Troy University

POLICY ON HARASSMENT

I. Statement of Philosophy
Troy University is proud of its tradition of friendly and congenial relations between students and employees (faculty, staff, and administrators). The University is committed to maintaining an environment that nourishes respect for the dignity of each individual and creates an atmosphere in which students and employees can interact productively. In keeping with these goals, harassment by anyone (whether in the classroom, the office, at a University sponsored function, or within any University environment) will not be tolerated.

II. Definition of Harassment
For purposes of Troy University’s policy, harassment is defined as a course of 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, sexual orientation, color, pregnancy, disability, or veteran status. It can include comments or conduct by a person in a position of authority that is intimidating, threatening or abusive and may be accompanied by direct or implied threats to the individual’s grade(s), status, or job. 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 prohibited grounds.

III. Sexual Harassment
For purposes of Troy University’s policy, sexual harassment is defined as any type of sexually oriented misconduct that is unwelcome or inappropriate. Sexual harassment consists of unwelcome sexual advances, requests for sexual favors, and other verbal, graphic, or physical conduct of sexual nature when:
1. Submission to such conduct is explicitly, or implicitly a term or condition of a student’s or employee’s academic success or employment; or
2. Submission to or rejection of such conduct is used as the implicit or explicit basis for employment or academic decisions affecting the student’s or employee’s educational and/or work experience; or
3. Such conduct has the purpose or effect of unreasonably interfering with a student’s or employee’s employment or academic performance, or creates an intimidating, hostile, or offensive work or educational environment.

Examples of sexual harassment include, but are not limited to:
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;
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;
The Oracle

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; and
16. continued advances of a sexual nature which are rejected, even after the parties break off a consensual relationship.

IV. Individuals Covered Under the Policy
Troy University’s comprehensive harassment policy covers all employees, students, applicants, and others conducting official business with the University.

V. Procedures
A. Reporting a Complaint
Troy University encourages any person who believes he or she is a victim of harassment to try to resolve the problem informally with the person directly responsible for the harassment. This is not, however, a prerequisite for reporting or filing a complaint. The University also encourages those witnessing harassment to report such behavior.

The University recognizes that an individual may be reluctant and/or embarrassed to complain about harassment. As a consequence of this reluctance, the University provides the following reporting avenues:
1. A student may report a complaint to any member of the University’s Harassment Response Team or the Student Services Office. Names and telephone numbers of the Harassment Response Team are available in the Office of Human Resources.
2. A faculty or staff member may report a complaint to the appropriate supervisor, dean, director, or vice chancellor who, in turn, will inform the complainant of the need to report the complaint to the Harassment Response Team. An individual who is uncertain about the appropriate person to whom the complaint should be addressed may direct the complaint to the campus Director of Human Resources. Names and telephone numbers of the Harassment Response Team are available in the Office of Human Resources.
3. University visitors may report a complaint to the campus Office of Human Resources or call the Troy campus Office of Human Resources at (334) 670-3710.
4. At University College locations, the procedure for reporting will follow the same guidelines as 1. and 2. above with coordination through the Site Director (unless the Site Director is the accused or the accuser).
5. At the Phenix City campus, the procedure for reporting will follow the same guidelines as 1. and 2. above.

The Harassment Response Team members shall consist of seven members, which will include both males and females of various ages, classified personnel, professional staff, tenured and tenure-track faculty. When investigating a claim, the Harassment Response Team Chair shall appoint at least two members of the Team to conduct an investigation.

B. Confidentiality
The University recognizes the privacy rights of both the complainant and the accused in a harassment situation. Any allegation of harassment brought before a member of the Harassment Response Team will be handled discretely. Reasonable effort will be made to protect the privacy of the parties involved; 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 complaint. Participants in an investigation are authorized to discuss the case only with those persons who have a genuine need to know.

C. Filing a Complaint with the Harassment Response Team
The University encourages any person who files a complaint to do so promptly. The University also understands the complainant’s reluctance to file a complaint and assures the
complainant that late reporting will not in and of itself preclude remedial action by the University. However, all cases must be reported to the Harassment Team within 180 days of the alleged harassment.

All complaints made to a member of the Harassment Response Team will be immediately put into writing, whether or not the complainant wishes to pursue the matter further. The written report of the complainant will be read, approved, and signed by the complainant. At this point, the complaint will be pursued further. Depending on this decision, one of two procedures will be followed:
1. If the complainant does not wish to continue with the complaint, the Harassment Response Team member will notify the accused that a complaint was filed. The accused will have the opportunity to respond to the allegations in writing. Both reports, the complainant’s and the accused’s, will be retained by the University. At this point, an informal resolution will be sought.
2. If the complainant wishes to continue the complaint and seek sanctions against the accused, the investigation process begins. (See section E)

An individual who believes he or she is a victim of harassment 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. The University will retain confidential documentation of all allegations and investigations for a period of two years.

D. Protection Against Retaliation
Neither the University nor its employees or representatives will in any way retaliate against an employee or student who makes a report of harassment. Retaliation is a very serious violation of this policy and should be reported immediately. Retaliation against any individual for reporting harassment will be treated with the same strict discipline as the harassment complaint itself. All individuals involved in investigating the harassment, including the Harassment Response Team members and witnesses, are also protected from retaliation.

E. Investigating a Complaint
If a complainant wishes to pursue the complaint, (Section C.2) the investigation will begin. The investigation will be done in a timely manner. The investigation will be handled by the Harassment Response Team member to whom the complaint was reported, with the assistance of at least one other Harassment Response Team member.

The University will notify the complainant and the accused, through the Harassment Response Team member, of the procedures that will be followed to allow for due process. Each party to the complaint will be notified that he or she may seek legal counsel at any time during the process.

In general the process will consist of the following procedures:
1. Interview complainant charging harassment.
2. Have complainant read, approve, and sign written report.
3. Notify accused of complaint. Interview and obtain written report from accused.
4. Interview witnesses to harassment.

F. Resolving the Complaint
The university is committed to investigating and resolving any complaint of harassment brought to the attention of the university. The results of the investigation, having been completed by members of the Harassment Response Team, will be forwarded to the appropriate body responsible for making the disciplinary decisions. (The Harassment Response Team only investigates and compiles information – the Team does not make recommendations for disciplinary action.)
Disciplinary procedures will vary as a result of the parties involved, i.e., the complainant and the accused. The parties involved may be a combination of students, faculty, staff, administrators, and individuals under contract by the university, or persons external to the university.

<table>
<thead>
<tr>
<th>Accused</th>
<th>Appropriate Body</th>
</tr>
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<tbody>
<tr>
<td>Student</td>
<td>Student Services Committee</td>
</tr>
<tr>
<td>Faculty</td>
<td>Provost/Executive Vice Chancellor</td>
</tr>
<tr>
<td></td>
<td>Dean of College or School</td>
</tr>
<tr>
<td></td>
<td>One faculty member</td>
</tr>
<tr>
<td></td>
<td>Human Resources Director</td>
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<tr>
<td>Staff or</td>
<td>Sr. Vice Chancellor of the employee’s division</td>
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<tr>
<td>Administrator</td>
<td>Two staff employee members from the Personnel Advisory Committee</td>
</tr>
<tr>
<td>Others</td>
<td>Vary depending on circumstances</td>
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</tbody>
</table>

Any individual involved in a complaint, as either complainant, accused, or witness, will be replaced by an appropriate person chosen by the Sr. Vice Chancellor. In all cases, the individual accused will be allowed due process.

It is the responsibility of each body to determine whether the complaint has merit. Each body may decide that the complaint is without merit and recommend no disciplinary action. Alternatively, it may determine that the complaint is valid and will determine the appropriate disciplinary action. (See Sanctions)

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.

VI. Sanctions

A. Employees

Potential sanctions for harassment include the following:
- Disciplinary warning/reprimand
- Referral to appropriate counseling
- Reassignment
- Temporary suspension
- Termination

B. Students

Potential sanctions for harassment include the following:
- Disciplinary warning/reprimand
- Disciplinary probation
- Suspension
- Expulsion

VII. Appeals

A party who is not satisfied with the disposition of the findings of the Harassment Response Team may appeal to the Chair, Personnel Advisory Committee for a second review, and, if necessary, a formal hearing, in accordance with the hearing procedures outlined in the Faculty Handbook, Staff Handbook, or Oracle as appropriate.
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VIII. 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.

Vice chancellors, deans, and regional directors will regularly inform those assigned to their respective divisions to become familiar with the Troy University Harassment Policy.

Severe Weather Emergency Procedures
During severe weather the following precautions and procedures should be followed.

Thunderstorms and Lightning: When a thunderstorm threatens, move to a safe area. Areas of safety may be a home, large building, or inside an all-metal (not convertible) vehicle. If outside, and you are unable to reach a safe building or an automobile follow these rules of safety:
- Do not stand underneath a natural lightning rod, such as a tall isolated tree in an open area.
- Avoid projecting above the surrounding landscape.
- Get out of and away from open water.
- Get off and away from motorcycles, scooters, bicycles and put down ball bats and golf clubs.
- Stay away from wire fences, clotheslines, metal pipes, and other metallic paths, which could carry lightning to you from some distance away.
- In open areas, go to a low place such as a ravine or valley.
- If you are isolated in a level field and you feel your hair standing on end-indicating lightning is about to strike – drop to your knees and bend forward putting your hands on your knees. Do not lie flat on the ground.

Tornadoes and Hurricanes: When a tornado or hurricane warning is given for the immediate vicinity by the Emergency Management Agency, university safety personnel will insure that the following precautions and procedures are taken:
- The residence hall staff and safety personnel will be responsible for verbally notifying all occupants of the buildings.
- Occupants and residents should carry blankets (coats and pillows) and proceed (with the assistance of safety personnel and residence hall staff members) quickly and quietly to interior hallways on the lowest floor of the building and will sit with their backs to the walls.
- At all times occupants and residents should stay away from windows, outside doors and outside walls.
- If a tornado or hurricane approaches, all persons will place their heads down and cover themselves with blankets (coats and pillows).
- Persons should stay in this position until the all-clear signal is given.

Inclement Weather and Emergency Situations: Both faculty and students are responsible for meeting all assigned classes. In the event of inclement weather, faculty and students will be expected to attend classes as usual as long as they do so without risking peril to themselves or to others. During periods of inclement weather, faculty and students will not be penalized for absences dictated by perilous conditions. In severe cases of inclement weather or other emergency conditions, the Office of the Provost on each campus will announce cancellation of classes through the local and regional media as well as through the university’s web sites.