

ALABAMA STATE UNIVERSITY

DISCRIMINATION & HARASSMENT POLICY

Alabama State University has adopted an equal employment policy and will ensure that all employees and students will abide by the requirement of that policy and that employees and students will not be discriminated against on the basis of their race, sex, or religion creed, color, national origin, disability, marital status, sexual orientation or age. The aim of this policy is to establish a zero tolerance to any harassment or discrimination at the University.

The University prohibits the discrimination and harassment of individuals based upon any protected basis: race, national origin, religion, age (40 and over), marital status, disability, gender and sexual orientation. The University will not tolerate any form of harassment or any offensive conduct that has the effect of severely interfering with an employee's work performance or a student's school performance or creating an intimidating or hostile work environment. All employees, and representatives of the University (including part-time, full-time, seasonal, and appointed) must understand that acts of discrimination and harassment, in the workplace or the University sponsored events, whether on or off property owned by the University, is explicitly forbidden and is subject to disciplinary action up to including termination of employment. Specifically, the University will not subject employees to adverse terms and conditions of employment (hiring, promotional, and sexual harassment, etc.) which violate Title VII of the Civil Rights Act of 1964, as amended or any other form of prohibited discrimination.

This policy applies to and protects all employees, students and representatives of the University. Therefore, all employees and representatives of the University are expected to know, understand and follow this policy. Administrators, Directors, Supervisors and Managers are expected to set the proper example by following this policy at all times and ensure that any violation of this policy, which is brought to their attention, is dealt with promptly, fairly and impartially. This policy applies to all terms and conditions of employment, including, but not limited to hiring, placement, promotion, disciplinary action, layoff, reinstatement, transfer, leave of absence, compensation and training.

I. EMPLOYMENT DISCRIMINATION

Employment discrimination is defined as decisions based upon person's race, national origin, religion, age (40 and over), marital status, disability, gender and sexual orientation. These decisions include all aspects of the employment process including hiring, termination, promotion and placement. Discrimination occurs when an adverse employment action and said action is based upon an individual's protected status.

II. HARASSMENT DEFINED

Harassment of an applicant, student, member of the public, business invitee, customer or employee by a supervisor, manager or co-worker on the basis of race, national origin, religion, age (40 and over), marital status, physical and mental disability, gender and sexual orientation not only violates

University policy, but is prohibited under state and federal laws. Harassment may be intentional – targeting an individual or it may be unintentional. This policy prohibits all forms of harassment including “quid pro quo”, “sexual” and “discriminatory hostile environment” harassment as defined below.

Sexual harassment may be of a homosexual or heterosexual nature. Harassment is behavior (visual, physical or verbal) that has the effect of humiliating, intimidating or coercing another. It is behavior that causes discomfort, embarrassment or emotional distress. It is unwelcome behavior that is persistent and/or pervasive and has the intent or effect of interfering with another’s work performance or creates a hostile environment. It frequently occurs when one person attempts to exert power or control over another person (quid pro quo harassment).

A. Quid Pro Quo

Unwelcome sexual advances, requests for sexual favors and other verbal and physical conduct of a sexual nature by one in a position of power or influence constitute quid pro quo harassment when:

- Submission to the harassment is made either explicitly or implicitly a term or condition of employment or a term or condition of academic success.
- Submission to or rejection of the harassment is used as the basis for work-related decisions affecting an employee or as the basis of decisions affecting academic progress.

As defined here, quid pro quo harassment normally arises in the context of an authority relationship. This relationship may be direct as in the case of a supervisor and subordinate or it may be indirect when the harasser has the power to influence others who have authority over the victim.

B. Sexual Harassment

Alabama State University is firmly committed to providing a work environment that is free of discrimination. Sexual harassment is viewed as a form of sex discrimination and as a most reprehensible offense whether committed on or off campus. Alabama State University will vigorously investigate and impose sanction when investigation confirms that sexual harassment has occurred. The University is especially sensitive toward this matter where students are involved and will not hesitate to impose the maximum sanction of dismissal where warranted. Deliberate false accusation of sexual harassment will not be condoned and may result in disciplinary action being taken against anyone who knowingly makes a false report. Employees and students of Alabama State University have a right to work and study in an environment free of harassment.

Unwelcome sexual advances, requests for sexual favors and other verbal and physical conduct of a sexual nature constitute sexual harassment when such conduct is directed toward an individual because of his or her gender and has the purpose or effect of creating an intimidating, hostile or offensive work environment, or unreasonably interfering with another’s work performance.

Generally, a single sexual joke, offensive epithet or request for a date does not constitute sexual harassment; however, being subjected to such jokes, epithets or requests repeatedly may constitute sexual harassment. Examples of sexual harassment include but are not limited to:

Physical

Engaging in sexually suggestive physical contact or touching another employee in a way that is unwelcome, such as pinching, patting or grabbing.

Verbal

Derogatory comments, slurs or other offensive words or comments made on the basis of gender – whether made in general, directed to an individual or to a group of people regardless of whether the behavior was intended to harass.

Telling jokes of a sexual nature; making sexually oriented comments on a person's appearance, sexual rumors, code words and stories.

Visual

Posted material or material placed in or on University equipment or one's own personal property or body (including clothing and tattoos) in the workplace, which is offensive on the basis of gender.

In determining whether alleged sexually harassing conduct warrants corrective action, all relevant circumstances, including the context in which the conduct occurred, will be considered. Facts will be judged on the basis of what is reasonable to persons of ordinary sensitivity and not on the particular sensitivity or reaction of an individual.

C. Discriminatory Hostile Environment

Unwanted or persistent verbal or physical conduct, made on the basis of race, creed, color, national origin, disability, marital status, gender or age, which create a hostile or intimidating work environment or which unreasonably interfere with an individual's job performance and/or opportunities, constitute discriminatory hostile environment harassment. Examples include, but are not limited to:

- degrading public tirades
- profanity or offensive language
- name-calling, racial or ethnic slurs
- demeaning or derogatory comments) made on the basis of race, religious creed, color, national origin, disability, marital status, sexual orientation, age or disability

Hostile conduct can occur whether made in general, directed to an individual or to a group of people regardless of whether the behavior was intended to harass. Any employee who believes

that he/she maybe subjected to objectionable conduct must report it immediately to the Director of Office of Human Resources or the President.

Any employee who engages in objectionable conduct is subject to disciplinary action up to and including termination.

III. Retaliation Defined

Taking or threatening to take an unfavorable employment or academic action or withholding or threatening to withhold a favorable employment or academic action against an individual for attempting to complain about sexual harassment or other forms of workplace discrimination or for participating in an investigation of such activities.

Protection Against Retaliation

Neither the University nor its employees or representatives will in anyway retaliate against an employee or student who makes a report of harassment or discrimination. Retaliation is a very serious violation of this policy and should be reported immediately. Retaliation against any individual for reporting harassment or discrimination will be treated with the same strict discipline as the original complaint itself.

IV. Reporting Incidents of Harassment or Discrimination

An employee who experiences harassment or discrimination shall immediately report that fact to the Director of Office of Human Resources who also serves as the University's Equal Employment Opportunity (EEO) Officer. The initial report may be in oral or written form, but a formal investigation of the matter cannot begin until the complaint is submitted in written form and signed by the complainant. If charges of harassment or discrimination are formally filed against any officer of the University at or above the level of an area Vice President or the Special Assistant to the President or the Director of Intercollegiate Athletics, the EEO Officer shall within 10 days report that fact and the results of any preliminary investigation to both the President and the Chairman of the Board of Trustees.

A student who believes he or she has experienced harassment or discrimination shall immediately report the allegation to the Vice President for Student Affairs or the Department of Police and Campus Security. A formal investigation of the matter will begin when a written complaint is filed. If charges of harassment or discrimination are formally filed against any officer of the university who serves at or above the level of an area Vice President or the Special Assistant or the President or the Director of Intercollegiate Athletics, the EEO officer shall within 10 days report that fact and the results of any preliminary investigation to both the President and the Chairman of the Board of Trustees.

Investigating Reported Incidents of Harassment

Prior to initiating an investigation, the Director of Office of Human Resources will notify the accused person(s) of the charge and the impending investigation. The investigation will be non-

adversarial; therefore, attorneys for neither side will be permitted. The investigation committee will be composed of three disinterested members. Two members will be appointed by either of two divisional vice presidents. The third member will be selected by the two members appointed by the vice presidents. If the two cannot agree on naming a third member, the University President will name the third member. If the harassment charge involves a student, at least one member of the committee will be a student.

The committee will interview and obtain relevant testimony from any and all persons who may have knowledge of the matter. Upon completion of the investigation, the committee will compile its findings, formulate recommendations and forward its report through the Director of Office of Human Resources to the President. The President may approve or disapprove the committee's recommendation. Should either party disagree with any sanction imposed by the President that party may utilize the grievance or appeal procedure depending upon the sanction imposed, but only if the party is an employee within the proper classification.

VI. DISCIPLINE

Students, faculty or staff who are found, following applicable disciplinary proceedings, to have violated this policy will be subject to the University's progressive disciplinary policy which may include termination of employment and permanent dismissal from the University.

This revised Harassment Policy was adopted by the Board of Trustees at its meeting on

This **22nd** day of **September, 2006**.