

paid, shall be presumed to have been received and read by the students. The University is not responsible for mail which is undeliverable per the address on the student's record.

## **Policy On Harassment and Discrimination**

Harassment or discrimination by anyone, whether in the classroom, the office, at a University sponsored function, or within any university environment, will not be tolerated. Individuals found to participate in harassment or discrimination will be subject to disciplinary procedures up to and including termination.

### **Individuals Covered Under the Policy**

Troy University's comprehensive harassment and discrimination policy covers all employees, students, applicants, vendors/contractors, visitors, and all others conducting official business with the University.

#### **I. Definition of Harassment**

For purposes of Troy University's policy, harassment is any comments or conduct consisting of words or actions that are unwelcome or offensive to a person in relation to sex, race, age, religion, national origin, color, marital status, pregnancy, disability or veteran's status. This is inclusive of comments or conduct by a person in a position of authority that is intimidating, threatening or abusive. Harassment can also occur between people of similar authority. Harassment occurs when it is known or ought reasonably to be known that such comments or conduct would be unwelcome.

Examples of harassment include gestures, remarks, jokes, taunting, innuendo, display of offensive materials, threats, imposition of academic penalties, hazing, stalking, shunning or exclusion related to the discriminatory or harassing grounds. The victim should directly inform the harasser that the conduct is unwelcome and must stop. The victim should report any complaint as dictated by policy.

NOTE: In any case of harassment, the harasser can be the victim's supervisor, an agent of the employer, a supervisor in another area, a co-worker, or a non-employee to include students.

#### **Sexual Harassment**

Sexual harassment as defined by this policy includes unwelcome sexual advances, requests for sexual favors, and any other verbal, graphic, or physical conduct. If these events are of sexual nature it constitutes sexual harassment when submission to, or rejection of this conduct explicitly or implicitly, affects an individual's employment or educational experience, unreasonably interferes with an individual's work performance or academic performance, or creates an intimidating, hostile, or offensive work or educational environment.

Sexual harassment can occur in a variety of circumstances, including but not limited to the following:

1. Demanding sexual favors in exchange for favorable evaluations, assignments, promotions, continued employment, grades, letters of recommendation, or similar promises.
2. Subtle pressure for sexual activity.
3. Continued or repeated sexual jokes, kidding, teasing, epithets, flirtation, advances, or propositions.
4. Derogatory or demeaning comments about gender, whether sexual or not.
5. Harassment consistently targeted at only one sex, even if the content of the verbal abuse is not sexual.
6. Verbal abuse of a sexual nature.

## **Troy University**

---

7. Graphic verbal commentary about an individual's body, clothing, sexual process, or sexual deficiencies.
8. Sexually degrading or vulgar words to describe an individual.
9. Leering, whistling, touching, pinching, brushing the body, assault, coerced sexual acts, or suggestive, insulting, or obscene comments or gestures.
10. The display in the workplace or an academic environment of sexually suggestive objects, pictures, posters or cartoons.
11. Introduction or utilization of inappropriate sexual material in an academic setting.
12. Name calling, relating stories, gossip, comments, or jokes that may be derogatory toward a particular sex.
13. The display of sexually suggestive graffiti.
14. Asking questions about sexual conduct or sexual orientation or performances.
15. Offensive, repeated requests for dates, even if made after work.
16. Continued advances of a sexual nature which are rejected, even after the parties break off a consensual relationship.

### **II. Definition of Discrimination**

For the purposes of Troy University's policy, discrimination is defined as any action resulting in illegal differentiation or adverse treatment of an individual based on their age, sex, race, religion, national origin, marital status or veteran status.

### **III. Procedures**

#### **A. Reporting a Complaint**

Troy University encourages anyone that believes he or she is being harassed or discriminated against should report the incident within 180 days. An incident should be reported in one of the following ways:

- Directly inform the harasser that the conduct/comments are unwelcome and must stop. If the conduct and/or comments do not cease immediately, the accuser should report the complaint to the accused's supervisor or the Department of Human Resources.
- If the accuser does not desire to confront the alleged harasser directly, he/she should report the incident to the alleged harasser's superior (the individual to whom the alleged harasser reports) who will report the complaint to the Department of Human Resources.
- If the complainant is not comfortable reporting the incident to the accused supervisor, he/she can report the complaint directly to the Department of Human Resources.

Once the complaint is received by the Department of Human Resources, the complainant can choose:

1. To proceed informally; where the superior of the alleged harasser, in conjunction with Human Resources, will assist in resolving the matter.
2. If the matter is not resolved informally to the satisfaction of the reporting party, the complainant may request to begin a formal investigation process.
3. The complainant may request to begin the process with a formal investigation rather than an informal procedure if warranted.
4. To begin a formal investigation, the complaint must be submitted to Human Resources in writing and signed by the complainant.

NOTE: Anyone witnessing an act of harassment and/or discrimination may report the incident directly to the Human Resources Department.

**B. Investigation**

Human Resources will coordinate the investigation of the complaint and file a summary report with a subcommittee of the Personal Advisory Committee. The subcommittee and the appropriate Senior Vice Chancellor will determine whether there is a reasonable basis for believing the alleged violations of the harassment and discrimination policy has occurred. The investigation may include oral interviews and/or written statements from the complainant, the alleged harasser, any witnesses who may be able to provide pertinent information about the facts of the case, and review of any documentation of previous allegations and/or disciplinary actions related to harassment or discrimination. In the course of the investigation, the accused individual will be informed of the allegations and the facts surrounding the allegations and will be afforded a full opportunity to respond.

In general, the investigation process will consist of the following procedures:

1. Interview complainant.
2. Have complainant read, approve, and sign a written report of the incident.
3. Notify accused of complaint.
4. Interview and obtain written report from accused.
5. Interview and obtain written reports from witnesses to the incident of harassment or discrimination.

The University is committed to investigating and resolving any complaint of harassment or discrimination brought to the attention of the University. The investigation process will be completed in an appropriate and timely manner.

An individual who believes he or she is a victim of harassment or discrimination or retaliation is encouraged to keep a record of the objectionable conduct. However, the complainant should be aware that a record kept at the direction of the University may be considered privileged, to any extent possible.

**C. Committee Review and Resolution**

The results of the investigation will be reviewed by an appropriate subcommittee of the Personnel Advisory Committee and the appropriate Senior Vice Chancellor.

Individual Accused	Appropriate Committee to Hear Claim
Student	<ul style="list-style-type: none"> <li>• Student Affairs Committee</li> </ul>
Faculty	<ul style="list-style-type: none"> <li>• Senior Vice Chancellor/Provost</li> <li>• Dean of College or School</li> <li>• Faculty member serving on Personnel Advisory Committee</li> <li>• Senior Director of Human Resources</li> </ul>
Staff or Administrator	<ul style="list-style-type: none"> <li>• Senior Vice Chancellor of the employee’s division</li> <li>• Two (2) members of the Personnel Advisory Committee</li> <li>• Senior Director of Human Resources</li> </ul>
Others	<ul style="list-style-type: none"> <li>• Varies based on circumstances – appropriate representatives determined by Senior Director of Human Resources</li> </ul>

If a member of the appropriate body is involved in the incident or asked to be recused from the review, another appropriate representative will be appointed to the review committee by the Senior Director of Human Resources.

**The results of the investigation may fall into two categories:**

- **No Merit** - If the appropriate committee determines the complaint is without merit, the complaint will be regarded as resolved with no further action.
- **Merit**- If after review by the appropriate committee, the complaint is determined to have merit, appropriate sanctions and/or disciplinary action will be taken. The harasser's supervisor, in conjunction with the appropriate Senior Vice Chancellor and the Department of Human Resources, will coordinate the disciplinary action which may include (but not be limited to) counseling or education about discrimination or harassment, verbal or written reprimands, reassignment, suspension or termination. Disciplinary procedures will vary as a result of the parties involved, i.e., the complainant and the accused. A recommendation of sanctions will be forwarded to the Office of the Chancellor for approval.

In all cases, The Senior Director of Human Resources will provide a written response to the complainant and the accused following conclusion of the process. The procedures outlined in this policy do not deny the right of any individual to pursue other avenues of recourse which may include filing charges with the Equal Employment Opportunity Commission (EEOC), initiating civil action, or redress under state, civil, or criminal statutes and/or federal law.

**D. Confidentiality**

Harassment or Discrimination is a particularly sensitive issue that may affect any member of the University community. The University recognizes the privacy rights of both the complainant and the accused in a harassment or discrimination situation. The University and its employees will take care to provide confidentiality to all parties involved in a discrimination or harassment charge. However, it will be necessary to investigate the complaint and to respond to any legal and/or administrative proceedings, which may arise out of or relate to the harassment or discrimination complaint. The need to include individuals in the investigation will obligate sharing of information in the process.

**E. Non-Retaliation**

Retaliation is a very serious violation of this policy and should be reported immediately. Any attempt to penalize or retaliate in any way against a person bringing, investigating, or cooperating with an investigation of a harassment or discrimination charge is prohibited and will be treated as a separate incident to be reviewed on its own merit.

**F. Protection of the Alleged Harasser**

In the event the allegations are not substantiated, all reasonable steps will be taken to restore the reputation of the alleged harasser if it was damaged by the proceeding.

**G. False Claims**

A complainant found to have been intentionally dishonest in making the allegations or to have made them maliciously is subject to the full range of the University's disciplinary procedures from official reprimand to dismissal.

**IV. Sanctions**

Sanctions will be determined based on the severity and/or number of incidents. Prior issues related to harassment and discrimination will be taken into account in determining the appropriate disciplinary level.

**Employees**

Potential sanctions for harassment or discrimination include (but are not limited to) the following:

- Disciplinary warning/reprimand
- Referral to appropriate counseling
- Reassignment
- Temporary suspension
- Termination

**Students**

Potential sanctions for harassment or discrimination include (but are not limited to) the following:

- Disciplinary warning/ reprimand
- Disciplinary probation
- Suspension
- Expulsion

**V. Appeals**

If the sanction associated with the committee findings is termination, the terminated employee may appeal the termination as outlined in the Notice of Termination policy. This appeal will be to address the sanction; however, the determination of the merit of the harassment and/or discrimination charge is not eligible for appeal.

**VI. Education and Training**

The university commits to this policy by:

1. Developing and reviewing the comprehensive policy on a timely basis;
2. Annually communicating the policy to students and employees;
3. Annually training and educating students and employees;
4. Confidentiality, insofar as possible, in investigating incidents;
5. Documenting findings and maintaining records;
6. Taking appropriate action when incidents occur.

**Policy Regarding Children on Campus**

All children on campus must be accompanied by an adult at all times. For safety and security reasons, a child not accompanied by an adult on campus will be treated as a lost child. All personnel, including students, are prohibited from bringing children to the campus and leaving them unattended at any location. If an unaccompanied child is observed on campus, the first priority will be to locate the parent or guardian and return the lost child to his or her custody immediately. The parent or guardian will be advised of this policy for compliance. Adult supervision will be provided from the time the lost child is found until the university police or other University official(s) locate the parent or guardian. If an emergency arises and a child must be brought to class or work, the child must be accompanied at all times by an adult. The adult must obtain prior written approval from the appropriate university official (faculty, supervisor, etc.).

**Policies and Procedures for Disability Services**

It is the policy of Troy University to provide accessible programs, services, activities, reasonable accommodations, and a harassment-free environment, for any student or employee with a documented disability as defined by Section 504 of the Rehabilitation Act of 1973, as amended, and by the Americans with Disabilities Act of 1990. To provide the best possible services to students, employees, and visitors, Troy University has designated the Disability Services Coordinator and the Director of Human Resources on each campus the responsible parties for coordinating accommodations for persons with