Sexual Harassment (pp.67-69)

SEXUAL HARASSMENT

Statement of Policy

Bethune-Cookman University is committed to maintaining an educational and working environment free from unlawful sexual harassment. Sexual harassment by any employee or student is prohibited and will not be tolerated. Persons violating this policy will be subject to disciplinary action which may include, but not limited to, written warning, demotion, transfer, suspension, expulsion, dismissal, or termination.

No faculty member, employee, or student shall unlawfully sexually harass another faculty member, employee, or student, nor shall any faculty member, employee, or student sexually harass any person with whom they have contact in connection with their employment or academic pursuits. No faculty member, employee, or student shall threaten another current or prospective faculty member, employee, or student by stating, suggesting or otherwise indicating that said individual’s refusal to submit to sexual advances will result in adverse job or academic action. No faculty member, employee, or student shall promise or give a current or prospective faculty member, employee, or student any benefit in return for submission to sexual advances or granting sexual favors. Any employment or academic decisions carrying out such threats or promises are likewise prohibited.

Definitions

For purposes of this policy, “sexual harassment” includes, but is not limited to, unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature, when:

1. Submission to the conduct is made either explicitly or implicitly a term or condition of an individual’s employment or academic success;
2. Submission to or rejection of the conduct by an individual is used as a basis for employment or academic decisions affecting the individual; or
3. A reasonable person would find that the conduct has the purpose or effect of interfering with an individual’s work or academic performance or creating an intimidating, hostile or offensive work or academic environment.

For purposes of this policy, “sexual harassment” also includes assault, battery or rape or other similar actions which are unlawful pursuant to the state and federal law.

Examples of conduct which can constitute sexual harassment include, but are not limited to, such things as:

(a) sexual flirtation, advances, or propositions;
(b) sexually explicit statements, questions, or jokes;
(c) displays of sexually explicit material (whether audio or visual);
(d) inappropriate personal comments, staring, or touching;
(e) remarks of a sexual nature about a person’s body, clothing, or sexual behavior; or
(f) direct or implied threats that submission to sexual advances will be a condition of employment, promotion, or academic advancement. The foregoing list is intended to be illustrative rather than exhaustive.
Complaints

Any faculty member, employee, or student who believes that he or she has been unlawfully sexually harassed, or has observed any violation of this policy, has both the right and the obligation to promptly report the matter to the appropriate University official, as set forth below:

Employees (other than faculty) should report complaints of sexual harassment to their immediate supervisor. If the employee does not feel comfortable reporting the complaint to the immediate supervisor, or if the immediate supervisor is the cause of the complaint, then the employee should report the matter to the Director of the Office of Human Resources Management or the Equal Employment Opportunity Officer.

Faculty members should report complaints of sexual harassment to their department head. If the faculty member does not feel comfortable reporting the complaint to the department head, or if the department head is the cause of the complaint, then the faculty member may report the matter to the Executive Vice President for Fiscal Affairs and Administration, or to the Vice President for Academic Affairs or the Equal Employment Opportunity Officer.

Students should report complaints of sexual harassment to their faculty advisor. If the student does not feel comfortable reporting the complaint to the faculty advisor for any reason, or if the faculty advisor is the cause of the complaint, then the student should report the matter to the Vice President of Student Affairs or the Equal Employment Opportunity Officer.

The person to whom any complaint of sexual harassment is reported should immediately report receipt of the complaint to the Office of Human Resources Management. The University will promptly appoint an investigator (who can be a B-CU employee, such as Human Resources Director, or an outside investigator retained by the University) to investigate any complaint of sexual harassment. Such investigator shall be selected by, the University Equal Employment Opportunity Officer or President. The complainant may be required to prepare and sign a written statement describing the harassment for submission to the investigator, and other persons with knowledge of the complaint may be asked to furnish oral or written statements to the investigator as well. All students, faculty and employees are required to cooperate with the University’s investigation into allegations of sexual harassment.

Every effort will be made by the investigator to conduct the investigation privately. The investigator may exclude any third party (including without limitation, any representatives, agents, legal counsel, family members, or character witnesses) from investigator interviews, meetings and the like in order to maintain confidentiality where appropriate. Although the University will maintain confidentiality to the greatest extent possible, the University reserves the right to conduct such investigations as it deems appropriate, and to provide all affected parties an opportunity to respond to the complaint. Accordingly, the University cannot assure complete confidentiality. The investigator shall thoroughly investigate the complaint, and make any recommended actions or sanctions, to the Office of the President. The Office of the President shall make a final decision as to any actions or sanctions to be taken in response to the complaint.

Protection Against Retaliation

Individuals who, in good faith, report sexual harassment of themselves or others, or who present evidence in a sexual harassment investigation, shall not be subject to any retaliatory employment or academic action. Such acts of retaliation constitute violations of this sexual harassment policy, and should be reported as set forth above.

Sanctions

Any faculty member, employee, or student violating this policy will be subject to disciplinary action, up to and including dismissal, termination, or expulsion. Any faculty member, employee, or student who does not cooperate or interferes with an investigation into complaints of sexual harassment will also be subject to discipline up to and including dismissal, termination, or expulsion.
DISCRIMINATION

Policy
The University’s continuing policy is to afford equal employment and academic opportunities to all current and prospective faculty, employees, and students. Unlawful harassment or unlawful discrimination on the basis of race, color, religion, sex, marital status, age, national origin, or disability by supervisors, co-workers, faculty, or students is prohibited and will not be tolerated. Persons violating this policy will be subject to disciplinary action which may include, but not limited to, written warning, demotion, transfer, suspension, expulsion, dismissal, or termination.

Definitions
For purposes of this policy, “discrimination” and “unlawful harassment” include, but are not limited to, verbal or physical conduct, actions or behavior relating to an individual’s race, color, religion, sex, marital status, age, national origin, or disability which has the purpose or effect of interfering with or having an adverse impact on the individual’s employment or academic performance, or creating an unlawful, hostile, work or academic environment.

Examples of conduct which constitutes unlawful harassment include:

• Use of racial epithets or slurs
• Use of demeaning terms relating to a person’s race, color, religion, sex, marital status, age, national origin, or disability to describe someone
• Jokes based upon a person’s race, color, religion, sex, marital status, age, national origin, or disability
• Leering or staring
• Using foul or profane language
• Slanderous statements about one’s character
• Fraternization and socialization with students
• Threatening statements
• Writing / sending unwanted correspondence
• Writing obscene letters / comments
• Displaying sexually suggestive and / or racially / ethnically offensive objects, pictures, posters or calendars

The foregoing list is intended to be illustrative rather than exhaustive.

Complaints
Any faculty member, employee, or student who believes that he or she has been unlawfully discriminated against or harassed, or has observed any violation of this policy, has both the right and the obligation to promptly report the matter to the appropriate University official, as set forth below:

Employees (other than faculty) should report complaints of discrimination or harassment to their immediate supervisor. If the employee does not feel comfortable reporting the complaint to the immediate supervisor, or if the immediate supervisor is the cause of the complaint, then the employee should report the matter to the Director of the Office of Human Resources Management or the Equal Employment Opportunity Officer.

Faculty members should report complaints of discrimination or harassment to their department head. If the faculty member does not feel comfortable reporting the complaint to the department head, the faculty member should report the matter to the appropriate University official.
head, or if the department head is the cause of the complaint, then the faculty member may report the matter to the Executive Vice President for Fiscal Affairs and Administration, or to the Vice President for Academic Affairs or the Equal Employment Opportunity Officer.

Students should report complaints of discrimination or harassment to their faculty advisor. If the student does not feel comfortable reporting the complaint to the faculty advisor for any reason, or if the faculty advisor is the cause of the complaint, then the student should report the matter to the Vice President of Student Affairs or the Equal Employment Opportunity Officer.

The person to whom any complaint of discrimination or harassment is reported should immediately report receipt of the complaint to the Office of Human Resources Management. The University will promptly appoint an investigator (who can be a B-CU employee, such as Human Resources Director, or an outside investigator retained by the University) to investigate any complaint. Such investigator shall be selected by, the University Equal Employment Opportunity Officer or President. The complainant may be required to prepare and sign a written statement describing the discrimination or harassment for submission to the investigator, and other persons with knowledge of the complaint may be asked to furnish oral or written statements to the investigator as well. All students, faculty and employees are required to cooperate with the University’s investigation into allegations of discrimination or harassment.

Every effort will be made by the investigator to conduct the investigation privately. The investigator may exclude any third party (including without limitation, any representatives, agents, legal counsel, family members, or character witnesses) from investigator interviews, meetings and the like in order to maintain confidentiality where appropriate. Although the University will maintain confidentiality to the greatest extent possible, the University reserves the right to conduct such investigations as it deems appropriate, and to provide all affected parties an opportunity to respond to the complaint. Accordingly, the University cannot assure complete confidentiality. The investigator shall thoroughly investigate the complaint, and make any recommended actions or sanctions, to the Office of the President. The Office of the President shall make a final decision as to any actions or sanctions to be taken in response to the complaint.

**Protection Against Retaliation**

Individuals who, in good faith, report discrimination or harassment of themselves or others, or who present evidence in a discrimination or harassment investigation, shall not be subject to any retaliatory employment or academic action. Such acts of retaliation constitute violations of this policy, and should be reported as set forth above.

**Sanctions**

Any faculty member, employee, or student violating this policy will be subject to disciplinary action, up to and including dismissal, termination, or expulsion. Any faculty member, employee, or student who does not cooperate or interferes with an investigation into complaints of discrimination or harassment will also be subject to discipline up to and including dismissal, termination, or expulsion.