

Nondiscrimination and Anti-Harassment Procedure	Procedure Number	6.2P
	Effective Date	May 21, 2014

1.0 PURPOSE

In accordance with Policy 6.2 Nondiscrimination/Anti-Harassment, the purpose of this procedure is to outline the available process for review process and potential action of discrimination and harassment assertions.

2.0 REVISION HISTORY

Adopted on: 5/2/14

3.0 PERSONS AFFECTED

This procedure is available to any employee, student, contractor or visitor of LCCC.

4.0 DEFINITIONS

- A. *Discrimination* – Actions including disparate treatment directed toward an individual or group of individuals based on race, color, sex, religion, gender identity, national origin, age, disability, veteran status, sexual orientation and any other protected category as determined by local, state, or federal statute or law, that adversely affects their employment or education.
- B. *Harassment* – A form of discrimination if it is unwelcome and is sufficiently severe or pervasive and objectively offensive so as to substantially interfere with a person’s work or education. Harassment may include, but is not limited to, threats, physical contact or violence, bullying, epithets, derogatory comments, vandalism, or verbal, graphic or written conduct directed at an individual or individuals because of their race, ethnicity, sex, pregnancy, color, religion, national origin, physical or mental disability, age, marital status, sexual orientation, gender identity, or veteran status. Even if actions are not directed at specific persons, a hostile environment may be created when the conduct is sufficiently severe or pervasive and objectively offensive so as to substantially interfere with or limit the ability of an individual to work, study or otherwise to participate in the activities of the college.

5.0 PROCEDURES

- A. All members of the LCCC community including: students, staff, faculty members, and campus visitors are required to report acts of discrimination and harassment (for sexual misconduct see Sexual Misconduct [Policy 6.3](#) and [Procedure 6.3P](#), and for discrimination on the basis of disability, see ADA Student Grievance [Policy 3.20](#) and [Procedure 3.20P](#)) to the LCCC Human Resources (HR) Office or the Title IX Coordinator.
- B. All LCCC personnel who are informed of complaints of discrimination and/or harassment are advised to immediately forward the information to HR. HR will document the action that has been taken and maintain that information on file. HR will also determine if further action is

necessary and either take that action itself through an investigation or advise the appropriate supervisor of additional necessary action.

- C. HR shall receive and attempt resolution of anonymous complaints and any complaint against a LCCC contractor, vendor or affiliate.
- D. A formal complaint process is initiated when a complainant submits a written statement alleging discrimination or harassment, prohibited by the corresponding policy, to HR. In the statement, the complainant must provide any relief sought. Prompt submission of the formal complaint is encouraged.
- E. HR will consider the formal complaint, and may dismiss the complaint without further process or review if HR determines that the complaint on its face is frivolous, not credible, clearly without merit, or outside the scope of these formal complaint procedures.
- F. If the formal complaint is not dismissed, then HR will investigate the matter. Investigations shall ordinarily be completed within 30 business days following the date the complaint is received. The President or appropriate Vice President may approve an extension of time for good cause.
- G. The investigator shall review pertinent records, conduct interviews as appropriate, and prepare a written report.
 - 1) Interviews, when appropriate, will be conducted with the complainant and the accused; other individuals may also be interviewed as needed (e.g., witnesses, supervisors, department head.)
 - 2) Confidentiality, to the extent possible, shall be respected consistent with LCCC's obligation to investigate all reports of discrimination or harassment and prevent recurrence of offending behavior.
- H. The investigator will make a recommendation on corrective action and/or for the dismissal of the formal complaint to the appropriate supervisor (the supervisor over the individual for whom corrective action is recommended).
- I. The appropriate supervisor, based upon the recommendation of the investigator, shall determine either to dismiss the complaint or to take appropriate corrective action, including taking disciplinary action, in accordance with Employee Discipline Policy 6.10 and Procedure 6.10P or student discipline procedures as found within the Student Discipline Adjudication procedures of the Student Handbook where appropriate. The decision will be in writing and provided to the complainant and the alleged offender.
- J. Appeals of disciplinary action will be in accordance the Employee Discipline Policy 6.10 and Procedure 6.10P; or student discipline procedures as found within the Student Discipline Adjudication procedures of the Student Handbook as appropriate.

6.0 CONFIDENTIALITY

All complaints of unlawful harassment (race, color, sex, religion, gender identity, national origin, age, disability, veteran status or sexual orientation) shall be considered confidential (particularly complaints of sexual misconduct) and only those persons necessary for the investigation and resolution of the complaint will be given any information about the complaint. LCCC will respect the

confidentiality of the complainant and the individual against whom the complaint is filed to the extent possible consistent with LCCC’s legal obligations to protect the rights and security of its employees and students.


7.0 RETALIATION

- A. LCCC affirms the rights of individuals to bring complaints of discrimination and/or harassment without fear of reprisal. Each employee or student, who, in good faith, complains about illegal discrimination of any kind, is protected from retaliation and any act of retaliation will result in appropriate disciplinary action in accordance with Employee Conduct and Discipline [Policy 6.10](#) and [Procedure 6.10P](#), or student discipline procedures as found within the Student Discipline Adjudication procedures of the Student Handbook where appropriate. Complaints of retaliation shall be treated as separate and distinct from original complaints of discrimination and will be investigated by the LCCC Human Resources Office in accordance with Section 5.0 of this policy.
- B. Supervisors, students and faculty who are found to be participating in any form of employment or educational based retaliation against any employee or student may be subject to disciplinary action, in accordance with Policy 6.10 and Procedure 6.10P Employee Conduct and Discipline, up to and including termination from employment, or student discipline procedures where appropriate.
- C. Similarly, persons who file frivolous or bad faith allegations of discrimination may be subject to disciplinary action in accordance with Employee Conduct and Discipline Policy 6.10 and Procedure 6.10P, or student discipline procedures as found within the Student Discipline Adjudication procedures of the Student Handbook where appropriate.

8.0 CONTACT INFORMATION

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REQUIRED APPROVALS	NAME/SIGNATURE	DATE
Originator(s) Name(s)	Peggie Kresl-Hotz, Human Resources Executive Director Debb Roden, Legal Counsel	1/14/14
Approval by President’s Cabinet		3/14/14
Ratified by College Council	Co-chair Kari Brown-Herbst	5/2/14
Approval by President (Signature)		5/2/14