

02.17 Nondiscrimination

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Policy / Purpose:

It is the policy of Wallace Community College – Selma (WCCS) to ensure compliance with all federal and state discrimination laws as well as the Alabama Community College System (ACCS) [Board Policy 601.02](#).

“No student will be discriminated against on the basis of any impermissible criterion or characteristic including, but not limited to, race, color, national origin, religion, marital status, disability, gender, age or any other protected class as defined by federal and state law.”

Further, no employee or applicant for employment or promotion, will be discriminated against on the basis of any impermissible criterion or characteristic including, without limitation, race, color, national origin, religion, marital status, disability, sex, age or any other protected class as defined by federal and state law.

Scope:

This policy applies to all WCCS students and employees during any activity involving the College, including the workday. In addition, visitors, vendors, contractors, and all other non-employees are expected to recognize and comply with College policies.

Definitions:

Harassment: Harassment is unwelcome conduct that is based on race, color, religion, sex (including pregnancy), national origin, age (40 or older), disability, genetic information, or other protected class. Harassment as to employees becomes unlawful where (1) enduring the offensive conduct becomes a condition of continued employment, or (2) the conduct is severe or pervasive enough to create a work environment that a reasonable person would consider intimidating, hostile, or abusive. Harassment as to students becomes unlawful where it interferes with the access or participation in the educational process and programs at the College. Harassment, whether verbal, physical or visual, that is based on any of the above characteristics, is a form of discrimination. This includes harassing conduct affecting tangible educational benefits, interfering unreasonably with an individual's academic performance, or creating what a reasonable person would perceive is an intimidating, hostile or offensive environment.

Examples of harassment may include, but are not limited to:

- making a grading decision because of the person's protected status;
- jokes or epithets about another person's protected status;
- teasing or practical jokes directed at a person based on their protected status;
- the display or circulation of written materials or pictures that degrade a person or group based upon a protected characteristic; and
- verbal abuse or insults about, directed at, or made in the presence of an individual or group of individuals in a protected group.

Hostile Environment: A hostile environment may be created by oral, written, graphic, or physical conduct that is sufficiently severe, persistent or pervasive so as to interfere with, limit or deny the ability of an individual to participate in or benefit from educational programs or activities or employment access, benefits or opportunities. Merely offensive speech of a generic nature and not on the basis of a protected status does not rise to the level of unlawful harassment. Harassment can include verbal or non-verbal behavior that demeans or stereotypes individuals in a harmful way. While the College is committed to the principles of free inquiry and free expression, discrimination and harassment identified in this Policy are neither legally protected expression nor the proper exercise of academic freedom.

Details:

1. **Violation of this Policy:** Any student, employee, guest, or visitor who acts to deny, deprive or limit the educational, employment, and/or social access, benefits and/or opportunities of any student or employee on the basis of their actual or perceived membership in the protected classes listed above is in violation of the College's policy on nondiscrimination.
2. **Disability Discrimination:** The College is committed to full compliance with the Americans With Disabilities Act (ADA) and Section 504 of the Rehabilitation Act, which prohibit discrimination against qualified persons with disabilities, as well as other federal and state laws pertaining to individuals with disabilities. Refer to the Americans with Disabilities Act (ADA) Policy for additional information.
3. **Sexual Harassment:** Refer to the Sex Harassment, Sexual Misconduct, and Interpersonal Violence (Title IX) Policy for additional information.
4. **Reporting Discrimination:** The College encourages any individual who believes that he or she has been subjected to discrimination or harassment based on their race, color, national origin, religion, marital status, disability, sex, age, or any other protected class to report the discrimination or harassment to the appropriate College official and submit a written complaint. Refer to the Reporting Discrimination Incidents procedures below.
5. **Confidentiality:** All reports will be handled with discretion, care and sensitivity and the College will make every effort to respect requests for confidentiality, but the College's ability to investigate and take appropriate action may be limited if individuals do not provide identifying information or request confidentiality. In addition, there may be circumstances when the College determines that it must investigate a particular matter to help protect the learning and working environment at the College despite a request for confidentiality.
6. **Retaliation:** It is a violation of College Policy to retaliate in any way against a person or persons because they have opposed any practices forbidden under these policies or have filed a report, assisted, or participated in any manner in an investigation or proceeding under these policies. This includes action taken against a bystander who intervened to stop or attempt to stop a bias related incident. Retaliation may take many forms, and may include intimidating, threatening, coercing, or in any way discriminating against an individual because of the individual's complaint or participation. Action is generally deemed retaliatory if it would deter a reasonable person in the same circumstances from opposing practices prohibited by this Policy. The College will take immediate and responsive action upon receiving any report of retaliation and may pursue disciplinary action as appropriate.

7. **Records Maintenance:** The College will maintain documentation and records regarding alleged reported incidents and their resolution in a manner that protects the confidentiality of the parties involved, complies with the Family Educational Rights and Privacy Act (FERPA), and to the extent possible excludes personally identifiable information about victims of bias incidents. If a student, instructor, or staff member has been found responsible for a discrimination incident, this finding remains a part of that student's or employee's conduct record.

Procedure(s):

1. Reporting Discrimination Incidents:

- a. **Students or Members of the College Community Reporting Discrimination:** Students or other members of the college community who feel they have witnessed or been subjected to a discrimination incident are highly encouraged to report the incident as soon as possible.
- b. **Employee Duty to Report Information on Discrimination:** In order to enable the College to respond effectively and to address violations of its Policy all College employees must, within twenty-four (24) hours of receiving the information, report information they have about alleged or possible discrimination and harassment, including sex discrimination, sexual harassment, sexual misconduct, interpersonal violence or stalking, to the appropriate College official. Based on the alleged Policy violation, the College official reference in the table above will evaluate the information received and determine what further actions should be taken.

College officials receiving reports alleging acts of discrimination or harassment based will refer those reports to the appropriate individual listed in the table above. Any questions or comments concerning the Policy addressing discrimination or harassment on the basis of other categories listed above should be directed to the appropriate College official listed above.

When reporting the incident:

- Please provide a detailed account of the incident including date, time, and location.
- Do not remove or tamper with physical evidence. Contact the College Police Department to document and collect physical evidence.
- If the incident involves a verbal act, write down exactly what was said to the best of your recollection.
- Identify the accused if known or provide a detailed description of the individual(s) involved.
- List all witnesses including their names and contact information.
- Include other pertinent information that may assist the College in responding to the incident.
- If the incident was in the form of graffiti, vandalism, or public postings, office of the College Police Department will document it for evidence.
- If the incident was in the form of email, text, message, or communication through a social network site, do not delete the message. If at all possible, print the message so it may be used in the investigation.

- If the incident was in the form of a telephone call, then record the time and date of the call and keep a record of the telephone number if you have caller ID. It is recommended that a report be completed as soon as possible after the incident and that the reporting party keep a written record of the above details.
- c. **Reporting Disability Discrimination Complaints:** Refer to the Americans with Disabilities Act (ADA) Policy for additional information.
 - d. **Reporting Incidents of For reports or complaints alleging acts of Sexual Harassment, Sexual Misconduct, Sexual Assault, Interpersonal Violence and Stalking:** Refer to the Sex Harassment, Sexual Misconduct, and Interpersonal Violence (Title IX) Policy for additional information.
2. **Investigation and Response:** Depending on the nature of the alleged Policy violation and whether the parties involved are instructors, staff, students, contractors, visitors, or guests, the individuals who will be responsible for addressing and resolving discrimination incidents may vary. In all cases, the Procedures include the basic elements outlined below for resolution of allegations of discrimination.
 - Initial assessment by the appropriate College official.
 - Interim measures and remedies where appropriate.
 - Consideration of voluntary resolution, where appropriate.
 - Investigation and resolution if voluntary resolution is not appropriate.
 - Sanctioning by the appropriate College official.
 - Recourse to the appropriate appeal process.
 - Protection from retaliation.
 3. **Disciplinary Actions or Sanctions:** Employee discipline and/or student sanctions may be recommended as appropriate. Student sanctions may be referred to the Dean of Students for determination and action. Employee discipline may be referred to the Human Resources Office for determination and action. Complaints against an employee may result in disciplinary action. Refer to the Employee Discipline Policy for additional information. Complaints against students may result in sanctions up to and including expulsion in accordance with the College's student discipline policy. Refer to the Student Code of Conduct Policy. In the event of policy violations, a number of factors will be considered in determining appropriate discipline or remedial action, including the nature of the violation, the severity and pervasiveness of the conduct. Nothing in this procedure limits or delays the College's right to take appropriate disciplinary actions, up to and including termination, when an employee's behavior warrants the action.

Additional Provisions / Information:

Refer to the Age Act Discrimination Policy.

Refer to the Americans with Disabilities Act (ADA) Policy.

Refer to the Equal Educational and Employment Opportunities Policy.

Refer to the Employee Discipline Policy.

Refer to the Family Educational Rights and Privacy (FERPA) – Buckley Amendment Policy.

Refer to the Harassment Policy.

Refer to the Rehabilitation Act Policy.

Refer to the Sex Harassment, Sexual Misconduct, and Interpersonal Violence (Title IX) Policy.

Refer to the Student Code of Conduct Policy.

Refer to the Students First Act Policy.