



Procedure 6.10: Non-Discrimination and Anti-Harassment Policy

Volume 6: Human Resources

Managing Office: Office of Human Resources

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## **I. PURPOSE**

Alabama A&M University is committed to providing a workplace and educational environment, programs, and activities free of discrimination and harassment. This policy does not allow curtailment or censorship of constitutionally protected expression. This procedure applies to present and former employees of the University, students, applicants for admission or employment, and participants in University programs or activities (includes customers for services, vendors, contractors, and volunteers).

## **II. POLICY STATEMENT**

The University is committed to a work environment in which all individuals are treated with respect and dignity. Therefore, discrimination or harassment based on age, race, gender, color, religion, national origin, disability, genetic information, sexual orientation, covered veteran status, or any other characteristics protected under state, federal, or local law will not be tolerated. This policy applies to all applicants, employees, students, guests, vendors, and persons doing business with the University.

## **III. POLICY**

These policies specifically prohibit harassment, discrimination and retaliation whether engaged in by fellow employees, by a supervisor or manager or by someone not directly connected to the University. (e.g., an outside vendor or customer). Sexual harassment, which is one type of prohibited harassment, is defined as:

Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

- Submission to such conduct is made a term or condition, either explicitly or implicitly, of an individual's employment;
- Submission to or rejection of such conduct by an individual is used as a factor in decisions affecting that individual's employment; or
- Such conduct has the purpose or effect of interfering with an individual's work performance or creates an intimidating, hostile, or offensive working environment.

Sexual harassment may include a range of subtle and not so subtle behaviors and may involve individuals of the same or different gender. Examples of conduct prohibited by this policy include, but are not limited to:

- Unwelcome sexual flirtation, advances, or propositions;
- Verbal comments related to an individual's age, race, gender, color, religion, national origin, disability, or sexual orientation;
- Explicit or degrading verbal comments about another individual or his/her appearance;
- Commentary about an individual's body, sexual prowess or sexual deficiencies;
- Leering, catcalls or touching;
- Insulting or obscene comments or gestures;
- The display of sexually suggestive pictures or objects in any workplace location including transmission or display via computer or cell phone (for example, emails or texts);
- Any sexually offensive or abusive physical conduct;
- The taking of or the refusal to take any personnel action based on an employee's submission to or rejection of sexual overtures; and
- Sexually suggestive cartoons or jokes, whether displayed in the workplace, written, verbally stated, or exchanged via email, text messaging, instant messaging, or any other form of communication.

- The taking of refusing to take any action on behalf of the University based on a student's submission to or rejection of sexual overtures.

Harassment on the basis of race, color, religion, national origin, age, disability, sexual orientation or citizenship status, or any other characteristic protected by law, is also strictly prohibited.

Harassing conduct includes, but is not limited to: epithets, slurs or negative stereotyping; threatening, intimidating, or hostile acts; denigrating jokes and display or circulation in the workplace of written or graphic material that denigrates or shows hostility or aversion toward an individual or group (including through e-mail or text messaging).

The University strongly urges the reporting of all incidents of discrimination, harassment or retaliation, regardless of the offender's identity or position within the institution. Early reporting and intervention have proven to be the most effective method of resolving actual or perceived incidents of harassment or discrimination. Individuals who believe they have experienced conduct that is contrary to the University's policy, or who have concerns about such matters should report their complaints or concerns to their immediate supervisor or the Human Resources Director as soon as possible after the offending conduct occurs so that rapid and constructive action may be taken.

The availability of this complaint procedure does not preclude individuals who believe they are being subjected to harassing conduct from promptly advising the offender that his or her behavior is unwelcome, and requesting that the conduct be discontinued immediately.

Any reported incident will be investigated by the Director of Human Resources or his/her designee promptly, thoroughly and impartially. Complaints and actions taken to resolve complaints will be handled as confidentially as possible, given the University's obligations to investigate and act upon reports of such harassment. Confidentiality will be maintained throughout the investigation of any complaint to the extent possible, while remaining consistent with the goal of conducting a thorough investigation and implementing corrective action, as appropriate. Appropriate actions will be taken by the University to stop and remedy any such conduct, including the possibility of interim measures being taken during a period of investigation.

Retaliation or discrimination of any kind against an employee or student who makes a good faith report of a suspected incident of harassment or discrimination, or who cooperates in an investigation is prohibited. However, if after investigating any complaint of unlawful discrimination, the University determines that an employee or student intentionally provided false information regarding a complaint and/or intentionally provided false

information during the investigation of a complaint, disciplinary action may be taken, up to and including termination in the case of an employee and reporting of such action to the judicial board in the case of a student.

An employee who violates this policy or retaliates against an employee or student in any way will be subject to disciplinary action up to and including termination.

#### **IV. PROCEDURE**

A complaint may be filed with the Office of Human Resources (HR) by any present or former employee of the University, student, applicant for admission or employment, or participant in a University program or activity, who believes (s)he has been discriminated against or harassed in violation of this Policy. Any such complaint must be filed within 300 calendar days of the incident. The Complaint Form can be found at:

<http://www.aamu.edu/administrativeoffices/hrservices/Documents/Complaint%20Form.pdf>