

SUBJECT: Non-Discrimination & Non-Harassment

Applies to: All Employees

Effective: October 2010

I. NON-DISCRIMINATION POLICY

Roberts Wesleyan College complies with all applicable employment laws. There shall be no discrimination against any employee, applicant for employment, or any student on any basis prohibited by law. This non-discrimination policy applies to educational policies and programs and to terms and conditions of employment, which include (but are not limited to): recruitment, hiring, training, compensation, benefits, promotions, disciplinary actions, and termination.

II. NON-HARASSMENT POLICY

It is the College's policy that all employees and students should be able to enjoy and work in an educational environment free from harassment of any nature.

III. DEFINITIONS AND EXAMPLES OF HARASSMENT

Harassment: Written, verbal and/or physical conduct that denigrates or shows hostility or aversion toward an individual, and that has the purpose or effect of creating an intimidating, hostile or offensive employment or educational environment; or has the purpose or effect of unreasonably interfering with an individual's employment or academic performance. This includes taunting, degrading, threatening, or otherwise offensive or hostile remarks or behavior; including slurs, jokes, offensive stereotypes, or any kind of behavior which, in the employee's opinion, impairs his/her ability to perform his/her job. Also, it is envisioned that students will be able to enjoy and work in an educational environment that does not impair their academic performance.

Sexual Harassment: Unwelcome sexual advances, requests for sexual favors and other physical or verbal conduct of a sexual nature when such conduct:

1. Is made explicitly or implicitly a term or condition of employment or of educational success,
2. Is used as a basis for employment or educational decisions, or
3. Unreasonably interferes with an employee's work performance/student's academic performance or creates an intimidating, hostile, or offensive working or learning environment.

Sexual harassment does not refer to behavior or occasional compliments of a socially acceptable nature. An employee's conduct will be considered inappropriate and in violation of this policy when the employee knew or should have known it was unwelcome to the person subjected to it. Sexual harassment may take different forms as noted below.

Examples of Sexual Harassment:

Verbal: sexually suggestive comments, jokes of a sexual nature, sexual propositions, slurs, threats

Non-verbal: sexually suggestive objects or pictures, graphic commentaries, suggestive or insulting sounds, leering, whistling, obscene gestures

Physical: unwanted physical contact, including touching, pinching, brushing the body, sexual intercourse, assault

IV. APPOINTMENT OF SEXUAL HARASSMENT AND RACIAL HARASSMENT OFFICERS

The College appoints a Sexual Harassment Officer and a Racial and Ethnic Harassment Officer who will be directly accessible to members of the faculty, staff, and student body. These individuals' names can be accessed by calling the Office of Human Resources. Both Harassment Officers will work closely with the Vice President for Administration or Director of Employee Relations on all harassment inquiries and investigations. He/she will investigate allegations of harassment and together with the Vice President for Administration or Director of Employee Relations determine if harassment occurred or if the accusation was made in bad faith. The Harassment Officers will also assist the Office of Human Resources in the development of communications regarding harassment and educational efforts to prevent harassment.

V. REPORTING INCIDENTS OF HARASSMENT

1. Students who are subjected to harassment should report the matter confidentially to the Sexual Harassment Officer, Racial and Ethnic Harassment Officer, Dean of Students or Vice President for Administration or any member of the faculty or staff with whom they feel comfortable discussing the matter. If reported to a faculty or staff member, that member of the faculty or staff must report the harassment complaint to the appropriate Harassment Officer or the VP for Administration. If the Harassment Officer believes further action is required, that person will include the VP for Administration and/or the Dean of Students in discussions to determine what action is required and how best to proceed. At this point, it is expected that the student making the report is willing to have his or her name accompany the report and is willing to cooperate with any investigation.

Whether further action is deemed necessary or not, all complaints should be reported to the Officers of Record (the VP for Administration for employee-related incidents or the Dean of Students for student-related incidents) so that repeat incidents can be tracked and accurate data kept.

2. Members of the faculty or staff who are subjected to harassment should report the matter to the Sexual Harassment Officer, Racial and Ethnic Harassment Officer or Vice President for Administration or any appropriate supervisory person with whom they feel comfortable discussing the matter. If reported to a supervisory person, that person must report the

complaint to the appropriate Harassment Officer or the VP for Administration. If the Harassment Officer believes further action is required, that person will include the VP for Administration and/or the Dean of Students in discussions to determine what action is required and how best to proceed. At this point, it is expected that the person making the report is willing to have his or her name accompany the report and is willing to cooperate with any investigation.

Whether further action is deemed necessary or not, all complaints should be reported to the Officers of Record (the VP for Administration for employee-related incidents or the Dean of Students for student-related incidents) so that repeat incidents can be tracked and accurate data kept.

3. Members of the faculty or staff (including part-time, time-as-reported [TAR], and student employees) who are aware of an incident of sexual harassment affecting a member of the faculty, staff, or student body must report the matter confidentially to the Sexual Harassment Officer, Racial and Ethnic Harassment Officer, Vice President for Administration, or a supervisory person with whom they feel comfortable discussing the matter. If reported to a supervisory person, that person must report the complaint to the appropriate Harassment Officer or the VP for Administration. If the Harassment Officer believes further action is required, that person will include the VP for Administration and/or the Dean of Students in discussions to determine what action is required and how best to proceed. At this point, it is expected that the person making the report is willing to have his or her name accompany the report and is willing to cooperate with any investigation.

Whether further action is deemed necessary or not, all complaints should be reported to the Officers of Record (the VP for Administration for employee-related incidents or the Dean of Students for student-related incidents) so that repeat incidents can be tracked and accurate data kept.

VI. INVESTIGATING HARASSMENT ALLEGATIONS

Every harassment complaint will be quickly and thoroughly investigated. Every effort will be made to begin investigations within one business day and complete investigations within ten business days. In addition, complaints will be kept as confidential as possible, however in order to conduct an investigation, some disclosure of information may be necessary. The VP for Administration has the responsibility of providing oversight for the investigation. At the conclusion of the investigation, the complaining party will be notified of the results.

VII. DISCIPLINARY ACTIONS FOR HARASSMENT

If the finding of the investigation is that the alleged harassment charges against the alleged perpetrator have been substantiated, the perpetrator shall meet with the appropriate administrative personnel to discuss the consequences of having perpetrated harassment. The investigatory report will be filed in the perpetrator's permanent student file, if the perpetrator is a student, or in the employee's personnel file, if the perpetrator is an employee of the College.

If the finding of the investigation is that the alleged harassment charges against the alleged perpetrator have *not* been substantiated, said charges shall be dropped, without further consequence or report being filed in the alleged perpetrator's permanent student or employee file.

Education, including reinforcement of the provisions of this policy and the College's professional expectations, may occur throughout the investigation.

Consistent with the applicable provisions of College policy, the College will take prompt, appropriate disciplinary actions, including possible suspension or termination, against any faculty member, staff member, or student who is deemed to have engaged in harassment or to have made a false accusation of someone.

VIII. DISSATISFACTION WITH RESOLUTION OF COMPLAINT OR RETRIBUTION FOR REPORTING OR INVESTIGATING AN INCIDENT

Roberts Wesleyan College will not engage in any type of retaliatory action against an individual who brings a harassment complaint in good faith. Furthermore, members of the faculty, staff or student body should contact the Sexual Harassment Officer, Racial and Ethnic Harassment Officer, or Vice President for Administration immediately if they believe there has been retaliation against any person who reported or investigated an allegation of harassment. In addition, anyone who believes that a harassment complaint has not been resolved satisfactorily should contact the Sexual Harassment Officer, Racial and Ethnic Harassment Officer, or Vice President for Administration.