

HARASSMENT POLICY
(ADMINISTRATIVE/SUPPORT STAFF AND STUDENTS)

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, age, race, color, 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. It also includes non-verbal inferences such as offensive gestures, motions, or literature. Speech or conduct is reasonably regarded as offensive if it substantially impairs the academic or work opportunity of students, colleagues, and/or co-workers.

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 supervisor 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.

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 appropriate supervisor/vice president is aware of a pattern of complaints regarding harassment involving the accused employee.

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 will be taken seriously by the College and will be thoroughly 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 ADMINISTRATIVE OR SUPPORT STAFF

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 Administrative or Support Staff, or by a student, he or she is encouraged to discuss the concern with his or her supervisor. In the case of a student allegedly harassing an employee, the employee is encouraged to discuss the concern with the Vice President of Student Affairs, Dean of Students or the Director of Residence Life. The matter may then be taken through the Community Arbitration System (see Standards of Student Conduct.) If the alleged victim is not comfortable with going to his/her supervisor, he or she should discuss the concern with the appropriate vice president in charge of the employee's department. In the case of a student who feels that he/she has been a victim of harassment by a member of the Administrative or Support Staff, he/she is encouraged to discuss the concern with the Vice President of Student Affairs, Dean of Students. If the alleged victim is not comfortable with going to the Vice President of Student Affairs, Dean of Students, he/she should discuss the concern with the Director of Residence Life. As a result of that discussion, the individual bringing the concern may select one of three courses of action: proceed with a formal complaint; ask the supervisor/vice president to attempt an informal resolution of the matter; or drop the complaint.

If the individual decides to drop the complaint, the supervisor/ vice president will decide what, if any, further action shall be taken.

If a request for an informal resolution is made, the supervisor/ vice president, 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 alleged harasser. Subsequent to this meeting, a meeting of the supervisor/vice president, the Director of Human Resources, and the accused individual will be held to inform the individual of the informal charges being levied against him/her.

If, as a result of these informal discussions, all parties involved believe that a satisfactory resolution has been achieved, the supervisor/vice president shall decide what, if any, further action shall be taken. If the supervisor/vice president decides that some type of further action is needed, the accused individual may appeal this decision through the Problem Resolution Procedure (HR 10) in the case of an employee, or through the Community Arbitration System in the case of a student.

If a mutually agreeable resolution 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 administrative or support staff or against a student begins with a

meeting of the person bringing the complaint, and that person's supervisor, the vice president in charge of that person's department, or, in the case of a student, the Vice President of Student Affairs, Dean of Students, or the Director of Residence Life. To this meeting, the complainant brings a written and signed statement of the complaint.

Investigation

The supervisor/vice president, in conjunction with the Director of Human Resources, shall plan a meeting with the accused administrative/support staff member/student to discuss the charge. The alleged offender shall receive a copy of the written complaint. If the administrative/support staff/student requests, and the complainant agrees, the complainant may meet with the alleged offender at an appropriate stage of the investigation. This meeting shall take place in the presence of the supervisor/vice president, the Director of Human Resources, and/or an appropriate designee. If the alleged offender claims to be innocent of the charge, he/she shall state this in writing to the supervisor/vice president.

If the supervisor/vice president and Director of Human Resources decide, based on the case, 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 supervisor/vice president and the Director of Human Resources decide that the charges are to be upheld, the course of action shall be proportionate to the severity and/or frequency of the offense.

Appeals

In the event that an offending administrative/support staff member disagrees with the disposition, the offending employee may follow the campus Problem Resolution Procedure (see HR 10). In the event that the accused student disagrees with the disposition, the student may follow the procedure outlined in the Community Arbitration System.

Complaints Against the President

In the event that a formal complaint is levied against the President of the College, the Vice President for Academic Affairs and/or the Director of Human Resources shall submit the written complaint to the Chairman of the Board of Trustees for resolution. Informal complaints against the President shall be processed in accordance with the procedure described above.

Counseling

Harassment of students and employees at Virginia Wesleyan College based on discrimination in the form of sex, age, race, 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.

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