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| <b>Policy Name:</b>      | Discrimination, Harassment, and Retaliation |                       |                         |               |                  |            |
| <b>Section Number:</b>   | 4.01  | <b>Section Title:</b> | Office of the President |               |                  |            |
| <b>Policy Owner:</b>     | Office of the President                     |                       | <b>Last updated:</b>    | February 2020 | <b>Reviewed:</b> | March 2020 |
| <b>Status:</b>           | Active                                      |                       | <b>Due for Review:</b>  | March 2025    |                  |            |
| <b>Evidence Standard</b> | Preponderance of Evidence                   |                       |                         |               |                  |            |

In accordance with federal and state law, Jones County Junior College (Jones College) prohibits unlawful discrimination based on race, color, ethnicity, sex, pregnancy, religion, national origin, disability, age, sexual orientation, gender identity, genetic information, status as a U.S. veteran, or any other status protected by state or federal law.

#### Statement of Non-Discrimination

Jones does not discriminate on the basis of race, color, religion, national origin, age, sex, or disability in its programs, activities, or employment practices. The following persons have been designated to handle inquiries and grievances regarding the non-discrimination policies: (ADA/ Section 504) Dr. Kisha Jones, ADA Coordinator, Student Affairs, phone 601- 477-2673; email ADACoordinator@jcc.edu and (Title IX) Kayla Hankins, Interim Coordinator, Hutcheson Hubbard Administration Building, phone 601-477-4026; email kayla.hankins@jcc.edu, Jones County Junior College, 900 South Court Street, Ellisville, MS 39437.

Jones College has jurisdiction over conduct covered by this policy that occurs on campus, during or at an official Jones College program or activity (regardless of location and inclusive of field trips, social or educational functions, college related travel, student recruitment activities, internships, and service-learning experiences), and to off campus or online conduct when the conduct could deny or limit a person's ability to participate in or benefit from the Jones College's programs and activities or creates the potential for a hostile environment on campus. Jones College will investigate all complaints made under this policy and, if necessary, take action to prevent the recurrence of discrimination and remedy its effects.

This Policy applies to all Jones College administrators, faculty, staff, students, and third parties within Jones College's control, including visitors. It applies to conduct regardless of where it occurs, including off campus property, if it potentially affects the complainant's education or employment with Jones College or potentially affects the Jones College community. In addition, it applies to any complaint made to the Office of Student Affairs.

#### Definitions

For purposes of this Policy, the following definitions apply:

- **Protected Characteristics:** This refers to race, color, ethnicity, sex, pregnancy, religion, national origin, disability, age, sexual orientation, status as a U.S. veteran, or any other characteristic protected by applicable law.
- **Discrimination:** As used in this policy, discrimination refers to intentional differential or negative treatment of an individual on the basis of a protected characteristic, where such treatment would deny or limit a reasonable person's ability to participate in or benefit from College programs, services, opportunities, or activities.
- **Harassment:** Harassment is conduct that is (1) unwelcome; (2) based on a protected status; and (3) directed at a specific individual or individuals. Harassment violates Jones College policy when it is sufficiently severe, pervasive, or persistent that it denies or limits, or is likely to deny or limit, a reasonable person's ability to participate in or benefit from Jones College programs, services, opportunities, or activities. Harassment can include but is not limited to verbal or non-verbal communication, written or graphic communication, electronic communication, and/or physical conduct. Examples of prohibited harassment may include, but are not limited to (a) repeated and unwanted sexual or romantic solicitations, displaying sexual images in the workplace, or conditioning favorable treatment in connection with a Jones College program upon sexual favors; (b) physical harassment, such as touching, pinching, grabbing, or brushing against another person without their consent; and (c) severe, pervasive, or persistent insults, jokes or derisive comments relating to a person's protected characteristic. Sexual harassment is a type of harassment consisting of unwelcome conduct of a sexual nature. Sexual harassment complaints will be processed in accordance with Jones College's Sexual Misconduct Policy.
- **Sexual Misconduct:** This term refers broadly to unwelcome behavior of a sexual nature committed without effective consent. Reporting of any form of sexual misconduct will follow the procedures outlined in the Jones College's Policy on Sexual Misconduct.
- **Retaliation:** Retaliation refers to any adverse action that would deter a reasonable person from reporting, testifying, or otherwise cooperating with an investigation or proceeding concerning alleged violation of this policy. Retaliation against individuals who report possible violations of this policy, or who cooperate with an investigation by Jones College or any law enforcement agency, is strictly prohibited. Retaliation is an independent basis for disciplinary action, regardless of the outcome of the underlying complaint.

These definitions and all other parts of this policy shall be interpreted in accordance with the rights to free expression held by members of the Jones College community. Consequently, the mere expression of opinions, ideas, words, or symbols that another person finds objectionable will not, without more, constitute a violation of this policy.

## Reporting

Jones College strongly encourages reporting of discrimination, harassment, and/or retaliation. The proper recipient of a report of discrimination, harassment, or retaliation depends on the nature of the incident and the parties involved.

If an employee experiences discrimination, harassment, or retaliation in the Jones College workplace or in connection with their employment, the report should be made to the Office of the Director of Human Resources located in the Hutcheson Hubbard Administration Building.

Students can make a report of discrimination, harassment, and/or retaliation to either the Title IX coordinator or the Office of the Vice President of Student Affairs both located in the Hutcheson Hubbard Administration Building, Office of Student Services Suit.

Sexual misconduct is a form of discrimination and should be reported as described in the Sexual Misconduct Policy.

### Disciplinary Procedures Regarding Discrimination

Individuals charged with discrimination, Harassment or retaliation may be subject to disciplinary actions. More than one disciplinary action may be taken. Disciplinary actions that may be taken include, but are not limited to, admonitions, probation, suspension, dismissal from Jones College and/or termination from employment. In addition, Jones College may take protective measures as appropriate, including no-contact orders, trespass notices, or other protective measures. Proceedings shall be conducted by trained officials and they shall use the preponderance of evidence standard.

Jones has developed a two-step procedure for handling discrimination complaints:

1. A mechanism to resolve complaints informally;
2. A procedure to handle formal charges if the first procedure is unsatisfactory or if further action is deemed appropriate.

### Complaint Procedure

1. Any employee or student who believes they have been the subject of Harassment is encouraged to contact either the Office of the Director of human Resources /or the Office of the Vice President for Student Affairs.
2. Upon receiving the initial complaint, the appropriate College officer will schedule a preliminary meeting with the complainant to discuss the complaint, to explain proper procedures, and to determine whether further information is needed. Based upon the outcome of this meeting, the Jones College officer will take one of the following actions:
  - a. If the person wants to proceed with the complaint, the Jones College officer will explain the process and the procedures and initial complaint forms will be completed.
  - b. If the person does not want to proceed with the complaint, the Jones College officer will make a record of the complaint and take such action as necessary to protect the interest of the complainant and of Jones College.
  - c. If after the preliminary discussion the Jones College officer feels that discrimination has not occurred, they will advise the person of their findings and will advise the person of their options if the person wishes to proceed further with the complaint.

### Complaints involving students only

### Procedure for Informal Resolution

If a person decides to file a discrimination complaint, the following procedure shall be adhered to: Every effort should be made to resolve a complaint within thirty (30) days of the complaint using an informal process. During this preliminary stage, the complainant will be encouraged to complete a Discrimination Report describing the behavior and relief sought. The complaint forms are available and need to be filed with either the Director of Human Resources or the Office of the Vice President of Student Affairs. If it is determined that the described situation fits the definition of discrimination, they will request the names of the involved parties and an agreement to conduct an informal investigation.

The objective of this process will be to provide appropriate relief to the aggrieved party, sensitize the alleged perpetrator to the effects of such behavior, and resolve the complaint to the mutual satisfaction of both parties. An investigation will minimally include contacting the Jones College officer responsible for the accused, i.e., if a student makes a complaint about a faculty member, the faculty member's dean and/or department head relative to the complaint will be contacted.

#### Procedure for Formal Grievance

If the informal proceedings are deemed inappropriate or do not resolve the issue to the satisfaction of either party, Jones College will initiate the formal resolution procedure. In extraordinary circumstances, when the continued working or academic relationship between the aggrieved party and the accused creates an impossible working/academic environment, a temporary transfer or reassignment of classes/duties will be considered.

If the aggrieved party decides to proceed with a formal grievance the following action will take place:

1. A written and signed complaint of discrimination must be submitted to the Office of the Vice president of Student Affairs by the aggrieved party rejecting the use of, or result of, the Informal Process within ten (10) working days after the informal resolution has failed. The grievance shall state, clearly and concisely, the facts which are the grounds for the proceeding, and the relief sought. Upon receiving the grievance, the Office of the Vice President of Student Affairs will set a date for a hearing. In special circumstances, time limits may be waived with the mutual consent of Jones College officers. All matters will be handled as expeditiously as possible. Jones College strongly encourages the prompt reporting of prohibited conduct covered by this policy. Delays in reporting can greatly limit Jones College's ability to stop the alleged conduct, collect evidence and/or take effective action against individuals or organizations accused of violating this policy.
2. Upon receipt of the grievance, the Office of the Vice President of Student Affairs will within five (5) days, contact in writing the person who allegedly engaged in the discrimination, and inform them of the basis of the grievance and the opportunity to respond. That person will have five (5) days to respond in writing to the grievance. The response shall contain, full, direct, and specific responses to each claim in the complaint.
3. Within fifteen (15) days of the aforementioned deadline, the Office of the Vice President of Student Affairs will convene the Student Affairs Committee to establish hearing procedures concerning the grievance.
4. The function of the Student Affairs Committee will be to hear and consider testimony and other relevant evidence, to make findings of fact, to determine whether Jones College's policy on discrimination has been violated, and if so, to recommend appropriate relief and disciplinary action(s). A copy of the Committee's findings will be made and retained by the Office of the Vice President of Student Affairs.
5. If the Student Affairs Committee determines that discrimination has occurred, it will recommend appropriate corrective action. The corrective action will reflect the severity of the incident and any past discrimination offenses. Appropriate corrective action can include but is not limited to the following: a. Oral reprimand b. Written reprimand c. Suspension d. Termination e. Counseling f. Any combination of the above.

6. Within five (5) days following the conclusion of its investigation and hearing, the Student Affairs Committee will forward its findings and recommendation for action to the Office of the President. Within fifteen (15) working days, the President will review the Committee's recommendation and determine an appropriate course of action. The decision will be communicated in writing to the accuser, accused, and the accused's appropriate administrative supervisor(s) if applicable.
7. Either party may appeal the Committee's recommendation by submitting a written request to the Office of the President. Request for an appeal must be made to the Office of the President within fifteen (15) days after the appealing party received a copy of the President's decision. The President shall review any supplemental information as well as the initial decision and respond in writing within fifteen (15) days. The written ruling of the President shall constitute the final decision.

Where the Complaint does not involve a Student

#### Procedure for Informal Resolution

If a person decides to file a discrimination complaint, the following procedure shall be adhered to: Every effort should be made to resolve a complaint within thirty (30) days of the complaint using an informal process. During this preliminary stage, the complainant will be encouraged to complete a Discrimination Report describing the behavior and relief sought. The complaint forms are available and need to be filed with the Office of the Director of Human Resources. If it is determined that the described situation fits the definition of discrimination, they will request the names of the involved parties and an agreement to conduct an informal investigation.

The results of the investigation will be forwarded to the appropriate Executive Vice President (EVP). Allegations against a direct report to the President will be forwarded to the EVP responsible for Human Resources. The EVP will recommend a course of action to resolve the issue. If the informal proceedings are deemed inappropriate or do not resolve the issue to the satisfaction of either party the complainant may file a formal grievance.

#### Procedure for Formal Grievance

1. A written and signed grievance of discrimination must be submitted to the Director of Human Resources by the aggrieved party rejecting the use of, or result of, the Informal Process within ten (10) working days after the complaint has failed. The grievance shall state, clearly and concisely, the facts which are the grounds for the proceeding, and the relief sought. Upon receiving the grievance, the Director of Human Resources will set a date for a hearing. In special circumstances, time limits may be waived with the mutual consent of College officers. All matters will be handled as expeditiously as possible. The College strongly encourages the prompt reporting of prohibited conduct covered by this policy. Delays in reporting can greatly limit the College's ability to stop the alleged conduct, collect evidence and/or take effective action against individuals or organizations accused of violating this policy.
2. Upon receipt of the grievance, the Director of Human Resources will within five (5) working days, contact in writing the person who allegedly engaged in the Discrimination, and inform the employee of the grievance of the aggrieved and the opportunity to respond. The employee will have five (5) working days to respond in writing to the grievance. The response shall contain, full, direct, and specific responses to each claim in the complaint.

3. Within ten (10) days of the aforementioned deadline, the Director of Human Resources will convene the Human Resources Review Committee to establish hearing procedures concerning the grievance.
4. The function of the Human Resources Review Committee will be to hear and consider testimony and other relevant evidence, to make findings of fact, to determine whether the College's policy on discrimination has been violated, and if so, to recommend appropriate relief and disciplinary action(s). A copy of the Committee's findings will be made and retained by the Director of Human Resources.
5. If the Human Resources Review Committee determines that discrimination has occurred, it will recommend appropriate corrective action. The corrective action will reflect the severity of the incident and any past discrimination offenses of the accused. Appropriate corrective action can include but is not limited to the following: a. Written reprimand b. Suspension c. Reassignment of duties d. Termination e. Counseling f. Any combination of the above
6. Within five (5) working days following the conclusion of its investigation and hearing, the Human Resources Review Committee will forward its findings and recommendation for action to the Office of the President. Within fifteen (15) working days, the Office of the President will review the Committee's recommendation and determine an appropriate course of action. The decision will be communicated in writing to the accuser, accused, and the accused's appropriate administrative supervisor(s) if applicable.
7. Either party may appeal the Committee's recommendation by submitting a written request to the President. Request for an appeal must be made to the President within ten (10) working days after the appealing party received a copy of the President's decision. The President shall review any supplemental information as well as the initial decision and respond in writing within fifteen (15) working days. The written ruling of the President shall constitute the final decision.
8. If the College finds that the grievance to be a false allegation the committee has the right to recommend that action be taken against the accuser.

Where the complaint involves a student and an employee

#### Procedure for Informal Resolution

If a person decides to file a complaint, the following procedure shall be adhered to:

Every effort should be made to resolve a complaint within thirty (30) days of the complaint using an informal process. During this preliminary stage, the complainant will be encouraged to complete a Discrimination Report describing the behavior and relief sought. The complaint forms are available and need to be filed with either the Office of the Director of Human Resources or the Office of the Vice President of Student Affairs (College Officer). If it is determined that the described situation fits the definition of discrimination, they will request the names of the involved parties and an agreement to conduct an informal investigation.

The objective of this process will be to provide appropriate relief to the aggrieved party, sensitize the alleged perpetrator to the effects of such behavior, and resolve the complaint to the mutual satisfaction of both parties. An investigation will minimally include contacting the College officer responsible for the accused,

i.e., if a student makes a complaint about a faculty member, the faculty member's dean and/or department head relative to the complaint will be contacted.

## Grievance

If the informal proceedings are deemed inappropriate or do not resolve the issue to the satisfaction of either party, the College will initiate the grievance procedure. In extraordinary circumstances, when the continued working or academic relationship between the aggrieved party and the accused creates an impossible working/academic environment, a temporary transfer or reassignment of classes/duties will be considered.

If the aggrieved party decides to proceed with a formal grievance the following action will take place:

1. A written, and signed complaint of discrimination must be submitted to the College Officer by the aggrieved party rejecting the use of, or result of, the Informal Process within ten (10) working days after the informal resolution has failed. The grievance shall state, clearly and concisely, the facts which are the grounds for the proceeding, and the relief sought. Upon receiving the grievance, the College Officer will set a date for a hearing. In special circumstances, time limits may be waived with the mutual consent of College officials. All matters will be handled as expeditiously as possible. The College strongly encourages the prompt reporting of prohibited conduct covered by this policy. Delays in reporting can greatly limit the College's ability to stop the alleged conduct, collect evidence and/or take effective action against individuals or organizations accused of violating this policy.
2. Upon receipt of the grievance, the College Officer will within five (5) days, contact in writing the person who allegedly engaged in the discrimination, and inform them of the basis of the grievance and the opportunity to respond. That person will have five (5) days to respond in writing to the grievance. The response shall contain, full, direct, and specific responses to each claim in the complaint.
3. Within fifteen (15) days of the aforementioned deadline, the College Officer will convene the Joint Review Committee to establish hearing procedures concerning the grievance.
4. The function of the Joint Review Committee will be to hear and consider testimony and other relevant evidence, to make findings of fact, to determine whether the College's policy on discrimination has been violated, and if so, to recommend appropriate relief and disciplinary action(s). A copy of the Committee's findings will be made and retained by the Director of Human Resources or the Office of the Vice President of Student Affairs as appropriate.
5. If the Joint Review Committee determines that discrimination has occurred, it will recommend appropriate corrective action. The corrective action will reflect the severity of the incident and any past discrimination offenses. Appropriate corrective action can include but is not limited to the following: a. Oral reprimand b. Written reprimand c. Suspension d. Termination e. Counseling f. Any combination of the above.

6. Within five (5) days following the conclusion of its investigation and hearing, the Joint Review Committee will forward its findings and recommendation for action to the Office of the President. Within fifteen (15) working days, the President will review the Committee's recommendation and determine an appropriate course of action. The decision will be communicated in writing to the accuser, accused, and the accused's appropriate administrative supervisor(s) if applicable.

7. Either party may appeal the Committee's recommendation by submitting a written request to the Office of the President. Request for an appeal must be made to the Office of the President within fifteen (15) days after the appealing party received a copy of the President's decision. The President shall review any supplemental information as well as the initial decision and respond in writing within fifteen (15) days. The written ruling of the President shall constitute the final decision.

#### IX. Training and Education

- New-employee orientation includes information about the college's policy on discrimination and introduces campus resources and educational material that is available to all employees.

#### Additional Resources

U.S. Department of Education  
Office for Civil Rights  
400 Maryland Avenue, SW  
Washington, D.C. 20202-1328  
1-800-421-3481  
<http://www.ed.gov/ocr>

#### EEOC, Title VII issues:

US Equal Employment Opportunity Commission  
Dr. A. H. McCoy Federal Building  
100 West Capitol Street, Suite 338  
Jackson, Mississippi 39269  
<https://www.eeoc.gov/employees/howtofile.cfm>