



Personnel Policies for Lincoln University Staff

The guiding principle for these policies is *The Rules and Regulation of Lincoln University* • Chapter I University Governance: Structure and Functions • Chapter VI Administration and Finance • Chapter VIII University Employment • HRSHB 8.3

Effective August 13, 2009

[Letter from the President](#)

[Rules and Regulations](#)

[Adjunct Handbook](#)

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[Faculty Handbook](#)

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[Staff Handbook](#)

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Sexual Harassment Complaint Policy and Procedures

Employees covered by this policy

This policy applies to all Faculty, Staff and Hourly employees at LU and applicants of positions.

Policy

It is the policy of Lincoln University to provide a workplace environment that is free from sexual harassment, to assure compliance with federal and state employment law, and to provide a proper code of conduct for its employees. This policy applies to all employees of the university, who are advised to promptly report occurrences of sexual harassment. Employees found to be in violation of this policy shall be subject to disciplinary action including termination.

Sexual harassment is a form of sex discrimination that violates Title VII of the Civil Rights Act of 1964. Sexual harassment includes unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when the conduct explicitly or implicitly affects an individual's employment, unreasonably interferes with an individual's work performance, or creates an intimidating, hostile, or offensive work environment.

The circumstances of sexual harassment include but are not limited to the following:

- The victim, as well as the harasser, may be a woman or a man. The victim does not have to be of the opposite sex.
- The harasser can be the victim's supervisor, an agent of the employer, a supervisor in another area, a co-worker, or a non-employee.
- The victim does not have to be the person harassed but could be anyone affected by the offensive conduct.
- Unlawful sexual harassment may occur without economic injury to or discharge of the victim.
- The harasser's conduct must be unwelcome.

It is unlawful to retaliate against an individual for opposing employment practices that discriminate based on sex or for filing a discrimination charge,

testifying, or participating in any way in an investigation, proceeding, or litigation under Title VII.

The procedures for initiating, processing, and resolving a complaint are stated below.

Informal Resolution Step

If an individual is an employee and believes that he or she has been subjected to sexual harassment, the employee is advised to discuss the matter and seek informal resolution with his/her immediate supervisor unless the supervisor is the respondent. If so, the employee should discuss the matter with the next in line of authority. The complainant must initiate the complaint process within 30 days following the alleged discriminatory action or the date on which the complainant first knew, or reasonably should have known, of the occurrence. The supervisor will attempt a voluntary and informal means of resolving the complaint if possible within 5 days of notification. The supervisor should maintain a written summary of the discussion.

Formal Resolution Step

If informal resolution isn't acceptable, then the complainant will be asked to put forth a written statement with pertinent information of the complaint matter to the Complaint Coordinator, Executive Assistant to the President within 5 days. The formalized written statement needs to include: a description of the alleged discriminatory action, the individual(s) involved, when it occurred, witnesses and evidence of the alleged action, and what recourse is requested. Once a formalized written statement of complaint matter is filed, the Complaint Coordinator will refer the complaint to the appropriate university official for investigation within 5 days, the university official will conduct a fact-finding investigation.

The investigator will talk to the parties involved, review all relevant records and evidence, and interview witnesses. The investigator will conclude with a written report that summarizes the results and a finding. The conclusion could be a "substantiated" finding that could result in some type of corrective action by the University. The conclusion could be an "unsubstantiated" finding which will result in no corrective action. The investigation outcome could be "inconclusive".

The investigator will submit the fact-finding summary report to the Complaint Coordinator within 10 days; the Complaint Coordinator will notify the involved parties in writing as to the outcome of the fact-finding investigation, including any action to be taken within 10 days. The Complaint Coordinator will attempt to ensure timely processing of the complaint at all steps but may determine an extension of these time frames as necessary. The Complaint Coordinator will inform either party of his/her right to elect to proceed to the next step in the complaint resolution process; the written request for a review by the Internal Grievance Panel.

If a request for a review by the Internal Grievance Panel is made in writing by one of the parties, the Complaint Coordinator will refer the request to the Internal Grievance Panel Chairperson.

Internal Grievance Panel Review Step

The Internal Grievance Panel Chairperson will call a meeting of the whole membership, at which time a subcommittee will be selected to review the complaint matter. The subcommittee composition will have a diverse demographic representation of members that reflects the workforce as much as possible. The Internal Grievance Panel's designated subcommittee will have the authority to conduct the complaint review, issue findings and recommendations.

The designated subcommittee will conduct a review of the fact-finding report pertaining to the investigation of the complaint. The subcommittee may conduct a hearing to listen to testimony of the involved parties including witnesses and review any evidence relating to the alleged violation occurrence. The subcommittee must determine whether the complaint is substantiated, unsubstantiated or inconclusive and recommend any corrective action where appropriate.

The Internal Grievance Panel's designated subcommittee will submit its findings and recommendation to the Complaint Coordinator. This resolution step should be completed with 15 days of receipt of the written request for an impartial review. Should the panel decide that the complexities of the investigation prevent a conclusion within this time frame; the deadline may be extended upon approval by the Complaint Coordinator.

President's Decision Step

Following receipt of the Internal Grievance Panel's subcommittee written findings and recommendation, the Complaint Coordinator will ask the President to make a written determination as to the result of the findings of the complaint matter and provide a copy of the determination to the parties within 15 days. The President will include a statement indicating what action (if any) will be taken as a result of the complaint.

The President's written determination concludes the University's internal complaint process.

Appendix A: Examples of Sexual Harassment

The following are a few examples of situations which could lead to allegations of sexual harassment. This does not purport to be an exhaustive list.

A male craft worker continually makes off-color, sexual jokes about women in front of a new female apprentice. In addition, he does not give her important training she needs to successfully complete her apprenticeship and puts her down in front of her co-workers. When she discusses the

situation with her supervisor, she is told to ignore it. In addition, when the supervisor witnesses the behavior, no action is taken to stop it.

When an affair between a supervisor and one of his employees goes sour, he refuses to share important information with the employee and gives them poor performance reviews in retaliation for breaking off the relationship.

A clerical worker is promised a promotion if they agree to date their supervisor.

After a doctoral student refuses the sexual advances of his/her dissertation director, they begin to receive extreme, negative criticism, challenging the scholarly worth of her dissertation, although previously the proposal had been given the director's full support.

A professor constantly asks one of his/her students to accompany him to a local restaurant to discuss their work. At first the professor discusses matters related to their course work, but lately he has begun talking about his recent divorce, as well as telling the student how pretty they are and how much he would like to get to know them better. Eventually the professor asks him/her to go out with him. The student states that they would rather simply continue to discuss the course work, but the professor insists that they go out next weekend just to have fun.

Not knowing what to do, a student confides in a female faculty member, stating that she is extremely uncomfortable with the advances of one of her professors. Uneasy about discussing the matter with her colleague or the dean, the professor tells the student she can be counted on to lend a sympathetic ear, but otherwise makes no attempt to report.

In the hospital hallway, a male doctor and a male student health care professional once again discuss the physical attractiveness of a female patient. A female student health care professional feels embarrassed and excluded by the conversation. She suspects that she has also been the topic of a similar conversation. When she expresses her feelings of discomfort, she is told there is no harm intended and that she needs to "grow up" if she wants to be successful on this clinical rotation.

