

## **ACKNOWLEDGEMENT OF THE DONNELLY COLLEGE ANTI-HARASSMENT POLICY**

Title IX of the Education Amendments of 1972, 20 U.S.C. §1681 et seq., is a Federal civil rights law that prohibits sexual discrimination in education programs and activities. This amendment protects employees of educational institutions, that receive federal funds, when sexual harassment or sexual violence occurs. All public and private elementary and secondary schools, school districts, colleges, and universities (hereinafter "schools") receiving any Federal funds must comply with Title IX. Under Title IX, discrimination based on sex can include sexual harassment and sexual violence, such as rape, sexual assault, sexual battery, and sexual coercion. Donnelly College has established a Policy pursuant to Title IX regarding sexual misconduct on campus. Employees are required to be familiar with the policy and must take Title IX training upon hire. In addition, the College has responsibility under the requirements of Title IX compliance to require employee attendance/participation in among other things online training, seminars, and webinars as designed by the Title IX Coordinator or designate.

Without limiting any other rules regarding improper conduct, Donnelly College will not tolerate any acts of sexual misconduct committed by or against any member of our community which includes students, staff, faculty, approved volunteers, visitors, and vendors.

Donnelly College is committed to providing a work environment that is free of unlawful harassment, including, but not limited to, sexual harassment. Accordingly, Donnelly College prohibits and will not tolerate any unlawful harassment based on factors such as gender, sexual orientation, race, religion, creed, color, national origin, ancestry, age, pregnancy, marital status, veteran status, disability, or any other status, condition or characteristic protected by applicable law, to the extent the status, condition or characteristic is protected by applicable law. This prohibition covers harassment by anyone in the workplace itself or in any work-related settings, including supervisors, managers, co-workers, and non- employees.

The term "harassment" includes, but is not limited to, actions, slurs, jokes, and other offensive verbal, graphic, visual, or physical conduct (both overt and subtle) relating to a legally protected status, condition or characteristic that creates an intimidating, hostile or offensive working environment or that unreasonably interferes with job performance. The term "sexual harassment" includes unwelcome or unwanted sexual advances, requests for sexual favors, or visual, verbal or physical conduct of a sexual nature when: (1) submission to such conduct is made either explicitly or implicitly a term or condition of employment; (2) submission to or rejection of such conduct is used as a basis for any employment decision affecting the individual ; or (3) such conduct has the purpose or effect of unreasonably interfering with the individual's work performance or creates an intimidating, hostile or offensive work environment It is unlawful for males to sexually harass females or other males, and for females to sexually harass males or other females.

While it is impossible to anticipate every type of behavior which may constitute harassment in a particular situation, the following types of behavior come within this prohibition:

- unwelcome touching, impeding, or blocking movements.
- offering employment benefits in exchange for sexual favors.
- making or threatening reprisals after a negative response to sexual advances.
- offensive facial expressions, leering, sexual gestures, or movements.
- displaying sexually suggestive objects, pictures, cartoons, calendars, or posters.
- graphic advances or propositions.

- graphic comments about another employee's body or clothes.
- use of derogatory names, slurs, epithets, or comments, especially of a sexual nature.
- unwelcome discussion of sexual experience, activity, or jokes.
- sexually degrading words used to describe another employee; and
- suggestive or obscene letters, notes or invitations including emails and texts.

Such behavior, and any other harassing or discriminatory activity, is unacceptable in the workplace itself or in any work-related settings.

Remember that it is not always possible to tell whether jokes or suggestive comments are "welcome" to another employee. The best policy is to refrain from all such jokes, comments, or activity in the workplace. It is also important to understand that a third party can be offended by jokes or comments that are overhead.

**VIOLATION OF THIS POLICY WILL SUBJECT AN EMPLOYEE TO DISCIPLINARY ACTION UP TO AND INCLUDING IMMEDIATE DISCHARGE.**

Employees who believe they have been subjected to or witnessed any unlawful harassment should immediately report the matter to their immediate supervisor, the Vice President of Business Affairs, or the President. Employees are not required to complain first to any supervisor who they believe has engaged in or condoned the harassment.

Any supervisor who receives a complaint or report of any alleged unlawful harassment must immediately refer the matter to the Vice President of Business Affairs, or the President. Further, any supervisor who knows or has reason to know that any employee is being subjected to unlawful harassment is instructed and required to immediately take appropriate corrective action to stop any ongoing harassment, regard less of whether the supervisor has received a complaint or report regarding the harassment and must immediately thereafter report the matter to the Vice President of Business Affairs, or the President. Any supervisors or managers who fail to abide by this policy will be subject to disciplinary action, up to and including immediate discharge or removal from office.

Donnelly College will protect the confidentiality of harassment complaints to the extent possible, except as necessary to conduct a thorough investigation or to take appropriate action. Please do not assume that Donnelly College administration is aware of any incidents of sexual or other unlawful harassment. It is your responsibility to bring any such incidents to our attention so that we can promptly investigate and attempt to resolve the matter.

Donnelly College will promptly commence a thorough, impartial, and objective investigation of all incidents of alleged sexual or other unlawful harassment that are reported to the administration.

The Donnelly College Title IX Coordinator will work with an attorney if an investigation and hearing are needed. Upon completion of the investigation and hearing it will be determined if unlawful harassment has occurred, and to the extent appropriate will provide an explanation of the results of the investigation to the individual(s) who made the complaint or report and to the accused harasser(s). If it is determined that unlawful harassment has occurred, Donnelly College will promptly take appropriate remedial action commensurate with the circumstances. Appropriate disciplinary action will be taken against any employee who Donnelly College determines has violated this policy, up to and including immediate discharge. Appropriate remedial measures will also be taken to correct the effects of the harassment and to deter any future harassment. To the extent

appropriate, whatever remedial action is taken by Donnelly College will be communicated to the individuals involved in the matter.

Donnelly College prohibits and will not tolerate, any retaliation or retribution, directly or indirectly, against any employee who in good faith: (1) makes a complaint of harassment; (2) reports the harassment of another employee; (3) opposes any prohibited discrimination or harassment; or (4) participates in, provides information in connection with, or otherwise assists in the investigation of any incidents of alleged sexual or other. unlawful harassment conducted by Donnelly College or by any governmental agency. Any employee who engages in or encourages any such retribution or retaliation, directly or indirectly, will be subject to disciplinary action, up to and including immediate discharge. Further, any employee who knowingly and intentionally provides false or misleading information regarding any complaints or reports of alleged sexual or other unlawful harassment will be subject to disciplinary action, up to and including immediate discharge.

I, THE UNDERSIGNED EMPLOYEE OF DONNELLY COLLEGE, HAVE RECEIVED, READ, AND UNDERSTAND THE FOREGOING ANTI-HARASSMENT POLICY. I CAN RETAIN A COPY OF THIS POLICY FOR MY PERSONAL RECORDS.

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(Employee signature)

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(Date)

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(Employee name – printed)

A signed copy of this form will be placed in the employee's personnel file.