

EMPLOYMENT

Approved by:	Executive Committee of the Administration April 25, 2012
Policy Effective Date:	May 15, 2012
Related Policies:	Progressive Discipline Policy, University Non Discrimination Statement, Computer Usage Policy, Email Policy, Student Handbook
Additional References:	

I. Purpose and Scope

The purpose of this policy is to define both harassment and sexual harassment and to provide procedures for the investigation of harassment claims.

Barry University is committed to providing the best possible environment for carrying out its educational mission. An essential component of this environment is an atmosphere in which all members of the university community have an equal opportunity to work, learn and develop. The University condemns any conduct which interferes with the ability of any individual or group to pursue these objectives. Therefore, the University will not condone any conduct by members of the university community that results in abuse, harassment, or intimidation of other members of the community.

Barry University is committed to maintaining an environment that is free of discrimination. In keeping with this commitment, we will not tolerate harassment of university employees and students by anyone, including any supervisor, worker, vendor, client, or customer of Barry University or any third party.

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or recommend tangible employment decisions affecting an employee or academic decisions
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Examples include faculty or staff members to whom ~~study~~ students report and team lead
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II. Overview

Harassment

Harassment consists of unwelcome conduct, whether verbal, physical, or visual, that is based upon a ~~S H U V R Q ¶ V S U n W e l H a s W o r k i n g e d u c a t i o n~~, ethnicity, national origin, ancestry, religion, gender, sexual orientation, gender identity, familial status, status, pregnancy, age, disability status, veteran status or any other ground prohibited under state or federal law. The University will not tolerate harassment that affects tangible job benefits, that interferes unreasonably with an individual's ~~D U ¶ V Z R U N S H U I R U P D Q F H R U W K D W~~ intimidating, hostile, or offensive working or educational environment. Such harassment may ~~L Q F O X G H I R U H [D P S O H M R N H V D E R X W D Q R W o r k p l a c e S I H U V R Q ¶ V~~ jokes directed at a person based on his or her protected status.

Sexual Harassment

Sexual harassment is gender based unwanted sexual attention of a persistent or offensive nature made by a person who knows, or reasonably should know, that the attention is unwanted. Sexual harassment includes sexually oriented conduct that is sufficiently pervasive or severe to unreasonably interfere with an employee's job performance or create an intimidating, hostile or offensive working or educational environment. Sexual harassment can be physical, virtual, and/or psychological in nature. An aggregation of a series of incidents can constitute sexual harassment even if one of the incidents considered on its own would not be harassing. Members of the Barry Community (employees and students) are prohibited from harassing other employees or students whether or not the incidents of harassment occur on University premises and whether or not the incidents occur during working hours. Conduct may be considered sexual harassment whether or not the person such conduct was directed at was offended. If the conduct occurred in the presence of any employee or student, and that employee or student perceived or has indicated such conduct in their presence was unwelcome, that conduct may still be considered sexual harassment and will not be tolerated.

While sexual harassment encompasses a wide range of conduct, some examples of specifically prohibited conduct include:

A. Physical assault 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, brushing against or poking another employee ~~X G H Q W ¶ V~~

III. Employee Procedures for Informal Reporting

1. Employee Responsibilities

If employees believe that they have witnessed or been subject to harassment, sexual harassment, or any unwanted sexual attention, they should make their unease and/or disapproval directly and immediately known to the harasser whenever possible. If the situation is not immediately resolved, or if the employee is unable to or uncomfortable to address the alleged harasser directly, they should report the incident to the H P S O R \ H H \ Human Resources or his or her own supervisor. It is helpful to make a written record of the date, time and nature of the incident(s) and the names of any witnesses.

It is important to report concerns of harassment, sexual harassment or inappropriate sexual conduct regardless of the seriousness to Human Resources or a supervisor/manager as soon as possible. Management cannot assist in stopping the harassment from continuing if it is unaware of the problem.

2. Supervisor Responsibilities

Supervisors must deal expeditiously and fairly with allegations of harassment, sexual harassment within their departments whether or not there has been a written or formal complaint. Supervisors must:

- x Take all complaints or concerns of alleged or possible harassment or discrimination seriously no matter how minor or who is involved.
- x Ensure that harassment or inappropriate sexually oriented conduct is reported to Human Resources immediately so that a prompt investigation can occur.
- x Take appropriate action to prevent retaliation or prohibited conduct from reoccurring during and after any investigations or complaints.

Supervisors who knowingly allow or tolerate harassment, sexual harassment or retaliation are in violation of this policy and subject to discipline.

3. Human Resources Responsibilities

Human Resources is responsible for:

- x Ensuring that both the individual filing the complaint (hereafter referred to as the complainant) and the accused individual (hereafter referred to as the respondent) are aware of the seriousness of a harassment or sexual harassment complaint.
- x Explaining W K H 8 Q L Harassment and Sexual harassment policy and investigation procedures to the complainant and the respondent.
- x Exploring informal means of resolving sexual harassment complaints.

- x Notifying the police if criminal activities are alleged.
- x Conducting the investigation of the alleged harassment/sexual harassment and the preparation of a written report.

IV. Employee Procedures for Formal Reporting

Incidents of harassment, sexual harassment or inappropriate sexually oriented conduct should be reported following the above informal procedures. However, an employee can initiate a formal investigation into an alleged violation of this policy. Employees will be required to provide a written complaint to Human Resources. Complaints should be submitted as soon as possible after an incident of alleged harassment/sexual harassment. To ensure a prompt and thorough investigation of harassment/sexual harassment complaint, the complainant should provide as much of the following information as is possible:

- x The name, department and position of the person or persons allegedly causing the harassment.
- x A description of the incident(s), including the date(s), location(s) and the presence of any witnesses.
- x The alleged effect of the incident(s) on the complainant's position, salary, benefits, promotional opportunities, or other terms or conditions of employment.
- x The names of other employees who might have been subject to the same or similar harassment.
- x The steps the complainant has taken to try to stop the harassment.
- x Any other information the complainant believes to be relevant to the harassment complaint.

Immediately following the formal complaint an internal investigation will commence. Once Human Resources completes the investigation a written determination will be given to both the complainant and the respondent.

V. Student Reporting of Harassment and Grievances

The University has established policies, procedures to address student complaints related to address a range of harassment concerns, including discrimination in the context of strictly academic issues, student conduct, and academic integrity.

If students believe there has been discrimination in academic areas, such as coursework, grading or class participation, the matter will be handled in accordance with the procedures set out in the applicable student academic policies and procedures. >> Bi pof112s47[(oc)-5(

VI. Confidentiality

All inquiries, complaints and investigations are treated confidentially. Information is revealed strictly on a need-know basis. Information contained in a formal complaint is kept as confidential as possible. However, the identity of the complainant usually is revealed to the respondent and witnesses. Human Resources and the Dean of Students Office take adequate steps to ensure that the complainant is protected from retaliation during the period of the investigation. All information pertaining to a harassment or sexual harassment complaint or investigation is maintained by Human Resources or the Dean of Students Office in secure files. Once an internal investigation begins, all persons entering the building must sign a Confidentiality Agreement. Human Resources can answer any questions relating to the procedures for handling information related to harassment or sexual harassment complaints and investigations to complainants and respondents. The Dean of Student Affairs can do the same in the case of student to student harassment.

VII. Discipline

Employees who violate this policy are subject to appropriate discipline. If an investigation results in a finding that this policy has been violated, employees could be subject to immediate termination dependent on the egregious nature of the violation.

Students who violate this policy are subject to appropriate discipline, through the Student Conduct Process. If a student is found responsible for the violation of this policy, students may be subject to disciplinary action, up to and including suspension or expulsion from the University.

VIII. Employee Suspension Pending Outcome of Investigation

As a general rule, there may be times when a University employee may be suspended for 30 days with pay pending the outcome of an investigation. In some situations, the suspension period may be extended. This is a personnel decision based on the sole discretion of the Department of Human Resources and is dependent upon the type of investigation taking place. Suspension is used to avoid any possible retaliation and to protect the complainant, respondent and any witnesses.

IX. Student Interim Suspension Pending Outcome of Investigation

In certain circumstances, the Vice President for Student Affairs, or his or her designee, may impose a University suspension prior to any Student Conduct Hearing.

Interim Suspension may be imposed on a student in order to insure the safety and well being of members of the University community or preservation of University property; 2)

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student poses an ongoing threat of disruption of, or interference with, the normal operations of the University. While on Interim Suspension, a student will not be allowed access to the campus, including all University owned or leased properties, including the residence halls and/or all University activities, on or off campus, or ~~privileges~~ the