

ELIZABETH CITY STATE UNIVERSITY
Sexual Harassment Policy

Preamble

Sexual harassment is an unlawful type of gender discrimination, which may involve harassment of women by men, harassment of men by women, and harassment between individuals of the same sex. Sexual harassment is made unlawful pursuant to Title VII of the Civil Rights Act of 1964 and Title IX of the Education Amendments of 1972.

Sexual harassment, in any form as defined herein, would seriously threaten Elizabeth City State University's objective of promoting excellence. The University is dedicated to fostering an environment in which employees can work effectively and students can achieve success. Therefore, sexual harassment will not be tolerated at ECSU and is expressly prohibited. This policy applies to the entire University community including: faculty, staff, students, agents and applicants for employment and admission to University programs.

1. Definition

Sexual harassment refers to unwelcome sexual advances, unwelcome requests for sexual favors or other unwelcome verbal and/or physical conduct of a sexual nature when:

- A. submission to such conduct is made as either an expressed or implied term or condition of an individual's employment or academic standing; or
- B. submission to or refusal of such conduct is used as grounds for a decision concerning an individual's employment or academic standing; or
- C. such conduct is so extreme or constant that a reasonable person would find that it:
 1. alters the terms or conditions of a person's employment or educational experience, or
 2. unreasonably interferes with an individual's work or performance in a course, program, or activity, which thereby creates a hostile or abusive working or educational environment.

2. Complaint Procedure

A. Initiating a Complaint

Complaints of sexual harassment should be reported promptly and will be handled expeditiously. Anyone within the University community who seeks to lodge a complaint of sexual harassment shall proceed as follows based upon the status of the accused individual:

1. If the accused individual is a member of the faculty or staff, an oral or written complaint should be made to that individual's supervisor, academic department chairperson, or the Equal Employment Opportunity Officer.
2. If the accused individual is a senior administrative officer, an oral or written complaint should be made to that individual's superior or the Equal Employment Opportunity Officer.
3. If the accused individual is a student, an oral or written complaint should be made to the Vice Chancellor for Student Affairs or the Equal Employment Opportunity Officer.
4. If that accused is an individual other than categorized above, an oral or written complaint should be made to the Equal Employment Opportunity Officer.

B. Confidentiality

The full extent of confidentiality provided by law to employee personnel records and student educational records will be given to information which is generated in conjunction with a sexual harassment investigation except to the extent that information needs to be disclosed in order for the University to effectively investigate the complaint or take appropriate action. Any individual who, without authorization, discloses any such information is subject to disciplinary action.

It should be noted that the accused will be informed of the specific details of any complaints of sexual harassment.

C. Groundless Complaints

This policy shall not be utilized to commence false or malicious complaints against members of the University community. Any individual who makes a complaint in bad faith is subject to disciplinary action.

D. Retaliation

Any act of retaliation against an individual who asserts a sexual harassment complaint or who cooperates in a sexual harassment investigation is expressly prohibited.

E. Responsibilities of the Individual Receiving the Complaint

The individual who receives a sexual harassment complaint must proceed as follows:

1. Comply with the confidentiality requirements;
2. Take written notes of the allegation;
3. Inform the complainant of the various options for handling a sexual harassment complaint, as set forth herein, and document the complainant's choice for resolution;
4. Notify the Assistant to the Chancellor for Legal Affairs, in writing, of the complaint and of the option selected by the complainant for handling the complaint; and
5. If the complaint is received by an individual other than the Equal Employment Opportunity Officer, notify the Equal Employment Opportunity Officer, in writing, of the complaint and of the option selected by the complainant for handling the complaint.

3. Options For Resolution

A sexual harassment complaint may be resolved through either an informal or formal process, at the option of the complainant. The complainant also has the option of withdrawing a complaint at any time. However, the University reserves the right to investigate all complaints of sexual harassment where necessary to protect the interests of the University community.

A. Informal Processes

1. Individual Resolution

The complainant may seek to resolve the matter directly with the accused individual. If this alternative is chosen, the complainant must report back to the individual receiving the complaint within fourteen (14) calendar days of selecting this alternative for resolution.

2. Mediation

The complainant may seek resolution through mediation. If mediation is selected, the individual receiving the complaint shall inquire as to whether the accused is willing to participate in mediation. If the accused is willing to participate in mediation, a mediator shall be selected by mutual agreement of the complainant and the accused. The mediator will not conduct an investigation or determine culpability but will facilitate discussions and suggest resolutions. At the conclusion of the mediation, the mediator will report the result to the individual receiving the complaint.