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## Sexual Harassment Policy

### **Objective:**

The purpose of this policy is to define sexual harassment, provide procedures for the investigation of sexual harassment claims, and ensure that violations are remedied fully.

### **Scope:**

This policy applies to all employees of The Citadel.

### **Policy Statement:**

Sexual harassment is unwanted sexual attention of a persistent or offensive nature made by a person who knows, or reasonably should know, that such attention is unwanted. Sexual harassment includes sexually oriented conduct that is sufficiently pervasive or severe. Sexual harassment unreasonably interferes with an employee's job performance or creates an intimidating, hostile, or offensive working environment. While sexual harassment encompasses a wide range of conduct, some examples of specifically prohibited conduct include, but are not limited to:

- Promising, directly or indirectly, an employee a reward, if the employee complies with a sexually oriented request;
- Threatening, directly or indirectly, to retaliate against an employee, if the employee refuses to comply with a sexually oriented request;
- Denying, directly or indirectly, an employee an employment related opportunity, if the employee refuses to comply with a sexually oriented request;
- Engaging in sexually suggestive physical contact or touching another employee in a way that is unwelcome;
- Displaying, storing, or transmitting pornographic or sexually oriented materials using The Citadel's equipment or facilities;
- Engaging in indecent exposure
- Making sexual or romantic advances toward an employee and persisting, despite the employee's rejection of the advances.

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Sexual harassment can be physical and/or psychological in nature. An accumulation of a series of incidents can constitute sexual harassment even if one of the incidents considered on its own would not be harassing.

Employees are prohibited from harassing other employees whether or not the incidents of harassment occur on The Citadel's premises and whether or not the incidents occur during working hours.

Sexual harassment can involve males or females being harassed by members of either sex. Although sexual harassment typically involves a person in a greater position of authority as the harasser, individuals in positions of lesser or equal authority also can be found responsible for engaging in prohibited harassment. Consensual sexual or romantic relationships between employees are deemed unwise and are strongly discouraged if one employee has supervisory authority over the other employee (*Refer to Policy – "Dating and Personal Relationships Among Employees"*).

**RESPONSIBILITIES:**

***Employees***

***If employees believe that they have been subject to sexual harassment or any unwanted sexual attention, they should:***

- Make a written record of the date, time, and nature of the incident(s) and the names of any witnesses, and
- Report the harassment to their supervisor immediately. If the employee's immediate supervisor is the source of the alleged harassment, the employee should report the problem to the supervisor's superior.
- Report the incident to the Chief Diversity Officer.
- All incidents of sexual harassment or inappropriate sexual conduct must be reported regardless of their seriousness.

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### *Supervisors*

*Supervisors must deal expeditiously and fairly with allegations of sexual harassment within their departments whether or not there has been a written or formal complaint. Supervisors must:*

- Take seriously complaints received from employees of sexual harassment or inappropriate sexually oriented conduct;
- Ensure that harassment or inappropriate sexually oriented conduct is reported to The Chief Diversity Officer.
- Take corrective action to prevent prohibited conduct from reoccurring.

### *Chief Diversity Officer*

*The Chief Diversity Officer is responsible for:*

- Ensuring that both the individual filing the complaint (hereafter referred to as the complainant) and the accused individual (hereafter referred to as the respondent) are aware of the seriousness of a sexual harassment complaint;
- Explaining The Citadel's sexual harassment policy and investigative procedures to the complainant and the respondent;
- Exploring informal means of resolving sexual harassment complaints;
- Arranging or conducting an investigation of the alleged harassment and the preparation of a written report. Investigations will be completed by either by the Chief Diversity Officer or by an Employee Relations Representative assigned by the Chief Diversity Officer.

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### **Informal Resolution Procedures**

Employees often can stop or prevent sexual harassment by immediately and directly expressing their disapproval of an individual's sexually oriented attention or conduct. In any case, employees should report all incidents of sexual harassment or inappropriate sexually oriented conduct to their supervisor and the Chief Diversity Officer. In many cases, a supervisor's informal warning to an alleged harasser combined with appropriate follow-up supervision and monitoring of the employee's behavior might be sufficient to prevent or stop sexual harassment. Some complaints can be resolved through informal mediation between the two parties. The Chief Diversity Officer and/or assigned Employee Relations Representative arranges or facilitates mediation between the parties and coordinates other informal resolution measures.

If mediation is successful, a written resolution agreement must be prepared. Generally, the mediation agreement includes:

- A pledge by the respondent not to engage in any behavior that could be construed as in violation of this policy.
- A promise by the respondent not to retaliate against the complainant;
- The restoration of any employment terms, conditions, or opportunities the complainant lost or was denied because of the harassment, and for any other relief necessary to remedy the situation; and
- Procedures for monitoring compliance with the agreement.
- The resolution agreement must be in writing, signed by both parties, and approved by the Director of Human Resources and the Chief Diversity Officer.
- If the complaint cannot be resolved informally, the Chief Diversity Officer will assist the complainant in filing a written sexual harassment complaint.

### **Formal Resolution Procedures**

All incidents of sexual harassment or inappropriate sexually oriented conduct should be reported. To initiate a formal investigation into an alleged violation of this policy, employees also must file a sexual harassment complaint with The Citadel's Chief Diversity Officer. Complaints should be filed as soon as possible after an incident of alleged sexual harassment. The Chief Diversity Officer assists the complainant in completing a Sexual Harassment Complaint Form (see EEO and HR Websites for form)

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*To ensure the prompt and thorough investigation of a sexual harassment complaint, the complainant should provide as much of the following information as is possible:*

- The name, department, and position of the person or persons allegedly causing the harassment;
- A description of the incident(s), including the date(s), location(s), and the presence of any witnesses;
- The alleged affect of the incident(s) on the complainant's position, salary, benefits, promotional opportunities, or other terms or conditions of employment;
- The names of other employees who might have been subject to the same or similar harassment;
- The steps the complainant has taken to try to stop the harassment; and
- Any other information the complainant believes to be relevant to the harassment complaint.

### **Discipline**

Alleged retaliation against a sexual harassment complainant will result in non-disciplinary oral counseling. Any form of proven retaliation will result in suspension or discharge upon the first proven offense, depending upon the nature and severity of the retaliatory acts, and discharge upon the second proven offense.

Employees who violate this policy are subject to appropriate discipline, up to and including termination. If an investigation results in a finding that this policy has been violated, the mandatory minimum discipline is a written reprimand. The discipline for very serious or repeat violations is termination of employment. Persons who violate this policy also are subject to civil damages or criminal penalties.

Supervisors who knowingly allow or tolerate sexual harassment are in violation of this policy and subject to discipline, up to and including termination.

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Any employee who, in good faith, reports an alleged incident of sexual harassment will under no circumstances be subject to reprisal or retaliation of any kind. Any employee who feels he or she has been subjected to such adverse actions should report him/her to his or her supervisor, the Human Resources Department, or the Chief Diversity Officer. Any employee, however, who is found to have knowingly made a false accusation of sexual harassment or retaliation may be subject to appropriate disciplinary action up to and including termination.

### **Confidentiality**

All inquiries, complaints, and investigations are treated confidentially. Information is revealed strictly on a need to know basis. Information contained in a formal complaint is kept confidential. However, the identity of the complainant usually is revealed to the respondent and witnesses. The Chief Diversity Officer and/or assigned Employee Relations Representative will take adequate steps to ensure that the complainant is protected from retaliation.

All information pertaining to a sexual harassment complaint or investigation is maintained by the Chief Diversity Officer in secure files. The Chief Diversity Officer explains the procedures for handling information related to sexual harassment complaints and investigations to complainants and respondents.

### **Other Available Procedures**

Employees who are dissatisfied with the resolution of a sexual harassment complaint may file a complaint through The Citadel's grievance procedures. No employee will be subject to any form of retaliation or discipline for pursuing a sexual harassment complaint.

The procedures available under this policy do not preempt or supersede any legal procedures or remedies otherwise available to a victim of sexual harassment under state or federal law.

### **Administration**

This policy will be administered through The Office of the Equal Opportunity and Diversity.

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