: _____