

Part B: Work Environment

Freedom from Harassment

Purpose

The basic purpose of this policy statement is to foster a positive community environment at Lenoir-Rhyne University. The particular intention of this policy is to prevent the occurrence of any form of intimidation or harassment by expressing the college's strong disapproval of such action, by providing a means for community members to report all incidents of intimidation or harassment should they occur, by setting forth procedures for handling all allegations, by enforcing appropriate sanctions against those who intimidate or harass others, and by informing community members of their rights to raise the issue of intimidation or harassment and the procedures to be followed in doing so. This policy seeks to protect the rights of the accuser and the accused.

Policy

Lenoir-Rhyne University is a community that respects the dignity of all its members. The University condemns any form of intimidation or harassment as conduct incompatible with its values. The University will act on all complaints of intimidation or harassment in accordance with this policy. The University will seek to maintain confidentiality in carrying out the terms of this policy. In addition, the University condemns retaliation against any person who, acting in good faith, makes a complaint under this policy. Any form of intimidating or harassing behavior of employees, students, or visitors could subject the employee to immediate disciplinary action up to and including immediate termination of employment.

Definition of Harassment

The University expressly prohibits any form of employee intimidation or harassment based on age, race, sex, creed, color, national origin, religion, or sexual orientation. Harassment denies an individual dignity and respect and may take on different forms including, but not limited to, threats, derogatory comments, unwelcome jokes, insults, slurs, and other similar conduct. Sexual harassment includes, but is not limited to, unwelcome sexual advances, requests for sexual favors, and all other verbal or physical conduct of a sexual or otherwise offensive nature, especially where: (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 the basis for decisions affecting an individual's employment; or (3) such conduct has the purpose or effect of interfering unreasonably with an individual's work performance or creating an intimidating, hostile, or offensive working or learning environment. Offensive comments, jokes, innuendoes and other sexually oriented statements are also expressly prohibited.

Examples

The following list contains examples of behavior and conduct that the University considers inappropriate. This list is not inclusive, but rather is intended to serve as an example of the types of behavior and conduct considered unacceptable.

Verbal Examples

Degrading words used to describe an individual or group of persons; Threats of any kind; Comments or inquiries about dating, marital status, sexual activities, or sexual orientation; Request for sexual favor with threat (implied or overt) of job, promotion, transfer, grade or other academic or employment benefit; Abusive or hostile personal or gender related remarks; Patronizing remarks (i.e. little girl, boy, referring to an adult as "girl", "boy", "hunk", "doll", "honey", "sweetie", "women's work");

Innuendoes, teasing, jokes, derogatory or dismissive comments; Starting or spreading rumors; Whistling, hooting, growling, lip smacking, kissing noises.

Visual Examples

Gestures that are insulting or belittling; Circulating or displaying written or pictorial material that is offensive or belittling (pictures, jokes, cartoons, posters, or reading material); Offensive manner of communication (e.g. leering, lewd gestures, body positioning - blocking a person's path, eye contact that is intimidating, ogling or staring at body parts, making facial expressions); Notes and letters of a personal nature which are sexist, degrading, intimidating, or offensive; Wearing inappropriate or sexually suggestive clothing.

Physical Examples

Unwanted physical contact: Hugging, kissing, patting, stroking, pinching or grabbing, rubbing one's self around another person, brushing against a person; touching the person's clothing, hair or body; giving a massage around the neck or shoulders; revealing parts of the body in violation of common decency; Persistent following (stalking); Persistently disrupting an individual's work, work space, or equipment, or interfering with his or her personal property; Flirtation between a superior and subordinate which is disruptive to the work environment; Physically forcing sexual activity on someone including any form of assault or rape. Physical violence or any means of intimidation to discourage employees from pursuing complaints including retaliatory acts based on an employee having filed a charge of harassment.

Procedure

Bringing a Complaint

Any member of the Lenoir-Rhyne University community who feels personally affected by conduct in violation of this policy may bring a complaint. Anyone who retaliates against any individual making a legitimate complaint of sexual harassment, or anyone making a false, trivial, or malicious charge against a member of the community is in violation of this policy and will be subject to sanctions accordingly.

Procedure for Handling Complaints

The President of Lenoir-Rhyne University shall appoint a Committee on Equity whose broad responsibilities will include promoting and insuring equal treatment for all employees and students, without regard to gender, race, ethnicity or sexual orientation. The committee is composed of six persons, two each from the faculty, staff, and student body, and including at least two males and at least two females. The student members will participate fully in committee activities, except in those instances where a formal complaint does not involve a student as one of the parties. Appointments will be for a two-year term. The Committee serves to confidentially review complaints of intimidation or harassment brought by staff members, students, or faculty members. Informal and/or formal complaints may be brought in confidence to any member of the Committee, the Human Resource Director, the Dean of Students (if the complainant is a student), or the Provost (if the complainant is a faculty member). The Committee is advised of any such complaint and maintains a written record of it. In the case of formal complaints, the Committee pursues an investigation that may lead to an informal resolution, a recommendation that the complaint be dismissed, or a recommendation to the appropriate administrator that there is some reason to believe that the Harassment Policy has been violated. The Harassment Policy Statement, which details these procedures, may be found in the Non-Academic Employee Handbook.

Informal Complaints

The following procedures apply in the informal complaint process:

- (1) A complaint can be made orally.
- (2) The person to whom the complaint is brought will counsel the complainant on the rights and options available under this policy and, at the complainant's request, (a) help the complainant resolve the complaint informally or (b) help the complainant file a formal complaint.
- (3) The person to whom the complaint is brought will advise the Committee of the complaint and seek its help as necessary.
- (4) At the request of the complainant, the accused will not be notified of the name of the complainant during the informal complaint process.
- (5) A record of the informal complaint will be maintained in a file kept by the Committee and will be kept confidential as allowed by law. It is not necessary to proceed first with an informal complaint. This is simply an option available to complainant.

Formal Complaint

The following procedures apply in the formal complaint process:

- (1) The complainant will be asked to detail in writing all the facts and circumstances in support of the complaint, including the names of any witnesses.
- (2) Upon receiving a written formal complaint, the Committee will appoint one of its members and/or such other person or persons it deems appropriate to conduct an investigation in a manner appropriate under the circumstances.
- (3) After the investigation is complete, the Committee will review the results of the investigation and will determine whether the case can be resolved informally. If the case is resolved informally, the matter will be closed and the investigative file will be kept confidential as allowed by law.
- (4) If the case is not resolved informally, for whatever reason, the Committee shall make a recommendation to the Human Resource Director if the accused is a staff member, or a recommendation to the Dean of Students if the accused is a student, or a recommendation to the Provost, if the accused is a faculty member, either:
 - (a) that the complaint be dismissed; or
 - (b) that there is some reason to believe this policy has been violated.
- (5) With respect to accused staff members, if the Human Resource Director, subject to the approval of the President, accepts the recommendation of dismissal, the complaint shall be dismissed. If the Human Resource Director, subject to approval of the President, rejects the recommendation of dismissal, or accepts the recommendation that there is some reason to believe this policy has been violated, then appropriate action will be taken by the Human Resource Director, subject to approval by the President, in accordance with applicable policies and procedures.
- (6) With respect to accused students or faculty members, if the Dean of Students or the Provost, as the case may be, accepts the recommendation of dismissal, then the complaint shall be dismissed and the file kept confidential as allowed by law. If the Dean of Students or the Provost, as the case may be, reject the recommendation of dismissal, or accepts the recommendation that there is reason to believe this policy has been violated, then:
 - a. If the alleged harasser is a student, the Dean of Students will recommend appropriate action pursuant to the Student Code of Conduct.

- b. If the alleged harasser is a faculty member, the Provost, in consultation with the Dean of Students and the President, shall determine an appropriate sanction, and in the case of dismissal or permanent suspension, the applicable provisions of the Lenoir-Rhyne University handbook shall apply.