



## **HARASSMENT POLICY (FACULTY)**

### Definition

Virginia Wesleyan College is committed to providing its students, faculty, and staff a working and learning environment that is free from discrimination in the form of harassment by any member of the College Community and, in certain circumstances, agents and non-employees who have contact with our students and employees. Harassment on the basis of sex, race, color, age, disability, religion, national origin, or sexual orientation of students and employees at Virginia Wesleyan College is unacceptable conduct and will not be tolerated. In many cases it is also unlawful.

At the same time, Virginia Wesleyan College is firmly committed to the principles of Academic Freedom, and hence to the protection of the right of all members of the college community to engage in all forms of inquiry and debate.

Sexual harassment, in particular, encompasses a wide range of verbal, non-verbal, and physical behaviors. Although it includes any attempt to coerce an unwilling person into a sexual relationship, it is also unlawful to subject a person to unwanted sexual attention, to punish a refusal to comply, or to create a sexually intimidating, hostile, or offensive working or educational environment. Sexual harassment includes verbal and physical behaviors, from sexual assault to the unwelcome emphasizing of sexual identity. Violations may also be non-verbal as in the case of offensive gestures or the display of offensive pictures.

What constitutes harassment of any type, including sexual harassment, will be interpreted and applied with consistency and in accordance with prevailing law, accepted standards of mature behavior, academic freedom, and freedom of expression. It is especially likely that a faculty member who uses his or her position of authority in the course of prohibited conduct is guilty of unlawful harassment. In addition, the frequency and severity and the content of the behavior will be taken into account.

Speech or conduct is reasonably regarded as offensive if it substantially impairs the academic or work opportunity of students, colleagues, and/or co-workers. If it takes place in the teaching context, to be considered harassment it must also be persistent, pervasive, and not germane to the subject matter. The academic setting is distinct from the workplace in that wide latitude is required for professional judgment in determining the appropriate content and presentation of academic material.

## Confidentiality

Complaints about harassment will be responded to promptly and equitably. The right to confidentiality of all members of the academic community will be respected insofar as is practical without jeopardizing the College's duty to investigate.

## Retaliation

This policy explicitly prohibits retaliation against individuals for bringing good faith complaints of harassment. Any person who retaliates against a complainant shall be subject to disciplinary action up to and including discharge.

## False Charges

Purely malicious accusations of harassment are harmful to the personal and professional reputation of the person so accused. The College regards harassment complaints made with malicious intent to be a very serious matter and subject to appropriate sanctions. They may also subject the complainant to civil liability.

## Informal and Formal Procedures

Any Virginia Wesleyan College student or employee having a complaint of harassment may raise the matter informally and/or file a formal grievance. The informal process is an attempt to mediate between the parties involved and effect a mutually agreeable solution without entering into a formal hearing/grievance process. An informal complaint may result in disciplinary action only if the Vice President for Academic Affairs is aware of a pattern of complaints regarding harassment involving the accused faculty member.

A formal procedure will not be initiated without a written, signed complaint. A formal complaint may result in disciplinary action being taken against a person who, as a result of an investigative process, is found to have committed an act or acts of harassment against the individual filing the complaint.

Regardless of whether the complainant raises the matter informally or formally, any allegation of harassment at Virginia Wesleyan College will be taken seriously by the college and will be investigated in a timely manner.

## Office of the President

Any individual who believes that a harassment complaint did not receive prompt and equitable response after pursuing the appropriate procedures, should inform the Office of the President.

**PROCEDURES FOR A COMPLAINT OF HARASSMENT  
AGAINST A MEMBER OF THE FACULTY**

**Informal Complaint**

If a member of the College Community believes that he or she has been a victim of harassment by a member of the faculty, he or she is encouraged to discuss the concern with the Vice President for Academic Affairs. As a result of that discussion, the individual initiating the complaint process may select one of three courses of action: Proceed with a formal complaint; ask the Vice President for Academic Affairs to attempt an informal resolution of the matter; or drop the complaint.

If the individual decides to drop the complaint, the Vice President for Academic Affairs will decide what, if any, further action shall be taken.

If a request for an informal resolution is made, the Vice President for Academic Affairs, along with the Director of Human Resources, shall meet with the complainant to document the complaint and to determine if the complainant is comfortable with having his/her identity revealed to the faculty member. Subsequent to this meeting, a meeting of the Vice President for Academic Affairs, the Director of Human Resources, and the faculty member being accused will be held to inform the faculty member of the informal charges being levied against him/her.

If it is necessary to effect an informal resolution, and with the agreement of all involved parties, the complainant will meet with the accused faculty member in the presence of the Vice President for Academic Affairs and the Director of Human Resources.

If, as a result of these discussions, all parties involved believe that a satisfactory resolution has been achieved, the Vice President for Academic Affairs shall decide what, if any, further action shall be taken. If the vice President for Academic Affairs decides that some type of further action is needed, the accused faculty member may appeal this decision to the Faculty Hearing Committee. The Faculty Hearing Committee, after considering evidence presented by both sides of the issue, shall make a recommendation to the President of the College. The final determination of what action, if any, shall be taken shall be made by the President.

If a mutually agreeable solution is not achieved, the person bringing the complaint may elect to bring a formal complaint.

### Formal complaint

A formal complaint of harassment against a member of the faculty begins with a meeting of the person bringing the complaint, and the Vice President for Academic Affairs. To this meeting, the complainant brings a written and signed statement of the complaint.

#### Procedure/Investigation

The Vice President for Academic Affairs, in conjunction with the Director of Human Resources, shall meet with the faculty member to discuss the charge. The faculty member shall receive a copy of the written complaint at that meeting. If the faculty member requests, and the complainant agrees, the complainant may meet with the faculty member at an appropriate stage of the procedure. This meeting shall take place in the presence of the Vice President for Academic Affairs, and the Director of Human Resources. If the faculty member claims to be innocent of the charge, this shall be stated in writing to the Vice President for Academic Affairs.

If the Vice President for Academic Affairs and/or the Director of Human Resources decides at any time before resolution, that further investigation is necessary, this shall be pursued in the most timely manner possible. In addition, in the case of further investigation, wherever possible the confidentiality of all involved individuals shall be maintained.

If the Vice President for Academic Affairs and the Director of Human Resources decide that the charges are to be upheld, the case shall be forwarded, with documentation, to the Faculty Hearing Committee. The Faculty Hearing Committee shall proceed as outlined in the Faculty Handbook.

#### Counseling

Harassment of students and employees at Virginia Wesleyan College on the basis of sex, race, age, color, disability, religion, national origin, or sexual orientation is unacceptable conduct that will not be tolerated. Therefore, the College offers, and encourages, any individual who might have been a victim of such harassment on its campus the use of the Virginia Wesleyan College Counseling Center.