

## Faculty Senate Resolution #12-44

Approved by the Faculty Senate: March 27, 2012

Approved by the Chancellor: May 2, 2012

### Revisions to the *ECU Faculty Manual*, Appendix V. Sexual Harassment, Discrimination, and Conflicts of Interest Policies

Current text to be deleted and replaced with the following:

#### **Revise and keep in the Faculty Manual.**

#### Harassment and Discrimination Policies and Procedures of East Carolina University\*

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\* East Carolina University's Office of Equity, Diversity, and Community Relations policies on non-discrimination in recruitment and hiring are contained in *Part VI, General Personnel Information* of the *ECU Faculty Manual*.

##### I. Rationale

Well publicized policies and procedures such as these will help to create an atmosphere in which individuals who believe that they are the victims of harassment or discrimination are assured that their grievances will be dealt with fairly and effectively. It is more important still to create an atmosphere in which instances of harassment or discrimination are discouraged. Toward this end, all members of the university community should understand that harassment, discrimination, and improperly executed or exploited supervisory relationships violate the university's policy and will not be tolerated. Members of the university community are encouraged to express freely, responsibly, and in an orderly way their opinions and feelings about any problem or complaint of harassment or discrimination prohibited under these policies. East Carolina University will take every step to resolve grievances promptly and confidentially. Any act by a university employee or student of reprisal, interference, restraint, penalty, discrimination, coercion, retaliation, or harassment against an employee or a student for using these policies responsibly interferes with free expression and openness and violates this policy. Accordingly, members of the university community are prohibited from acts of reprisal and/or retaliation against those who file complaints, are involved as witnesses, or otherwise try to use these policies responsibly.

##### II. Policy on Harassment and Discrimination

It is the responsibility of members of the university community to strive to create an environment free of harassment and discrimination, and free of unprofessional bias in the supervision and evaluation of students and employees. It is against the policies of East Carolina University for its employees or students to create a hostile and/or discriminatory University or work-place environment for an individual or group because of the individual's age, color, creed, disability, gender, genetic information, national origin, political affiliation, race/ethnicity, religion, sexual

orientation, or veteran's status. For a list of definitions of each protected class, see: <http://www.ecu.edu/cs-acad/edc/ProtectedClassGrievances.cfm>

### III. Grievances Against East Carolina University Students

Complaints brought against East Carolina University students by East Carolina University students, faculty, staff, administrators, or visitors are governed by the grievance procedures presented in the *Student Handbook*.

### IV. Grievances Against East Carolina University Staff

Complaints brought against East Carolina University Staff by East Carolina University students, faculty, staff, administrators, or visitors are governed by the grievance procedures stated in Policy Statement 7: Employee Relations of the Human Resources section of the *ECU Business Manual*, see [http://www.ecu.edu/business\\_manual/Human\\_Resources\\_Policy7B.htm](http://www.ecu.edu/business_manual/Human_Resources_Policy7B.htm)

### V. Grievances Against East Carolina University Faculty Members or Administrators Holding Faculty Status

Complaints brought against East Carolina University faculty members or administrators holding faculty status by East Carolina University students, faculty, staff, administrators or visitors ordinarily are governed by the grievance procedures stated in Appendix X of the *ECU Faculty Manual*.

### VI. Education of Students, Staff, and Faculty

The East Carolina University Office of Equality, Diversity and Community Relations ("EDC") will develop educational materials to be distributed to students, staff, and faculty. These materials will publicize the policies and procedures and help create a proper academic atmosphere that is free of harassment and discrimination. Each year the EDC office will review the effectiveness of the educational materials and procedures and make any necessary revisions. All materials will be reviewed by the University Attorney before they are distributed.

### VII. Disciplinary Action

See Appendix X of the *ECU Faculty Manual* for the policies and procedures governing disciplinary actions that may be taken against faculty members who violate these policies.

#### I. ~~Rationale~~

~~Well-publicized policies and procedures such as these will help to create an atmosphere in which individuals who believe that they are the victims of sexual harassment or discrimination are assured that their grievances will be dealt with fairly and effectively. It is more important still to create an atmosphere in which instances of sexual harassment or discrimination are discouraged. Toward this end, all members of the university community should understand that sexual harassment, sexual discrimination, and sexual exploitation of professional relationships violates the University's policy and will not be tolerated. Members of the university community are encouraged to express freely, responsibly, and in an orderly way their opinions and feelings about any problem or complaint of harassment or discrimination prohibited under these policies. East Carolina University will take every step to resolve grievances promptly and confidentially. Any act by the university's employees or students of reprisal, interference, restraint, penalty, discrimination, coercion, or harassment against a student or an employee for using these policies responsibly interferes with free expression and openness, and violates this policy. Accordingly, members of the university community are prohibited from acts of reprisal against individuals who bring charges or are involved as witnesses or otherwise try to use these policies responsibly.~~

#### II. ~~Policy on Sexual Harassment, Discrimination, and Conflicts of Interest~~

## ~~A. Introduction~~

~~Sexual harassment and discrimination are illegal and endanger the environment of tolerance, civility, and mutual respect that must prevail if the University is to fulfill its mission. East Carolina University is committed to providing and promoting an atmosphere in which employees can realize their maximum potential in the work place and students can engage fully in the learning process.~~

~~Further, amorous relations between a student and a University employee who is responsible for supervising or evaluating the student, or between an employee and the person supervising that employee may derogate the merit principle of supervision and evaluation. This policy is the university's statement of its intent to prohibit sexual harassment and discrimination, and to prohibit amorous relations between the University's employees and students, and employees and supervisors when these relations create a risk of favoritism.~~

## ~~B. Definitions~~

### ~~1. Sexual Harassment~~

~~The following constitute sexual harassment:~~

- ~~a. Making verbal remarks or committing physical actions that propose to people of either sex that they engage in or tolerate activities of a sexual nature in order to avoid some punishment or to receive some reward;~~
- ~~b. Singling out people of either sex and creating or attempting to create a hostile university or working environment or otherwise attempting to harm or harming people because of their sex.~~
- ~~c. Continuing verbal or physical conduct of a sexual nature when the person or persons the conduct is directed toward has indicated clearly, by word or action, that this conduct is unwanted.~~

### ~~2. Sexual Discrimination~~

~~Sexual discrimination consists of actions that subject employees or students to unequal treatment on the basis of their sex.~~

### ~~3. Conflicts of Interest~~

~~Consensual amorous relationships in which one person is responsible for supervising or evaluating the other create conflicts of interest because they impair or reasonably can be expected to impair the professional judgment of the supervisor.~~

## ~~C. Policy~~

~~It is the responsibility of members of the university community to strive to create an environment free of sexual harassment and discrimination, and free of unprofessional bias in the supervision and evaluation of students and employees.~~

- ~~1. It is against the policies of East Carolina University for its employees or students to propose to other employees or students that they engage in or tolerate activities of a sexual nature in order to avoid some punishment or to receive some reward.~~
- ~~2. It is against the policies of East Carolina University for its employees or students to create a hostile University or work place environment for an individual or group because of the individual's or the group's sex.~~
- ~~3. It is against the policies of East Carolina University for its employees or students to subject other employees or students to unequal treatment on the basis of their sex.~~
- ~~4. It is against the policies of East Carolina University for its employees or students to continue verbal or physical conduct of a sexual nature when the employees or students of the University toward whom such conduct is directed indicate clearly, by word or action, that such conduct is unwanted.~~
- ~~5. It is against the policies of East Carolina University for any employee of the university to engage in consensual amorous relationships with students or other university employees~~

whom the employee is or will be supervising or evaluating. (This policy does not apply in cases where both the amorous relationship and the supervising or evaluating relationship were initiated before the policy's adoption date.) —

III. — ~~Grievances Against East Carolina University Students~~

~~Complaints brought against East Carolina University students by East Carolina University students, faculty, staff, administrators, or visitors are governed by the grievance procedures presented in the *Student Handbook*.~~

IV. — ~~Grievances Against East Carolina University Staff~~

~~Complaints brought against East Carolina University Staff by East Carolina University students, faculty, staff, administrators, or visitors are governed by the grievance procedures stated in the *ECU Business Manual*.~~

V. — ~~Grievances Against East Carolina University Faculty Members or Administrators Holding Faculty Status~~

~~Complaints brought against East Carolina University faculty members or administrators holding faculty status by East Carolina University students, faculty, staff, administrators or visitors ordinarily are governed by the grievance procedures stated in the *ECU Faculty Manual*. However, if a faculty member raises allegations of sexual harassment or discrimination, or conflict of interest during a hearing he or she requested before the Due Process Committee, the Reconsideration Committee, or the Faculty Hearing Committee (in accordance with the policies and procedures set forth in the *ECU Faculty Manual, Appendix D, Tenure and Promotion Policies and Procedures of East Carolina University*), the relevant committee shall determine the merits and bearing, if any, of the allegations raised by the faculty member on the matter before the committee. Such actions by the Due Process Committee, the Reconsideration Committee, or the Faculty Hearing Committee shall not preclude a faculty member from independently bringing a complaint of sexual harassment or discrimination, or conflict of interest in accordance with the grievance procedures stated in the *ECU Faculty Manual, Appendix X*. The outcome of an Appendix X grievance brought by a faculty member against other faculty members or administrators holding faculty status either may be appealed in accordance with the provisions for appeal set forth in *Appendix X, Grievance Procedures for Complaints of Sexual or Racial Harassment or Discrimination or Conflict of Interest Brought Against ECU Faculty Members or Administrators Holding Faculty Status*, or may be appealed before the Faculty Grievance Committee in accordance with the policies and procedures set forth in *ECU Faculty Manual, Appendix D, Tenure and Promotion Policies and Procedures of East Carolina University*, but not both.~~

VI. — ~~Education of Students, Staff, and Faculty~~

~~The Committee on the Status of Women or its successor will develop educational materials to be distributed to students, faculty and staff. These materials will publicize the policies and procedures and help create a proper academic atmosphere that is free of sexual discrimination and harassment. Each year the Committee on the Status of Women will review the effectiveness of the educational materials and procedures and make any necessary revisions. All materials will be reviewed by the campus attorney before they are distributed.~~

VII. — ~~Disciplinary Action~~

~~— See section I of Appendix X of the *ECU Faculty Manual* for the policies and procedures governing disciplinary actions that may be taken against faculty members who violate these policies.~~

Approved: Faculty Senate Resolution #91-49, 12 December 1991, ECU Chancellor

Amended: Faculty Senate Resolution #96-16, April 1996