

Savannah State University

Sexual Harassment Policy

Policy

It is the policy of Savannah State University that all employees and students are able to work in an environment free from all forms of discrimination, including sexual harassment.

Sexual Harassment refers to behavior, either direct or indirect, which is not welcome, which is personally offensive, which debilitates morale, and which therefore interferes with the University's mission and its effectiveness. Sexual harassment includes behavior that may not be considered overtly sexual. Federal law prohibits sexual harassment under Title VII of the 1964 Civil Rights Act. The existing Board of Regents' policy states "that it shall be unlawful discriminatory practice for any employer, because of the sex of any person, to discharge without cause, to refuse to hire, or otherwise discriminate against any person with respect to any matter directly or indirectly related to employment or academic standing. "Sexual harassment, whether by peers, by persons in authority, or by students or faculty, violates federal law and Board policy. It is the intent of these policies to include sexual harassment by peers.

- a. faculty –faculty
- b. staff – staff
- c. student – student

and sexual harassment by persons in authority:

- a. faculty – student
- b. faculty – staff
- c. graduate student – undergraduate student
- d. supervisor – subordinate

Definition

Sexual harassment of faculty by students is covered by these policies if it interferes with the faculty member's work or creates an intimidating, hostile or offensive working environment. Consenting sexual relationships between faculty and students, or between supervisors and subordinates, are actively discouraged and may be deemed sexual harassment.

Sexual harassment of employees or students of Savannah State University is prohibited and shall be subject to dismissal or other sanctions after compliance with procedural due process requirements. According to the Equal Employment Opportunity Commission (2009) guidelines, unwelcome

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sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitutes sexual harassment when:

- a. Submission to such conduct is made explicitly or implicitly a term or condition of an individual's employment or academic standing; or
- b. Submission to or rejection of such conduct by an individual is used as a basis for employment or academic decisions affecting an individual; or
- c. Such conduct unreasonably interferes with an individual's work or academic performance or creates an intimidating, hostile or offensive working or academic environment.

Examples of Sexually Harassing Behavior

- Physical Assault.
- Demands for sexual favors.
- Indecent exposure.
- Indecent gestures or the display of sexually suggestive pictures or other objects.
- Touching, patting, embracing, caressing, or brushing against a person's body.
- Verbal assault, including direct sexual references, lewd jokes or innuendos, and remarks of sexual nature about a person's body or clothing.
- Allusions to or inquiries about a person's private sex life.
- Repeated unwelcome gifts, cards, request for dates.
- Singling someone out or "putting someone down" on the basis of that person's gender.

Consensual Relationships

All employees and students of Savannah State University should realize that sexual harassment most frequently occurs when one person has some power or authority over another. The relationship between a faculty member and a student should be considered one of professional and client in which sexual liaisons, even consenting liaisons, are inappropriate because they threaten the intellectual dependence and trust that underscore the teacher/student bond. Likewise, the

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relationship between a supervisor and subordinate must be a professional one free from sexual involvement.

Although the policy of Savannah State University does not expressly forbid consenting sexual relationships, such relationships are strongly discouraged and all personnel are cautioned that persons entering into such relationships do place themselves in danger of subsequent charges of sexual harassment which would be most difficult to dispute.

For example, one of the parties might later claim that the relationship was not consensual. One or the other parties might later claim that the relationship created a hostile working environment. Other students or employees might charge that they are being discriminated against because of the "special" relationship that the instructor or supervisor may enjoy with a student or an employee. Finally, at least one Federal court has found that there exists an "affirmative duty of disclosure" of previous relationships should subsequent personnel action be taken against an employee who had been a partner in a consensual relationship.

In light of the above, Savannah State University strongly discourages consenting sexual relationships between faculty and students and supervisors and subordinates and insists that supervisors or faculty who engage in such relationships must remove themselves from any decision-making activities regarding their consenting partner.

Procedures

Savannah State University guarantees the right of all students, faculty and staff to lodge complaints without fear of retaliation. The University, to the extent possible, will also protect the rights of the accused. In the event that allegations are not substantiated, all reasonable steps will be taken to restore the reputations of the accused if it was damaged by the proceeding. A complainant found to have been intentionally dishonest in making the allegations or to have made them maliciously is subject to disciplinary action.

A person wishing to bring charges under the policy set forth above has two options: an informal complaint or a formal complaint.

Informal Complaint Procedures

An informal complaint may be brought to any of the following:

- Department Heads
- Deans

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- Unit Heads
- Director, Student Development
- Vice President for Students Affairs
- Vice President for Academic Affairs
- Vice President for Fiscal Affairs
- The Equity and Diversity Officer

The person to whom the charge is brought is required to keep the charge in strictest confidence and to handle the complaint expeditiously. This person should inform the complainant of the option to handle the charge formally or informally. In addition, the complainant will be asked to sign a form acknowledging the choice of either the informal or formal option. This form will clearly explain the rights of the accused as stated above. If the complainant wishes to pursue an informal resolution of the problem, the accused will not be informed of the name of the complainant without the complainant's consent. The person to whom the complaint is brought may (1) help to resolve the complaint informally, or (2) may advise the complainant to draft a formal complaint and outline the necessary steps in the process.

Formal Complaint Procedures

If the complaint cannot be resolved informally, or if the complainant prefers, formal action may be initiated.

1. The complainant will prepare and present a sworn and notarized affidavit to the Equity and Diversity Officer.
2. The Equity and Diversity Officer will initiate an investigation of the charges in order to establish whether there is a reasonable basis for believing that the alleged violation has occurred. In conducting the investigation, the Equity and Diversity Officer may interview the complainant, the accused, and other persons believed to have pertinent factual knowledge. In every case, the immediate supervisor of the person charged will be notified, in confidence, of charges against his/her employee. If the complaint is against the immediate supervisor, the complainant will be reassigned to another supervisor until the matter is settled. At all times, the administrator conducting the investigation will take steps to ensure confidentiality.

The investigation will afford the accused a full opportunity to respond to allegations. The complainant's charge will be immediately forwarded, in confidence, to the person

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charged in the affidavit. The person charged with sexual harassment shall have five working days to respond to the charges made with a sworn affidavit that has been notarized. This response will be available to the charging party.

3. Possible outcomes of the investigation are (i) a judgment that the allegations are not warranted; (ii) a negotiated settlement of the complaint; or (iii) institution of formal action described in succeeding sections of these procedures.
4. If after completing the investigation, the Equity and Diversity Officer concludes that there is a reasonable basis for believing that the alleged violation of the sexual harassment policy has occurred or that a negotiated settlement cannot be reached, formal action will be taken.

Formal Action

1. The Equity and Diversity Officer will organize a Review Panel of no fewer than two faculty and staff members and himself/herself. The Review Panel members will be chosen at random, but will include both men and women, as well as peers of both the complainant and the person charged.
2. The Review Panel will hold separate confidential hearings with the complainant and the accused. If the evidence warrants it, the Review Panel will question additional persons, in confidence, who have some direct bearing on the case.
3. Within ten working days after all factors regarding the case have been reviewed, the Equity and Diversity Officer shall meet with the Review Panel to ascertain the disposition of the case. The Equity and Diversity Officer and the members of the Review Panel shall send to the President of Savannah State University the facts found in their investigation and, where appropriate, make recommendations concerning the resolution of the case.
4. The President of Savannah State University may accept the written report and recommendations of the Review Panel and take action in order to resolve the case. If the President is not ready to take action on the basis of the initial report and recommendations of the Review Panel,

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he/she may empower another impartial panel to investigate the case and make recommendations.

5. Once the President receives sufficient facts to resolve the case, he/she will send a registered letter, within ten working days, to both the complainant and the defendant outlining the final resolution of the case.

Sanctions and Penalties

Sanctions and penalties associated with violation of this policy may include the following:

- Reprimand
- Denial of Merit Pay
- Suspension without Compensation
- Required Professional Counseling
- Dismissal for Cause

Right of Appeal

If one or both parties find the decision of the President of Savannah State University unsatisfactory, they may appeal the decision to the Board of Regents of the University System of Georgia in writing within twenty calendar days following the written decision of the President of Savannah State University. The complainant and the person charged may be represented by an advisor or an attorney during the appeal process to the Board of Regents.

President's Statement on Sexual Harassment

Savannah State University is firmly committed to maintaining an academic and administrative environment that is free of all vestiges of sexual harassment. The University firmly adheres to Federal law under Title VII and University System guidelines in regard to sexual harassment, whether it involves students, faculty, staff, or administrators. Those individuals who violate the Federal, University System, and Savannah State University policies on sexual harassment will be given due process according to the law. Those found guilty will certainly be dealt with to the fullest extent of the law, including termination of their jobs or positions when it is appropriate. In short, sexual harassment will not be tolerated on any level at Savannah State University.

Educational Program on Sexual Harassment

All faculty, administrators, staff, and students will have access to a copy of the University's Sexual Harassment Policy. In addition, the Savannah State University Policy on Sexual Harassment will be made known through on-going educational programs. These programs will include films, lectures, discussions, brochures, and presentations. The University will provide a sexual harassment seminar for incoming faculty

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and staff at the beginning of every academic year in September. The Department of Human Resources will acquaint staff members, of the university with a sexual harassment policy when they are hired.

The Vice President for Student Affairs will work in conjunction with the Sexual Harassment Committee of Savannah State University to plan and implement a program of sexual harassment education for undergraduate and graduate students. The educational plan for students will include printed brochures, and the discussion of video tapes on sexual harassment.