

## **ALABAMA STATE UNIVERSITY DISCRIMINATION AND HARASSMENT POLICY**

Alabama State University has adopted an equal employment policy and will ensure that all employees/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, religion, creed, color, national origin, disability, marital status, sexual orientation, or age. The aim of this policy is to establish a zero tolerance for 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, sex, 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 employees) must understand that acts of discrimination and harassment, in the workplace or at the University sponsored events, whether on or off property owned by the University, explicitly forbidden and subject to disciplinary action up to and including termination of employment. Specifically, the University will not subject employees to adverse terms and conditions of employment (hiring, promotional, and 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 by ensuring 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, termination and training.

Employment Discrimination Defined: Employment discrimination is defined as decisions based upon a person's race, national origin, religion, age (40 and over), marital status, disability, sex, 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 occurs and said action is based upon an individual's protected status.

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, sex 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" and "discriminatory hostile environment" harassment as defined below.

Sexual harassment may be of a homosexual or heterosexual nature. Harassment is conduct (physical, verbal, graphic, written, or electronic) that is (1) unwelcome; (2) discriminatory on the basis of race, color, religion, sex, national origin, age, disability, genetic information, sexual orientation, or veteran status; (3) directed at an individual; and (4) so severe, pervasive, and objectively offensive that a reasonable person with the same characteristics of the victim would be adversely affected to a degree that interferes with his or her ability to participate in or to realize the intended benefits of an institutional activity, opportunity, or resource. It is unwelcome behavior that is persistent and/or pervasive and has the intent or effect of interfering with another's work performance or creating a hostile environment. It frequently occurs when one person attempts to exert power or control over another person (quid pro quo harassment).

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.

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 sanctions 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 constitutes sexual harassment when such conduct is (1) unwelcome; (2) discriminatory on the basis of sex; (3) directed at an individual; and (4) so severe, pervasive, and objectively offensive that a reasonable person with the same characteristics of the victim would be adversely affected to a degree that interferes with his or her ability to participate in or to realize the intended benefits of an institutional activity, opportunity, or resource.

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 the following, when they are part of a pattern of conduct that meets the standard set forth above:

- 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 or whether 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, e-mails or material placed in or on University equipment or on 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 warrant 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.

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 (40 and over) which creates a hostile or intimidating work environment or which unreasonably interferes with an individual's job performance and/or opportunities constitutes discriminatory hostile environment harassment. Examples include, but are not limited to the following, when they are part of a pattern of conduct that meets the standard set forth above:

- Offensive language
- Racial or ethnic slurs
- Demeaning or derogatory comments made on the basis of race, religion, creed, color, national origin, disability, marital status, gender, 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 may be subjected to objectionable conduct must report it immediately to his or her supervisor, the Office of Human Resources or the divisional vice president.

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

Retaliation Defined: Retaliation is defined as a 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 any way 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.

Reporting Incidents of Harassment or Discrimination: An employee who experiences harassment or discrimination shall immediately report that fact in writing to the Office of the Human Resources or the divisional vice president. 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, the Office of Human Resources shall within 10 business 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 the Office of Human Resources shall within 10 business 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 Vice President of Human Resources will notify the accused person(s) of the charge and the impending investigation. The initial investigation will be conducted by the Office of Human Resources. The investigation will be non-adversarial; therefore, attorneys for neither side will be permitted. If further investigation is deemed necessary, an investigation committee composed of three disinterested, qualified individuals will be established.

The employee shall be afforded an opportunity to obtain necessary witnesses and documentary or other evidence. The employee is responsible for ensuring the witness(es) are in attendance at the hearing. The University shall cooperate with the committee and the employee in security witnesses and making available documentary and other evidence.

The committee will interview and obtain relevant statements from any and all persons who may have knowledge of the matter. Upon completion of the investigation, the committee will compile the findings, formulate recommendations, and forward their report through the Office of Human Resources and to the President of the University. The president may approve or disapprove the 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.

Disciplinary Actions for Violation of Discrimination and Harassment Policy: 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.