

Chapter 4 COLLEGE POLICIES AND PROCEDURES

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Chapter 4

COLLEGE POLICIES AND PROCEDURES

1.0 Equal Opportunity Policy

Washington College complies with provisions, as amended, of the 1964 Civil Rights Act and the 1972 Education Amendments. This legislation (most specifically Titles VI and VII of the 1964 Act and Title IX of the 1972 Act) prohibits discrimination on the basis of race, color, sex, religion, and national origin. The College also complies with the Rehabilitation Act of 1973, as amended, which prohibits discrimination on the basis of handicap, and the Americans with Disabilities Act of 1990, which gives civil rights protection to disabled individuals. In addition, College policy prohibits discrimination on the basis of marital status or sexual orientation. Consistent with these requirements, Washington College provides equal opportunity to all individuals for employment and promotion without discrimination on the basis of race, color, religion, sex, sexual orientation, physical disability, age, marital status, or national origin.

2.0 Discrimination Policy

Washington College does not discriminate on the basis of race, sex, color, national or ethnic origin, age, religion, marital status, handicap or disability, or sexual orientation in the administration of any of its educational programs and activities or with respect to admission and employment.

3.0 Harassment Policy

Harassment in any form, whether based on race, color, sex, religion, national origin, handicap, sexual orientation, age or marital status, is unacceptable at Washington College.

For purposes of this policy, harassment is defined as any behavior that creates an intimidating, hostile, or demeaning environment for an individual that interferes with that individual's comfort and productivity in his/her experience at Washington College.

4.0 Sexual Harassment Policy

Federal law (Title VII of the Civil Rights Law of 1964 and Title IX of the Education Amendments of 1972) provides that sexual harassment shall be considered a form of gender

discrimination. Washington College prohibits sexual harassment of any member of the community – whether faculty, student, or employee – by any person.

Sexual harassment is defined as any unwelcome sexual advance, request for sexual favors, or other verbal or physical conduct which has the purpose or effect of interfering with an individual's academic or work performance or social world by creating an intimidating, hostile, offensive, or violent environment.

The following are examples of sexual harassment:

- a. Action of an individual in a position of institutional power or authority who misuses that position to subject an individual to unwanted sexual attention of either a verbal or physical nature when that conduct is either explicitly or implicitly a term or condition of a person's employment or academic status.
- b. Demanding sexual favors accompanied by implied or overt threats or promises concerning grades, recommendations, or evaluations.
- c. Inappropriate sexual conduct that interferes with an individual's work performance or educational experience by creating an uncomfortable environment. This prohibition applies to all relationships at the institution between members of the College community.
- d. Inappropriate conduct against an individual that interferes with an individual's work performance or educational experience by creating an uncomfortable environment that would not occur but for the sex of the individual.

This policy prohibits only unreciprocated and unwelcome relationships. However, persons in positions of power, authority, and control over others should be aware of and sensitive to problems that may arise from mutual relationships that are inherently unequal. Individuals in these situations are urged to examine such relationships before engaging in them, especially in terms of emotional health, self-esteem, and respect for the freedom of others.

The established grievance procedures refer to grievance resolution procedures are described in Section 6 of this chapter.

5.0 Sexual Assault Policy

5.1 Introduction

The Student Affairs Office, working through the Offices of Counseling and Health Services and with the close cooperation of the Director of Residential Life and the Director of Student Activities, has developed educational programs to promote the awareness of rape, acquaintance rape, and other sex offenses. Students and staff are strongly encouraged to take advantage of these programs to further develop an understanding of what constitutes a sex offense, steps which may be taken to prevent sex offenses, and steps to be taken in the event a sex offense occurs. The

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offices of the Provost and Dean, Vice President and Dean of Students, Health Services, and the Department of Public Safety are available to assist individuals in the event of sexual assault.

5.2 College Policy

Washington College prohibits sexual assault of any member of the community. The College and its members are also subject to federal, state, and local laws. Alleged violations of such laws and/or College regulations that occur on campus or on College-related premises are subject to internal College investigation, review, and action in addition to any action by the proper civil authorities. Harassment, without physical contact, will not be deemed sexual assault under this policy, but is covered instead by the policy statement on Sexual Harassment.

5.3 Services

There are many services established to assist victims of sexual assault. Washington College Health Services and the Washington College Counseling Center can be reached by calling 410-778-7261. The “For All Seasons Sexual Assault Crisis Center” may be reached by calling 1-800-310-7273. This is a 24-hour confidential service that provides counseling and support to victims. The Student Affairs Office (ext. 7752) and Campus Department of Public Safety (ext. 7810) can offer assistance and guidance to victims regarding available resources, grievance procedures, and criminal prosecution. Victims are encouraged to seek the appropriate assistance and necessary support.

5.4 Basic Guidelines for Victims of Rape and Sexual Assault

- a. Time is important.
- b. Seek immediate assistance from any of the following: Department of Public Safety, Resident Assistant, Vice President and Dean of Students, Counseling Services, Health Services, Rape Crisis Center, Police Department, or the Chester River Hospital Center.
- c. Do not bathe, douche, or change clothes. Do not disturb the physical surroundings in which the assault took place. Essential evidence must be collected in order to build a case.
- d. Get immediate medical treatment. There are two area hospitals equipped to aid victims of sexual assault: the Chester River Hospital Center located adjacent to Washington College (410-778-3300) and the Memorial Hospital in Easton Maryland (410-822-1000). A member of the Campus Department of Public Safety will provide transport to either location if requested. Volunteers from the “For All Seasons Sexual Assault Crisis Center” (1-800-310-7273) are available to provide counseling and assistance throughout this process.

For information about the established grievance procedures, refer to grievance procedures for victims of rape and sexual assault in this chapter.

6.0 Grievance Resolution Procedures

Three important procedures are explained in detail in the following section. These procedures include:

- a. The procedures for addressing a general grievance related to a work-related problem or condition.
- b. The procedures for filing a claim of unlawful discrimination or harassment,

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including sexual harassment.

c. The grievance procedures for victims of rape and sexual assault.

Please review the procedures carefully. If an employee would like additional information, he/she is encouraged to contact Human Resources for further assistance.

6.1 General Grievance Procedures for a Work-Related Problem or Condition

6.1.1 Informal Resolution

A grievance is a work-related problem or condition that an employee believes to be unfair, inequitable, or a hindrance to his/her effective performance. The College encourages the resolution of grievances on an informal basis whenever possible. If an employee has a problem that needs resolution, he/she is encouraged to discuss it promptly with his/her immediate supervisor. If this action does not seem appropriate or is not effective in resolving the problem, it is recommended that the employee discuss the problem with the department director. If the employee still does not believe that the problem has been adequately addressed or resolved, he/she is encouraged to contact the Director of Human Resources for assistance.

It is recommended that an employee present his/her problem in writing, but this is not essential. The most important obligation is for the employee to bring the problem to the attention of his/her immediate supervisor, the department director or the Director of Human Resources. If an employee is unable to resolve the problem by using informal procedures, he/she may file a formal grievance.

6.1.2 Filing a Formal Grievance

- a. **File a Written Statement:** A written statement must be filed with the Chief of Staff. The Chief of Staff will, within one week of receiving the grievance, either resolve the grievance or appoint a Staff Grievance Committee to convene and review the grievance. If the employee filing the grievance is dissatisfied with the Chief of Staff's resolution, the employee has the right to have his or her case heard by a Staff Grievance Committee.
- b. **Appointment of a Staff Grievance Committee:** The Chief of Staff will appoint a representative group of Washington College staff to serve on the Staff Grievance Committee. The Chief of Staff and the Director of Human Resources shall be non-voting, ex-officio members of the Committee.
- c. **Duties of a Staff Grievance Committee:** The Staff Grievance Committee will meet with the employee filing the grievance and with any other individuals involved. The Committee will present its recommendations in writing to the President and Chief of Staff within 30 days after it receives the grievance.
- d. **Appeal Process:** If the employee is not satisfied with the decision of the Staff Grievance Committee, he or she may appeal the case in writing to the President

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of the College. The President will hear the grievance and will render a judgment within five business days of receiving the appeal. The President's decision will be final and binding on all parties.

6.1.3 Retaliation

No employee will be penalized by his or her supervisor or by any other person at the College for instituting a grievance procedure.

6.2 Grievance Procedures for Unlawful Discrimination or Harassment

6.2.1 Information Regarding the Grievance Procedure

The Washington College Grievance Procedure is available to members of the Washington College community (faculty, staff, or students) who feel that they have been subjected to discrimination or harassment. Information regarding the grievance procedure may be obtained from the Student Affairs Office, Chief of Staff, Provost and Dean of the College, and Human Resources. An employee can also obtain information and/or file a complaint by writing the Director, U.S. Department of Education, Office of Civil Rights, The Wannamaker Building, 100 Penn Square East, Suite 515, Philadelphia, PA 19107.

6.2.2 Appointment of a Grievance Committee

The Grievance Committee will be composed of the Provost and Dean of the College, the Chief of Staff, the Vice President and Dean of Students, one faculty member, one student, and a representative from the staff. All committee members will be appointed by the President of the College. The Provost and Dean will serve as chair and the Chief of Staff will serve as vice chair.

6.2.3 Report of a Grievance

Any member of the Washington College community who believes that he or she has been subjected to unlawful discrimination or sexual harassment should immediately report the alleged incident(s) to a member of the Grievance Committee.

6.2.4 Resolution of a Grievance

The College encourages efforts to resolve complaints in an informal manner. If this process proves unsatisfactory, however, a formal complaint procedure is also available.

6.2.5 Informal Resolution of a Grievance

The complainant will discuss the alleged incident(s) with a member of the Grievance Committee. The committee member may offer to attempt resolution in an informal manner.

6.2.6 Formal Resolution of a Grievance

- a. The Grievance Committee will prepare and provide to the complainant for completion and signature the Discrimination Complaint Form.
- b. The full committee will review the information provided on the Discrimination Complaint Form and will decide whether the complaint

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should be more fully investigated or dismissed.

- c. If the committee decides to pursue investigation of the complaint, committee members with a potential conflict of interest will be required to withdraw from the case.
- d. Two members will be appointed to conduct a thorough investigation of the complaint.
- e. The issue of whether discrimination or sexual harassment has occurred requires a determination based on all of the evidence received. The investigation will include interviews with the parties involved, interviews with witnesses and reviews of pertinent evidence. The investigation will be completed within 30 working days from the date the complaint was signed. This investigation will be handled in a confidential (“need to know”) manner.
- f. Based on the report of the investigation, the full committee will:
 - 1. Decide that the findings do not support the allegations or complaint, or
 - 2. Decide that the findings do support the allegations in the report and refer the complaint, with recommendations, to the President of the College.
 - 3. Inform in writing both the complainant and the person against whom the allegations were made of the committee’s decision.
- g. The President, after consultation with appropriate College officers, will take action in accordance with existing College disciplinary guidelines.

6.2.7 Records

A log of formal and informal complaints of discrimination and harassment will be maintained permanently by the Office of the Provost and Dean. Records pertaining to any formal complaints of discrimination and sexual harassment will be maintained in the Office of the Provost and Dean for three years after the final resolution of the complaint, at which time the records will be destroyed. Records regarding any sanctions imposed will be maintained in accordance with normal personnel or educational records policies, as applicable.

6.2.8 Retaliation

All members of the Washington College community are advised that retaliation against anyone for filing a complaint of discrimination or harassment is prohibited. Members of the community should be equally aware that making false or frivolous allegations of harassment or discrimination is itself a violation of College policy and the individual involved will be subject to disciplinary action.

6.3 Grievance Procedures for Victims of Sexual Assault

6.3.1 File a Grievance

Victims of sexual assault may file a grievance by contacting the Provost and Dean of the

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College, the Chief of Staff, the Vice President and Dean of Students, or the Director of Public Safety. The Director of Public Safety will inform the victim of the options available for handling the complaint. If criminal charges are pursued, the Director of Public Safety will offer to assist the victim throughout this process.

6.3.2 Investigation of the Grievance

Once a grievance has been filed, the official with whom the grievance was filed will notify the Director of Public Safety, who will expeditiously conduct a thorough investigation. At the completion of the investigation, the Director will inform the President and the Discrimination and Harassment Grievance Committee of the reported offense(s) and the results of the investigation.

6.3.3 Persons May be Removed from Campus

By decision of the President of the College, persons accused of sexual assault may, without prejudice, be removed from the campus or subjected to other forms of restriction with regard to the complainant, pending action of the Discrimination and Harassment Grievance Committee or criminal procedures, to avoid additional conflict within the community and/or to protect the safety of members of the College community.

6.3.3.1 Discrimination and Harassment Grievance Committee Determination Based on the Public Safety Director's report of the investigation, the Discrimination and Harassment Grievance Committee will:

1. Decide that the findings do not support the allegations or complaint, or,
2. Decide that the findings do support the allegations in the report and schedule a hearing that will occur as soon as possible, but in any case, no later than ten business days.
3. Inform in writing both the complainant and the person against whom the allegations were made of the committee's decision.

6.3.4 Guidelines for a Hearing

If the Committee decides the allegations warrant a hearing, both the accuser and the accused will be notified of the date, time, and location of the hearing. The accuser and the accused are each entitled to have a person of his or her choice, but not legal counsel, accompany them to the hearing. These persons may only serve in an advisory capacity and are not permitted to participate in the hearing. Seating in the hearing room will be arranged so that the accuser and the accused will present the facts of the case to the Committee during the hearing. The accuser and the accused will be given the opportunity to testify and may present witnesses to testify. These witnesses may be present at the hearing only while giving testimony or responding to questions based thereon. Only members of the Committee, as well as the accuser and the accused, may ask questions of all parties testifying. Questions and responses by the principals, however, will be directed to the Chair, not to each other. A detailed summary of the hearing shall be prepared following the proceedings and filed in the formal record to be maintained in the Office of the Provost and Dean according to the records policy.

6.3.5 Formal Recommendation

Following the hearing and the subsequent deliberations, the committee will arrive at a formal recommendation and communicate it to the President of the College. The

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President, after consultation with the appropriate College officers, will, when the recommendation indicates, assign a penalty, as the President deems appropriate in accordance with existing College disciplinary guidelines. The accuser and the accused will be informed, in writing, of both the Committee's recommendation and the President's decision on disciplinary action, if any, and also of their respective rights of appeal.

6.3.6 Appeal Procedure

If either the accuser or the accused wishes to appeal the decision on procedural grounds or based on new evidence, an appeal should be submitted, in writing, to the President within 15 business days of the notification of the decision. The President will determine if the case warrants further review and within 10 business days will inform the Harassment Grievance Committee and parties involved. If the President determines that the case warrants further action, the

President will then review the case including procedures, evidence, decision, and resulting sanctions. The President will deliver a written decision to both parties and the Discrimination and Harassment Grievance Committee. This decision is final.

6.3.7 Confidentiality

All parties involved, especially those charged with carrying out the above policies, are enjoined to maintain confidentiality to the greatest extent practicable.

6.3.8 Records

Records pertaining to formal complaints of sexual assault will be maintained in the Office of the Provost and Dean for three years after the resolution of the complaint, at which time the records will be destroyed. Records regarding any sanctions imposed will be maintained in accordance with normal personnel or educational records policies, as applicable.

7.0 Drug and Alcohol Policy

Washington College takes seriously the problem of drug and alcohol abuse, and is committed to providing a substance-free workplace. This policy applies to all employees of Washington College, without exception, including part-time and temporary employees. Washington College prohibits the possession, use, or distribution of drugs and illegal or unauthorized use of alcohol by employees in the work place. Violations may result in action by law enforcement officials and disciplinary action up to and including mandatory participation in a substance abuse rehabilitation program, and/or termination of employment. By federal law, employees must notify the College within five (5) days of any employee's conviction under criminal drug statutes for a violation occurring in the workplace.

Washington College will not tolerate employees who report for duty while under the influence of alcoholic beverages or drugs. All employees should report evidence of alcohol or drug abuse to a supervisor or a Human Resources representative immediately. In cases where the use of alcohol or drugs poses an imminent threat to the safety of persons or property, an employee must report the violation. Failure to report a violation could result in disciplinary action for the non-reporting employee.

8.0 Safety and Accident Policies and Procedures

It is the policy of Washington College to provide its employees and students with a safe and healthful work environment and to protect property from controllable hazards. The College's goal is to minimize all recognizable hazards that may result in personal injury/illness, property damage/loss and business interruptions caused by accidents, fires or other hazards. It is the intent of the College to comply with all federal, state and local health and safety laws/regulations. If an employee identifies a hazardous or potentially hazardous environment or situation, the employee is expected to report such observations to the Department of Public Safety immediately.

8.1 When an Injury or Accident Occurs

If an employee experiences an accident or injury while at work, he/she is required to report the incident to his/her supervisor. The supervisor is responsible for documenting a "first report" that must be submitted to Human Resources within 72 hours. For additional information on workers' compensation, refer to Chapter 3, section 7.

8.2 Fire Safety

Periodic fire drills will be held to insure the safety of all members of the campus community. Anyone found guilty of intentionally setting off a false fire alarm or tampering with fire equipment (alarm, horn, extinguisher or detection device) will be subject to disciplinary action. Persons failing to evacuate a building during a fire alarm may be subject to disciplinary action.

Candles, halogen lamps, and overloaded electrical circuits have been determined to be a fire hazard and may not be used in campus buildings.

Periodic inspections will be made by the State Fire Marshall and the Department of Public Safety to promote the safety of all buildings on campus.

8.3 Weapons and Other Explosives Policy

The possession, storage, or use of weapons, fireworks, firearms, ammunition, or explosives is prohibited at any time for any purpose at any place on campus or other property of Washington College. This regulation in regard to use of fireworks may be conditionally waived for temporary periods by the President of Washington College for College-sanctioned public fireworks displays presented and supervised by licensed groups and individuals.

This regulation does not apply to authorized law enforcement personnel or to instructional or research supplies maintained by the Chemistry Department..

This regulation does not prohibit an individual otherwise subject to its provisions from carrying or possessing chemical mace or similar chemical sprays or propellants on campus property provided that such carrying or possession would not constitute a crime under Maryland criminal law.

8.4 Right-to-Know Policy

The "Right-to-Know" laws establish basic legal rights of employees to know or be informed about any hazardous materials that they may encounter on the job. Washington College employees will be provided information and/or training to become familiar with the campus Right-to-Know Program, and, where applicable, with the nature of the hazardous chemicals and practices which may exist in their work place.

The Resources Manager of Natural Sciences oversees the implementation of the College's Right-to-Know Program. Documentation for this program is available on the Washington College website and, upon request, from Public Safety.

8.5 College Vehicle Operator Safety Policy

College vehicles may only be used for College business unless the vehicle has been assigned to an employee on a full-time basis. The Washington College Buildings and Grounds Department is responsible for the vehicles, training, and required documentation. If an employee has been assigned a vehicle on a full time basis, personal miles are a taxable benefit.

Any employee whose employment at the College depends on the ability to operate a vehicle should understand that maintaining a safe record is a condition of continued employment. The College reserves the right to terminate an employee whose job requires the operation of a College vehicle should that employee not meet the standards or have his/her license suspended or revoked.

Upon application to drive a College vehicle, each operator will receive a copy of the complete policy stating the requirements, standards, and responsibilities associated with operating a College vehicle.

9.0 State of Emergency Procedures

Whenever an emergency affecting the campus reaches proportions that cannot be handled by routine measures, the Executive Vice President or his designee may declare a State of Emergency. There are two general categories of emergencies that may result in the

implementation of this plan: (1) large-scale disorder and (2) large-scale natural/man-made disaster.

The following information is a summary of the state of emergency procedures. A complete policy statement and description of all related procedures is available upon request from the Department of Public Safety.

9.1 Notification

The telephone and electronic mail are both primary means of emergency notification at Washington College. These systems will be used, as needed, for the immediate transmission of specific information regarding an emergency to all affected areas of the campus.

9.2 Coordination

The Department of Public Safety is the focal point for official emergency telephone communications. Each College administrator, upon receiving notification of a declared or pending State of Emergency, shall pass the information along to those departments/offices under his/her direction.

9.3 Emergency Command Post

When a State of Emergency is declared or is imminent, the Department of Public Safety shall set up and staff an appropriate Emergency Command Post. The regular department facilities and communications center located in Wicomico House is also to be kept fully operational at all times. If the emergency involves only one building or a small part of the campus, a Field Emergency Command Post will be established. If the emergency involves a large part of the campus, a General Command Post is to be set up in the Student Affairs Office in the Casey Academic Center. If this site is unavailable, the Emergency Coordinator is to select an alternate location.

9.4 Campus Emergency Resource Team

In addition to establishing an Emergency Command Post as necessary, the Department of Public Safety shall immediately begin contacting all members of The Campus Emergency Resource Team not already involved in the emergency response.

The Campus Emergency Resource Team consists of the following personnel:

1. Emergency Director (Executive Vice President or designee)
2. Emergency Coordinator (Director of Public Safety)
3. Director of Physical Plant
4. Department of Public Safety Patrol Supervisor
5. Vice President of College Relations
6. Vice President for Student Affairs

9.5 Coordination for Individual Departments

Members of Senior Staff will appoint a specific person as Building/Area Coordinator for every activity under their control. The Building/Area Coordinator has the following general responsibilities during an emergency:

- a. Inform all employees under their direction of the emergency condition.
- b. Evaluate the impact that the emergency has on their activity and take appropriate action. This may include ceasing operations and initiating building evacuation.
- c. Maintain telephone or direct communications with members of their own department during an emergency.

10.0 Personal Information

The College makes every attempt to maintain an accurate and up-to-date employee database. Upon hire, new employee information is collected and entered into the Human Resources/Payroll Information Systems. It is very important that employees promptly notify Human Resources of any change in name, address, telephone number, marital status, dependent status or other pertinent information so that the appropriate records can be updated accordingly.

Human Resources maintains the official personnel files in a secure environment. Only authorized individuals or College officials may review a personnel file. An employee may review his/her personal file at the office of Human Resources but may not remove the file from the premises. Such inspection must take place in the presence of a Human Resources staff member during normal working hours and at an agreed upon time.

11.0 Confidentiality

All employees should be aware of their responsibilities to protect information contained in educational, financial and employment records. The unauthorized access to, modification, deletion, or disclosure of such information may compromise the integrity of the College and violate individual rights of privacy, and/or constitute a criminal act. All employees are required to sign a confidentiality agreement.