



## **EQUAL OPPORTUNITY / ANTI-DISCRIMINATION POLICY**

### **A. Equal Employment Opportunity Statement**

Philander Smith is committed to providing equal employment opportunity to qualified persons without regard to race, sex, color, religion, national origin, citizenship, marital status, sexual orientation, gender identity, age, disability, military, veteran status or any other protected status or classification under federal, state or local law. This commitment to equality extends to all personnel actions, including recruitment, advertising for employment, selection for employment, compensation, performance evaluation, selection for training or education, treatment during employment, promotion, transfer, demotion, discipline, layoff and termination. Discrimination on the basis of any protected classification will not be tolerated.

Philander Smith maintains a written Affirmative Action Policy. Philander Smith invites qualified individuals with disabilities, special disabled veterans and Vietnam-era veterans to identify themselves if they wish to do so. If you have questions regarding Philander Smith's Equal Employment Opportunity Policy or the Affirmative Action Policy, please contact the Office of Human Resources.

Complaints of discrimination, harassment and retaliation must be filed in accordance with the Harassment Policy set forth below. All employees must promptly report discrimination, harassment and retaliation so that prompt and appropriate action can be taken.

### **B. Anti-Discrimination Statement**

Discrimination against any individual in any and all areas of the College's environment, including any aspect of his or her study or his or her employment, such as hiring, discharge, compensation, or any other terms, conditions, or privileges of employment, because of an individual's race, sex, color, religion, national origin, citizenship, marital status, sexual orientation, age, disability, genetic information, military, veteran status or any other protected status or classification under federal, state or local law is illegal and will not be tolerated at the College.

Complaints of discrimination must be filed in accordance with the Harassment Policy set forth below. All employees must promptly report discrimination so that prompt and appropriate action can be taken. The update to the anti-discrimination statement is effective February 20, 2014.

### **C. Statement of Title IX Compliance**

Title IX of the Education Amendment of 1972 (Title IX) prohibits discrimination based on gender in educational programs and activities which receive federal assistance. Areas of the institution where Title IX may have application include athletics, student recruitment and admissions, financial aid, scholarships, course offering and access, employment, and housing and residential services.

The College is committed to maintaining an educational, working, and living environment free from discrimination and harassment (sexual harassment and sexual violence) including maintaining an environment in which no student, faculty or staff member is excluded from participation in or denied the benefits of its programs and activities as a result of gender. Marquette's Title IX Coordinator and Deputy Title IX Coordinators, as listed below, are responsible for ensuring compliance with Title IX standards. These responsibilities include preventing sexual misconduct through education and training, overseeing grievance protocol. Title IX also prohibits retaliation for asserting or otherwise participating in claims of sex discrimination. Questions related to this policy can be directed to the Executive Director of Human Resources or Vice President of Student Affairs.

## **C. Harassment Policy**

### **1. Statement of Philosophy**

Philander Smith College is committed to creating and maintaining a campus environment where all individuals are treated with respect and dignity and where all are free to participate in a lively exchange of ideas. Each student has the right to learn and each employee has the right to work in an environment free of sexual and other forms of harassment and one in which ideas may be freely expressed.

At Philander Smith College, harassment, whether verbal, physical, written, or visual, is unacceptable and will not be tolerated. Harassment is unlawful and hurts all members of the educational community. Each incident of sexual harassment contributes to a general atmosphere in which other members of the victim's sex suffer the consequences and in which all students and employees may feel that their safety and equality are compromised. Other forms of harassment have a similarly negative effect on members of the community. Harassment has no legitimate educational purpose. Any employee or student, male or female, who engages in conduct prohibited by this policy, shall be disciplined as provided by law, and College policies.

Philander Smith will not tolerate any harassment of anyone affiliated with the College (including non-employees, such as vendors and independent consultants), and will not tolerate adverse academic or employment actions, including but not limited to termination of anyone reporting harassment or providing information related to such a complaint.

### **2. Principles**

Philander Smith College recognizes the tension between protecting all members of the College community from harassment and protecting academic freedom and freedom of expression. It is the policy of the institution that no member of the community may harass another. Conduct that reasonably serves a legitimate educational purpose, including pedagogical techniques, does not constitute harassment. In the educational setting within the College, wide latitude for professional judgment in determining the appropriate content and presentation of academic material is required. Those participating in the educational setting bear a responsibility to balance their rights of free expression with a consideration of the reasonable sensitivities of other participants. Therefore, this policy against harassment shall be applied in a manner that protects academic freedom and freedom of expression within the

College. Academic freedom and freedom of expression include but are not limited to the expression of ideas, however, controversial, in the classroom setting, academic environment, College-recognized activities, or on the campus.

Nothing contained in this policy shall be construed to limit the legitimate exercise of free speech, including but not limited to written, graphic or verbal expression that can reasonably be demonstrated to serve legitimate educational or artistic purposes, nor shall this policy be construed to infringe upon the academic or artistic freedom of any member of the College. Artistic expression in the classroom, studio, gallery and theater merits the same protection of academic freedom that is accorded to other scholarly and teaching activities.

### 3. Policy Coverage

All faculty, administrators, staff, students, and individuals affiliated with Philander Smith College by contract (including non-employees, such as vendors and independent contractors) are bound by this policy. This policy protects men and women equally from harassment, including same-sex harassment, and protects students from harassment by other students.

### 4. Sexual Harassment

*a. Definition of Sexual Harassment.* Sexual harassment is unwelcome behavior of a sexual nature by faculty, administrators, staff, students, and individuals affiliated with the College by contract (including non-employees, such as vendors and independent contractors) or by anyone with whom one interacts in order to pursue educational or employment activities at the College. For the purposes of this policy, sexual harassment is defined as unwelcome advances, request for special favors, and any other verbal, written, physical or other conduct of a sexual nature when:

- i. Submission to such conduct by an individual is implicitly or explicitly made a condition of an individual's employment or educational status or participation in College programs or activities;
- ii. Submission to or rejection of such conduct by an individual is used as a factor in decisions affecting that individual's ability to learn or participate in school activities, or in hiring, evaluation, retention, promotion, or any other aspect of employment; or
- iii. Such conduct would be objectively regarded by a reasonable person as substantially interfering with an individual's ability to learn or work or participate in College programs or activities by creating an intimidating, hostile, or offensive school or work environment even if the person engaging in the conduct does not intend to interfere, intimidate, or be hostile or offensive. For purposes of this subparagraph 3, the conduct must be sufficiently severe, persistent, or pervasive that it creates a hostile or abusive education or working environment. For a one-time incident to rise to the level of harassment, it must be severe.

*b. Examples of Sexual Harassment.* Sexual harassment may include, but is not limited to, the following:

- i. Physical assaults of a sexual nature, such as rape, sexual battery, molestation, or attempts to commit these assaults; and intentional physical conduct that is sexual in nature such as touching, pinching, patting, grabbing, poking, or brushing against another individual's body.
- ii. Offering or implying an employment-related reward (such as a better grade, a letter of recommendation, favorable treatment in the classroom, assistance in obtaining employment, grants or fellowships, or admission to any educational program or activity) in exchange for sexual favors or submission to sexual conduct.
- iii. Threatening or taking a negative employment action (such as termination, demotion, denial of an employee benefit or privilege, or change in working conditions) or negative educational action (such as giving an unfair grade, withholding a letter of recommendation, or withholding assistance with any educational activity) or intentionally making the individual's job or academic work more difficult because work more difficult because sexual conduct is rejected.
- iv. Unwelcome sexual advances, request for a romantic or sexual relationship to an individual who indicates or has indicated in any way that such conduct is unwelcome, propositions, or other sexual comments, such as sexually-oriented gestures, noises, remarks, jokes, questions, or comments about a person's sexuality or sexual experience directed at or made in the presence of any individual.

## 5. Other Forms of Harassment

Harassment, other than sexual harassment, is verbal, physical, written, or other conduct that denigrates or shows hostility or aversion to an individual on the basis of gender, race, color, religion, age, national origin, ethnicity, disability, veterans status, sexual orientation, marital status, or any basis prohibited by law when from the objective standpoint of a reasonable person such conduct substantially interferes with an individual's work or school performance, creating an intimidating, hostile or offensive working or learning environment even if the person engaging in the conduct does not intend to interfere, intimidate, or be hostile or offensive. Harassment based on any of the characteristics listed above is strictly prohibited by this policy. The conduct must be sufficiently severe, persistent, or pervasive that it creates a hostile or abusive educational or working environment. A one-time incident may rise to the level of harassment. However, such conduct must be severe.

Complaints of harassment will be investigated and resolved in accordance with the terms of this policy.

## 6. Retaliation

No member of the College community will be disciplined for refusing sexual advances, objecting to sexual, racial, or other forms of harassment, or making a good faith report of harassment.

Retaliatory or intimidating conduct against any individual who has made a good faith harassment complaint or who has testified or assisted in any manner in an investigation is specifically prohibited and shall provide grounds for a separate complaint. Examples of such retaliatory or intimidating conduct include disciplining, changing working or educational conditions, providing inaccurate information to or about, or refusing to cooperate or discuss work- or school-related matters with any individual because that individual has complained about or resisted sexual

harassment. The initiation of a good faith complaint of harassment by a student will not reflect negatively on that student nor will it affect the student's academic standing, rights, or privileges. Likewise, the initiation of a good faith complaint by an employee will not reflect negatively on that employee nor will it affect the employee's working conditions, rights, or privileges.

## 7. Confidentiality

Confidentiality will be maintained throughout the entire investigatory process to the extent possible and appropriate under the circumstances to protect the privacy of persons involved. The persons charged with investigating the complaint must discuss the complaint or the underlying behavior only with persons involved in the case who have a need to know the information, which must include the complainant and the accused harasser.

The College is required by law to investigate any complaint of harassment and will strive to protect, to the greatest extent possible, the confidentiality of persons reporting or accused of harassment. However, the College cannot guarantee complete confidentiality where it would conflict with the College's obligation to investigate

## 8. Complaint Procedures

All are encouraged to promptly report harassment so that any appropriate action can be taken. The complaint procedures are designed to ensure the rights of the complainant while at the same time according due process to both parties.

a. *Form of Complaint.* Complaints of harassment will be accepted orally or in writing. Anonymous complaints will be accepted and investigated to the extent possible. Complaint forms are available in the Office of Human Resources and, the Office of the Vice President for Student Affairs. A complaint need not be made on an official form in order for the College to accept it.

b. *Content of Complaint.* Any individual who believes he or she is being harassed or has been harassed in violation of this policy should promptly file a complaint including the following information, if known to the complainant: the name of the complainant, a brief description of the offending behavior including times, places, and the name of or identifying information about the alleged perpetrator, and the names or descriptions of any witnesses to the harassment.

c. *Reporting the Complaint.* It is not necessary to first confront the harasser prior to instituting a complaint under this policy. However, it is appropriate to promptly report a complaint so that a full and complete investigation is possible. Any person designated to receive complaints from students, employees, or faculty must notify the Office of Human Resources within twenty-four (24) hours of receiving a harassment complaint.

i. *Complaints by Students.* A student who believes she or he has been harassed or is being harassed may report the alleged harassing behavior to any of the following individuals or agencies:

- Vice President for Student Affairs, 370-5295
- Vice President for Academic Affairs, 370-5276
- Executive Director of Human Resources/Compliance Coordinator, 370-5204
- Office of Campus Security, 370-8525
- Office of Health Sciences, 370-5333  Office of Health Sciences, 370-5333

Philander Smith College Campus Conduct Hotline, 866-943-5787

ii. Complaints by Staff. An employee who believes she or he is being harassed or has been harassed in violation of this policy may report the alleged harassing behavior to any of the following individuals or agencies:

- Office of Human Resources, 370-5204
- Direct supervisor
- Department head
- Office of Health Sciences, 370-5333
- Office of Campus Security, 370-8525
- Philander Smith College Campus Conduct Hotline, 866-943-5787

iii. Complaints by Faculty. A faculty member who believes she or he is being harassed or has been harassed in violation of this policy may report the alleged harassing behavior to any of the following individuals or agencies:

- Department Chairperson
- Vice President for Academic Affairs, 370-5276
- Executive Director for Human Resources/Title IX Coordinator, 370-5204
- Office of Campus Security, 370-8525
- Office of Health Sciences, 370-5333  Philander Smith College Campus Conduct Hotline, 866-943-5787

## 9. Investigation and Informal Resolution of Harassment Complaints

a. *Initial Investigation.* After receiving a complaint of harassment directly from a student, faculty member, staff member, or administrator, or indirectly from a person designated to receive complaints, the Office of Human Resources shall promptly conduct an initial investigation.

b. *Informal Process.* The College has an informal process to provide those who believe they are being harassed with a range of options designed to bring about a resolution of their concerns.

Depending on the nature and severity of the complaint and the wishes of the person(s) claiming harassment, informal resolution may involve one or more of the following or other appropriate actions:

- i. Advising the person(s) about how to communicate the unwelcome nature of the behavior to the alleged harasser;
- ii. Distributing a copy of the sexual harassment policy as a reminder to the department or area with which the alleged harasser is affiliated;
- iii. If both parties agree, arranging and facilitating a meeting between the person(s) claiming harassment and those accused of harassment to work out a mutual resolution.

Informal resolution may not be appropriate in certain circumstances. While dealing informally with a problem of harassment may be preferable to the complainant, a formal grievance procedure must be followed in order for the

College to impose any kind of discipline on the offender. The College will proceed with the investigation and formal resolution process when deemed

#### Investigation and Formal Resolution of Harassment Complaints

a. *Formal Investigation.* If the complaint cannot be informally resolved after the initial investigation, the Office of Human Resources shall continue the investigation or designate someone to promptly conduct further investigation of the complaint, which may in some circumstances be an outside neutral third party. In many instances, the Office of Human Resources will designate the individual or committee within the school or department where the complaint arises to investigate complaints. The persons charged with investigating the complaint must discuss the complaint or the underlying behavior only with persons involved in the case who have a need to know the information, including the complainant and the accused harasser.

b. *Resolution within Sixty (60) Days.* Within sixty (60) working days of receiving the complaint, the Office of Human Resources or its designee, including the appropriate school grievance committee, shall make a finding of whether harassment occurred. If the investigation cannot be concluded within that time, the Office of Human Resources shall notify the complainant and the College's General Counsel, who shall designate the appropriate person or faculty committee to promptly conclude the investigation.

c. *Objectivity.* The complainant and the accused are entitled to an investigation conducted by an impartial investigator. Thus, if the person(s) charged with overseeing or investigating harassment complaints are implicated in the complaint, or have any personal issue that would cause a conflict of interest, the committee member or members shall recuse themselves from the proceeding. Alternatively, the Human Resources Officer shall conduct the investigation and make findings or shall designate someone impartial to do so, which may in some circumstances be an outside neutral third party. The College will proceed with the investigation and formal resolution process when deemed appropriate by the Office of Human Resources.

d. *Notice of Outcome.*

- i. Complaints Against Faculty, Staff and Non-Employee Individuals Affiliated with the College. No more than five (5) working days after a decision has been reached, the Human Resources Officer shall notify the parties to the proceeding in writing of the findings and the outcome of the investigation.
- ii. Complaints Against Students. No more than five (5) working days after a decision has been reached, the Office of Student Services shall notify the parties to the proceeding in writing of the findings and the outcome of the investigation.

e. *Sanctions.* Individuals found to have engaged in harassment shall be disciplined appropriately. Appropriate sanctions, ranging from a warning to dismissal, will be determined based on the severity of the conduct and in accordance with the provisions of applicable statutes. College policies, disciplinary procedures for faculty as described in the Faculty Handbook, disciplinary procedures for staff as described in the Staff Handbook, and disciplinary procedures for students as described in the Code of Student Conduct and other student discipline codes.

#### 11. Appeals

An appeal by either the complainant or the accused must be filed in writing with the Office of Human Resources within ten (10) working days of receiving written notice of the outcome of the investigation. Responsibility for reviewing appeals will depend on the identity of the accused. Where the accused is a student, the appeal shall be reviewed in accordance with appeals procedures described in the Code of Student Conduct. Where the accused is a staff member, the Director for Human Resources will review appeals. Where the accused is a faculty member, the Faculty Grievance Committee will review appeals in accordance with the grievance procedures described in the Faculty Handbook. In exceptional circumstances, except in cases involving faculty, an appeal may be reviewed by an outside neutral third party.

### 13. Dissemination of Policy

This policy will be distributed to all faculty, staff, students and administrators, and will be made available to anyone else connected with the College. All College employees and students who subsequently become part of the educational community shall be informed of this policy during their orientation. This policy may be revised from time to time and such revisions will be posted on the College's web site. Any incident reported under this policy will be governed by the policy in effect at the time of the incident.

### 14. False Accusations Forbidden

While we encouraged all to report good faith claims of harassment, false accusation of any harassment can have a serious effect on innocent people. If an investigation results in a finding that an accusation of harassment was maliciously or recklessly made, the accuser will be disciplined appropriately.

Appropriate sanctions, ranging from a warning to dismissal, will be determined based on the severity of the conduct and in accordance with the provisions of applicable statutes, employment contracts, University policies, disciplinary procedures for faculty as described in the Faculty Handbook, disciplinary procedures for staff as described in the Staff Handbook, and disciplinary procedures for students as described in the Code of Student Conduct and other applicable student discipline codes.

I have reviewed and understand Philander Smith College's Equal Opportunity/Anti-Discrimination Policy.

Print Name: \_\_\_\_\_

Date: \_\_\_\_\_

Signature: \_\_\_\_\_

Date: \_\_\_\_\_