

Workplace and Campus Preventing Illegal Harassment & Ethics Awareness

Yavapai College
Human Resources Department
www.yc.edu/hr

This video tutorial includes:

- **Part I: Introduction**
- **Part II: Primary Tools**
- **Part III: Reporting Concerns**
- **Part IV: Scenarios**
- **Part V: Certificate of Completion**

A Message from Dr. Penny Wills, President



Dear Colleagues,

Yavapai College is committed to creating a work and learning environment that puts a premium on civility, respect, honesty, integrity, creativity, and professionalism. These are shared values and ethical principles at the heart of our College.

In keeping with our commitment, we have developed ***Workplace and Campus Preventing Illegal Harassment & Ethics Awareness*** as an excellent resource to help us understand relevant laws and policies. This online training is designed to help ensure professional behavior is beyond reproach and guide our actions in difficult decisions.

I am fully committed to ensure that Yavapai College enjoys a civil and inclusive atmosphere that advances our mission and reputation for excellence in serving our community. I strongly encourage you to use these principles as a guide in the conduct of our activities.

Thank you.

Penny Wills, Ph.D., Yavapai College President

Part I: Introduction

Purpose of the Tutorial

- As College employees, we are expected to exhibit ethical behavior when carrying out our professional responsibilities, following basic guidelines of **honesty** and **integrity**.
- The purpose of this tutorial is to provide you with resources and tools for learning and reflection to help you make the best possible decisions when faced with ethical issues in the workplace.

Learning Outcomes

Upon successful completion of this tutorial, you will be able to:

1. **Define** key terms as part of your understanding of the ethical responsibilities of Yavapai College employees.
2. **Locate and apply** resources and tools as aids in making ethical decisions and in articulating the reasons for your decisions.
3. **Report** concerns of an ethical nature to the appropriate person.

In practical terms, you should have better answers to these questions:

- *What behavior should I tolerate? What shouldn't I tolerate?*
- *What behavior should I confront? What behavior shouldn't I confront?*
- *What behavior should I report and to whom?*

Key Terms and Definitions

Take a moment to think about how you would define:

General Terms

- **Ethics**
- **Business Ethics**

Specific Behaviors

- **Illegal Harassment**

Key Terms and Definitions *(continued)*

- **Ethics** is the manner by which we try to live our lives according to the standard of right and wrong behavior, in both how we think and behave toward others and how we would like them to think and behave towards us. *Business Ethics Now*, Andrew Ghillyer, 2012.
- **Business Ethics** is the application of ethical standards to business behavior, in the case of Yavapai College, behavior in both the workplace and on the campus. *Business Ethics Now*, Andrew Ghillyer, 2012.

“Ethics is, ultimately, about people and relationships, and taking personal responsibility for the choices we make.”

The Williams Institute

Key Terms and Definitions *(continued)*

- **Illegal Harassment (*Sexual & Other Prohibited, YC Policy 2.22*)**
 - Covers employees, students, and all visitors to the College
 - Includes unwelcome conduct that is offensive, demeaning, insulting, hostile, or persecuting
 - Involves a wide variety of conduct, which may include visual, verbal and/or physical behavior
 - Either **quid pro quo** (“something for something”) or **hostile work environment**, (intimidating, hostile or offensive work or learning environment) related to a **category protected by law or YC Policy** including color, race, religion, national origin, sex (gender, including transgender), sexual orientation, disability, veteran’s status, citizenship status, age, genetic information & pregnancy

Key Terms and Definitions *(continued)*

- **Policy 2.22, con't**
 - Consensual Amorous Relationships
 - **Definition:** YC employees (including faculty, supervisors, coaches, advisors) having “professional responsibility for other individuals” and having consensual amorous relationships with someone for which they have authority or influence over or are responsible for:
 - Employment: carrying out assignments, evaluations and promotions or disciplinary decisions
 - Instruction: student evaluation, grading, financial aid, academic progress, employment offers
 - **Key Action Required:** Inform manager so steps can be taken to address the potential conflict of interest

Key Terms and Definitions *(continued)*

- **Illegal Harassment (ARS 13-2921)**
 - Known or knowable conduct that is directed at a specific person that would cause a reasonable person to be seriously alarmed, annoyed, or harassed and the conduct in fact seriously alarms, annoys or harasses the person

Part II: Primary Tools

Tool 1: The Five Question Model

Tool 2: YC Administrative Policies & Procedures

Tool 3: Internal & External Codes

Tool 1: The 5 Question Model

Thinking through these questions will help you make better decisions and articulate the reasons behind them. **Ask yourself:**

1. Is the decision legal and does it align with YC policies and any applicable professional codes?
2. How will our students, faculty, staff, administration, and community be affected? How will I be affected?
3. Would I be able to articulate and defend my position for a local newspaper article?
4. Could I use this decision or case as an example to teach students and others about making good ethical decisions?
5. If I'm not sure, have I consulted with others or asked enough questions?

Alternative Model

You are encouraged to read *The **COVER** (Codes, Outcomes, Values, Editorial, Rules) Model*, an article by NAU Business Department Chair Dr. Eric Yordy.

It offers a broad theoretical perspective when making defensible ethical decisions. “[COVER It: A Comprehensive Framework for Guiding Students Through Ethical Dilemmas](#)” by Yordy & Mitchell, pp. 35-60. [Journal of Legal Studies Education](#)

Tools 2 & 3

Tool 2: Yavapai College Administrative Policies and Procedures, including Human Resources Policies and Procedures

- **LOCATE** them at

<http://www.yc.edu/v5content/policies/default.htm> .

Tool 3: Internal & External Codes

- **READ** Yavapai College [Student Code of Conduct](#).

You are also encouraged to locate and read external codes applicable to your position.

Part III: Reporting Concerns

Reporting Concerns

- **Employees** should report [dishonest or fraudulent] behavior . . . **to their Supervisor or the Human Resources Department.**” (READ YC [Policy 2.25](#), *Reporting Dishonest or Fraudulent Conduct*)
- **Any College employee or student** with a complaint of harassment who does not feel comfortable handling the situation on his/her own should notify the appropriate office:
 - **Employees: the Director of Human Resources** who may assign the complaint to an appropriate Human Resources department designee.
 - **Students: the Dean of Student Services** who may assign the complaint to an appropriate Student Services designee.
 - **READ YC [Policy 2.22](#)**, Sexual and Other Prohibited Harassment
- Anonymous complaints are discouraged but the College will reasonably respond; you may submit an on-line question, concern, or comment directly to Human Resources from the HR web page.

Investigations

- Human Resources (employee-centered complaints) or Student Services (student-centered complaints) will conduct an investigation with the involvement of the appropriate supervisor. When appropriate, both Human Resources and Student Services will be involved. These investigations:
 - 1) Will remain as confidential as possible given circumstances
 - 2) May be conducted without a written complaint
 - 3) Are conducted and completed as fast as reasonably possible given organizational circumstances
- Upon completion of an investigation, immediate and appropriate action (action that stops the conduct from happening again) will be taken.
- Retaliatory behavior is prohibited.

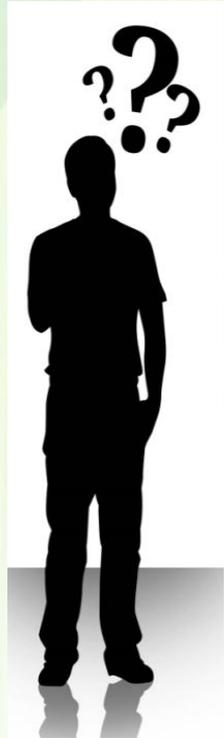
Part IV: Scenarios



Using & Respecting College Resources

Your colleague Robert told you that he has a copy of the College's Photoshop software on his home computer. You'd like one, too, but you know that this is an expensive software package that is licensed only for College use. **What do you do?**

READ: YC [Policy 5.27](#) Technology Resource Standards

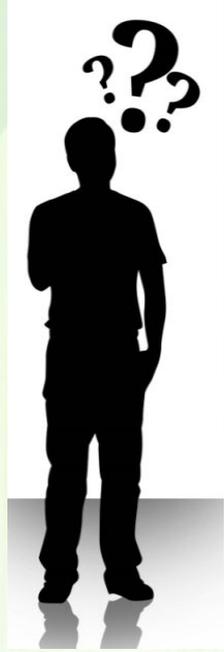


Comments

- The best thing to do would be to contact the ITS Director or the Desktop Services Manager. They can inform you if the software is eligible for home use. Most of the software is not eligible for this purpose. If you believe that someone has violated YC policy 5.27 (Technology Resource Standards) please contact your supervisor; violating software license agreements may lead to severe fiscal and legal ramifications to the institution.
- Many of the programs that the College utilizes have low-cost or free open source alternatives that may fit your home needs. However, an even better solution is **Cloud.yc.edu**, YC's new remote computer environment.
- Please remember, however, that your use of Yavapai College resources from off-campus locations is still subject to the requirements of [Policy 5.27](#).

Performance Expectations at YC

In the presence of other employees (including supervisors, visiting management personnel, and some of your peers), your manager often criticizes your work without factual justification, and sometimes in very loud, abusive, demeaning (and even profane) terms. **What do you do?**



READ: YC [Policy 2.21](#) Performance Expectations & Corrective Action



Comments

- Not all unprofessional , insensitive, discourteous, rude workplace behavior is unlawful. While behavior described in this scenario **may** not be illegal harassment, it is not acceptable behavior.
- Interrupting the manager and asking him to stop and finish the discussion in private is the best possible move on the spot, if you can pull it off. This will send a clear message that the behavior is unacceptable. However, if that doesn't work (either because he isn't receptive to your feedback or you just don't feel comfortable), call the next level manager or Human Resources to report the incident(s).
- This same response is recommended in relationship to a student or colleague who displays rude, disrespectful, or other inappropriate types of behavior. For example, students may be asked to leave the classroom pending a conversation with the Division Dean or Program Director about their behavior.

Sexual & other Prohibited Harassment

Dave is an employee who is also a National Guard member; he periodically goes to required training. His coworker Al routinely calls the time off a “two week vacation” and jokingly complains him about “going off to play soldier” and leaving his work behind. He does not intend to offend anyone with his teasing. You overhear this constant teasing and think that it’s sending an inappropriate message. **What do you do?**



READ: YC [Policy 2.22](#) Sexual and Other Prohibited Harassment



Comments

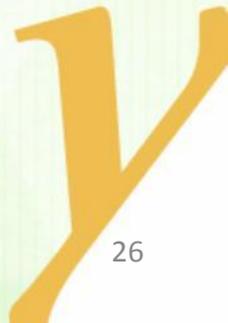
- It is against the law to discriminate against or harass an employee based on **military status**. Intent is not relevant; it's the impact of the behavior that counts.
- You don't have enough detail to know if the teasing rises to the level of illegal harassment. You don't know if Al views this interaction as **welcome** or not; and it may or may not be "**severe or pervasive**" But if it's **offensive** to you, and you believe a **reasonable person** would find it offensive, you really should act out of respect for the individual and yourself.
- You could talk to Dave and tell him he should tell your supervisor or go to Human Resources; you might try confronting Al directly. Talking to your supervisor or Human Resources may be the best place to start.
- Any member of the College community, especially administrators, supervisors, or faculty informed of an allegation of harassment or who believes that the actions or words of any other member of the College community constitute harassment has a responsibility to immediately inform Human Resources.

Sexual & other Prohibited Harassment

You are the only female clerk in a department staffed primarily by men. For the past two years your coworkers have routinely leered at you (looking up and down), routed sexually suggestive emails within the department, and invaded your personal space by coming around your desk to talk to you and sometimes actually leaning into you. Your supervisor is not involved in this kind of behavior at all, but he is personal friends with your coworkers outside of work.

What do you do?

READ: YC [Policy 2.22](#) Sexual and Other Prohibited Harassment



Comments

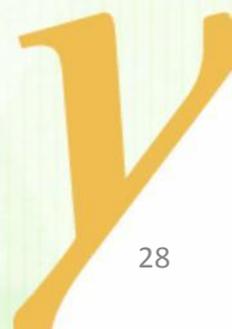
- Although harassment frequently involves power relationships, it may occur between individuals at work, regardless of reporting relationships.
- Since this offensive behavior happens every day it would likely be considered pervasive in the workplace. It is also extremely severe, in that it involves unwelcome physical contact.
- It is very likely that a reasonable person would judge this behavior as sexual harassment.
- You should report the behavior to your supervisor or you may go directly to the Human Resources department.

Social Media

You routinely “friend” students on Facebook. You believe that it makes you more accessible and helps you establish relationships with your students.

One of your coworkers tells you that you should be careful with that practice, that it might be against the College’s Social Media policy. **What do you do?**

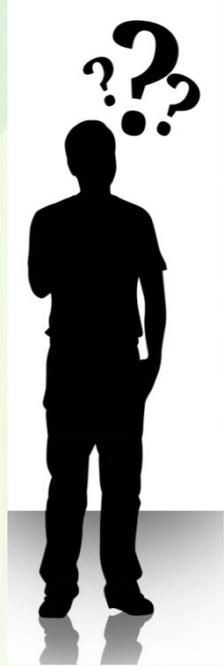
Sharing information is a basic tenet of higher education. Through social media (including blogs, Facebook, Twitter, YouTube, LinkedIn, Foursquare, etc.) there have never been fewer barriers to sharing. But with this openness comes both personal and institutional risks.



Student Code of Conduct

You are a faculty member with a student who is a communication “challenge”. Although your syllabus directs students to call you during certain hours at using your office phone number, this student calls you at all hours using your cell phone, which you did not give to students.

You believe that the communication has become personal and may have turned into harassment. **What do you do?**



Comments

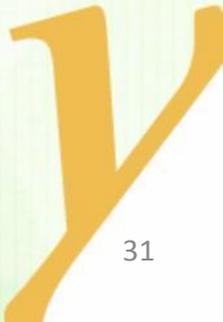
- Tell the student to immediately stop calling you on your personal cell phone. Re-direct the student back to the course syllabus and strongly emphasize that they adhere to the hours and contact numbers, which does not include your personal cell phone number. Advise the student that if you receive any more calls from him/her on your personal cell phone, it will be perceived as an act of harassment and that you will report the incident to the college police department.
- You should, of course, report this to/discuss this with your direct supervisor.
- If you receive any further calls from the student, report it immediately to the college police department. Stay vigilant and continue to monitor the situation.

Confidentiality

Your employee recently shared, in confidence, that she is 2 months pregnant and plans to take Family Medical Leave. Today she informs you that she is applying for a new Student Services position. The timing for filling this position is structured around the next peak registration period, which coincidentally is very close to her delivery date.

The employee has been selected by the committee as the finalist for the position. The committee chair contacts you, the supervisor, as a reference. Based on the timing, you know that your employee will not be available for the peak registration period for which this position was created. You realize you need to be very careful communicating with the committee chair. **What do you do?**

READ: YC [Policy 2.19](#) Code of Ethics



Comments

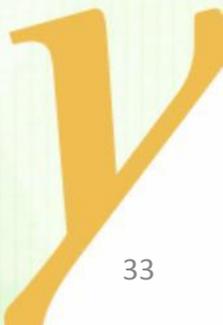
- You may only share information on the candidate's **job-related performance**. In this case, the law trumps the ethical considerations of the pregnant employee's decision to disclose or not to disclose information.
- If the ability to be present during peak registration times is a job requirement, it should be documented as such and built into the interview questions. Then it can be discussed directly and specifically with each applicant.

Academic Freedom

As part of YC's College Library's celebration of Banned Book Week, a Humanities professor chooses to show Volker Schlöndorff's film, adapted from Nobel laureate Gunther Grass' novel, *The Tin Drum*, as part of a discussion on history, art and culture. The book theme deals with issues of war and art and was banned under obscenity charges.

During the showing of the film, several students become extremely uncomfortable with and offended by the themes and images. They complain to the Dean, accusing the professor of a liberal bias in teaching.

What are the rights of the teacher under academic freedom as well as the rights of the students in learning? **What would you do?**



Comments

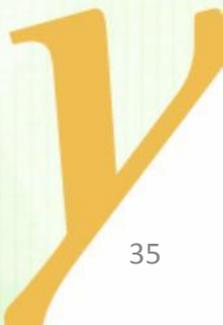
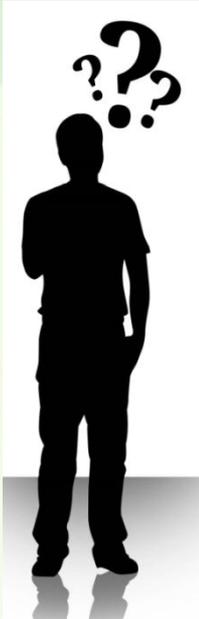
- Applying AAUP's (American Association of University Professors) [Statement of Principles on Academic Freedom and Tenure](#), there is nothing in the example to indicate that the professor had any ulterior motives to promote his/her own political or personal beliefs. Instead, **the facts** indicate that the professor chose to show the film to support topics of the humanities class and to promote "Banned Book Week." This supports the conclusion that the showing of the film was *not* done to promote the individual interests of the teacher, but instead to advance the educational opportunities of the students.
- However, it may be appropriate for the faculty member to alert students ahead of time and consider offering alternative learning options PRIOR to the showing for students who might not want to view the film.

Conflict of Interest

A textbook sales rep emails you to let you know he will be on campus next week to buy back the free sample copies/complimentary faculty editions provided to employees at no charge by a publisher. He even quotes some good prices!

You know that some faculty do sell books and keep the money, and others put it back into a pool where the money is used to buy food for meetings & celebrations. **What do you do?**

READ: YC [Policy 2.20](#) Conflict of Interest



Comments

- Complimentary/desk copy textbooks are College property and as such should not be sold for employee personal gain. Personal gain includes both keeping the money and donating the money to a general office fund.
- This activity may also violate Arizona Revised Statute 15-1891, which addresses behavior of the publishers of course materials.

Part V: Certificate of Completion

Certificate of Completion

- Confirm your understanding and participation in the YC Workplace Ethics Awareness Tutorial by printing and signing the Certificate of Completion on the next slide.
- Mail, email or scan one copy to your supervisor and one to Human Resources.
- This concludes the video tutorial. Thank you so much for tuning in.

Certificate of Completion

Yavapai College

Workplace and Campus

Preventing Illegal Harassment & Ethics Awareness

(Name)

I acknowledge that I have completed this on-line training, which includes reviewing the Yavapai College Administrative Policies and Procedures Manual, Section 2, Human Resources, including the Code of Ethics, Conflict of Interest, and Reporting Dishonest or Fraudulent Conduct policies. I further acknowledge that it is my responsibility to read, understand and comply with all YC policies and procedures.



Signature

Date