

GCSU Policy and Procedures on Sexual Harassment

Policy Section 703 of Title VII of the Civil Rights Act of 1964 as amended provides that “it shall be an unlawful employment practice for an employer to fail or refuse to hire or to discharge any individual, or otherwise to discriminate against any individual with respect to his compensation, terms, conditions, or privileges of employment, because of such individual's race, color, religion, **sex**, or national origin.”

Title IX of the Education Amendments of 1972 (Title IX) prohibits discrimination on the basis of sex in federally assisted education programs and activities. Long-standing legal authority establishes that harassment of students can be a form of sex discrimination covered by Title IX.

Harassment of any student or employee on the basis of sex violates federal laws.

Sexual harassment is also prohibited under the Policies of the University System of Georgia Board of Regents, which can be found at <http://www.usg.edu/regents/policymanual/800.phtml802.18>.

GCSU policies and practices prohibit, among other things, sexual harassment of students and employees, including persons of the same sex.

I. What is Sexual Harassment?

Sexual harassment is unwelcome conduct of a sexual nature. Conduct is unwelcome if the person did not request or invite it and “regarded the conduct as undesirable and offensive.” Because the Office of Civil Rights, which enforces Title IX, makes a “strong presumption that sexual conduct between a school employee and a student is not consensual.”

Sexual harassment can include, but is not limited to, unwelcome sexual advances, requests for sexual favors, and other behaviors of a sexual nature 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.

II. What are the Campus Procedures to Address Sexual Harassment?

Informal Process

Because it is beneficial to all to resolve allegations of discrimination or sexual harassment promptly and efficiently, whenever possible an individual seeking resolution for an allegation of

discrimination or sexual harassment is encouraged to pursue informal resolution of such allegations. The Director of Institutional Equity & Diversity or any of the members of the University Sexual Harassment Resource Group listed below can be contacted for guidance and support when attempting to resolve the problem on an informal basis. The informal process should be initiated on a timely basis so that the time period for filing a grievance can be met if s/he chooses to do so.

Because this is an informal step, the actual course of action followed when attempting to resolve the situation will vary based upon the circumstances of the complaint.

The complainant has the right to institute formal proceedings at any time during the process.

Confidentiality

GCSU recognizes that some individuals filing complaints may want their identities to remain confidential. University officials will use their best efforts to maintain confidentiality for all parties involved. In some instances, the alleged harasser can be spoken to without the complainant being identified. In other cases, issues of confidentiality must be balanced against the University's need to investigate and take other actions. GCSU may also choose to initiate its own investigation without a complaining party if there are enough factors to support an allegation.

Formal Process

**** Please note that formal complaints of harassment of students on student shall be filed with the Dean of Students or the Dean of the College/School.**

The complainant shall put the complaint in writing, stating the nature of the complaint, the facts upon which the complaint is based, and the relief requested. A Sexual Harassment Resource person, with the exception of the Director of Institutional Equity & Diversity, may assist in writing the formal grievance if the complainant wishes. The written statement shall be sent to the Director of Institutional Equity & Diversity, who will immediately provide a copy to the respondent. The respondent's supervisor will be notified that a complaint has been filed. The respondent must reply in writing to the complaint within ten (10) working days after its receipt. The response must be sent to the Director of Institutional Equity & Diversity, who shall provide a copy to the complainant.

The formal complaint can be filed in writing at any time during the informal process, within 90 working days following the completion of the informal step, or in the case of continued discrimination or harassment, within 90 working days of the latest alleged incident.

The Director of Institutional Equity & Diversity will attempt to reach a mutually agreeable resolution of the formal complaint through discussion, mediation, investigation, hearing or other steps that s/he feels is necessary. Both parties and the respondent's supervisor will be notified of the outcome of the complaint. Within the constraints of the academic schedule, the University

will strive to conclude the investigation within thirty (30) working days from the date the original grievance was filed.

The Director of Institutional Equity & Diversity reserves the right to appoint a panel to further investigate and review the matter, although this is not a requirement. If a panel is utilized, the findings and recommendations of the panel will be sent to the President. A panel may include staff, faculty, or students (when involving a student complaint). The President or his/her designee will review the panel's findings and recommendations and other facts relating to the grievance, and will communicate the results of the investigation to both parties in writing. A decision of the President is binding and shall not be subject to further review at the institutional level.

Temporary Measures

The University may at any point in the complaint process elect to place the alleged harasser on investigative leave, reassignment or authorize other types of temporary measures while an investigation is pending. GCSU also reserves the right to issue stay-away orders, or no contact provisions to any or all the parties involved in the procedures.

Findings and Recommendations

The Director of Institutional Equity & Diversity shall forward a report of the results of the investigation to the respondent's supervisor. This report shall include recommendations designed to correct the situation, improve departmental processes, and/or prevent future violations.

Any employee or student found to have violated this policy by engaging in conduct constituting sexual harassment shall be subject to appropriate disciplinary action up to and including dismissal, expulsion, or termination.

III. Retaliation is Prohibited

It is unlawful to retaliate against an individual for filing a complaint of sexual harassment or for cooperating in an investigation of a complaint of sexual harassment. GCSU will take strong responsive action if retaliation occurs. Any person found to have retaliated against an individual reporting, filing or cooperating in a sexual harassment matter is subject to GCSU disciplinary procedures up to and including expulsion or termination.

IV. Where to Find Help?

The role of the University Sexual Harassment Resource Group is to provide guidance, support, and information and referral to members of the University community (including complainants, potential complainants, respondents and witnesses) concerning the Sexual Harassment Policy, to advise such individuals of their options and to assist individuals to resolve concerns about sexual harassment informally, where appropriate.

The most recent list of the members of the University Sexual Harassment Resource Group is available at the Office of Institutional Equity & Diversity or online at www.gcsu.edu/equity.

V. Central Reporting & Coordination

Title IX regulations of the Education Amendments of 1972 require all University personnel to report any case of sexual harassment whether resolved informally or formally through the grievance procedure to the University's Title IX coordinator (the role and responsibilities of the Title IX coordinator at GCSU are assigned to the Director of Institutional Equity & Diversity). Such reports should not include the names or identities of the persons involved. They should include, however, a description of the complaint and the schools or administrative units with which the participants are affiliated. Reports from decentralized areas will allow the Title IX coordinator to identify patterns of frequency in a particular area or location within the University and report these findings to the President on an annual basis and to coordinate compliance with federal regulations.

Any university personnel in any position of authority who receives a formal notice of sexual harassment must report it to the Director of Institutional Equity & Diversity within five (5) working days of receiving the complaint.

VI. Dissemination of Policy and Procedure

Information regarding this policy shall be provided during student orientation, during employee orientation and to all individuals who volunteer in various positions on campus. Copies of the policies shall be prominently displayed in all departments and units of the University. In addition, this policy is posted on various GCSU webpages.

* Processing time standards contained herein serve as institutional guidelines only, and neither complainants nor employees derive rights or benefits thereunder.