

Policy Against Discrimination, Harassment, and Bullying

In keeping with the historical values of Elizabethtown College, the College endeavors to treat all employees with dignity, justice, and fairness.

Elizabethtown College does not tolerate discrimination or harassment of any kind, or bullying against any member of the Elizabethtown College community. The College is committed to the existence of a respectful, safe, and healthy work and learning environment and will ensure that federal and state laws, as well as College regulations prohibiting violence and discrimination, are fully enforced.

This policy is to be implemented throughout the College and is the responsibility of all departments and personnel, supervisory and nonsupervisory. Failure to abide by this policy shall result in disciplinary action, up to and including immediate termination of employment. Further, threatening, violent, discriminatory, or harassing conduct is subject to expulsion from the College or possible civil or criminal prosecution.

Any employee or student of the College who believes he/she is being subjected to conduct that violates this policy, including any discrimination, harassment (sexual or other discriminatory harassment) or bullying is encouraged to report the situation in accordance with the reporting procedures set forth below.

Discrimination

Elizabethtown College does not discriminate on the basis of gender, race, color, religion, age, disability, veteran status, national or ethnic origin, ancestry, sexual orientation, gender identity and expression, genetic information or any other characteristic protected by the applicable federal, state and local laws. Discrimination or harassment of any kind is strictly forbidden.

Harassment

The College defines harassment as any behavior, verbal or physical, which creates an intimidating, hostile or offensive work, learning, or living environment, particularly if questionable behavior is repeated and/or if it continues after the offending party is informed of the objectionable and/or inappropriate nature of the behavior, and which is based on individual characteristics including gender, race, color, religion, age, disability, veteran status, national or ethnic origin, ancestry, sexual orientation, gender identity and expression or any other legally protected status.

Definitions:

Examples of the most common types of harassment include but are not limited to:

- **Verbal harassment**, such as jokes, epithets, slurs, negative stereotyping, and unwelcome or patronizing remarks about an individual's body, color, physical characteristics, or appearance.
- **Physical harassment**, such as physical interference with normal work, impeding or blocking movements, assault, unwelcome physical contact, staring at a person's body, or threatening, intimidating, or hostile acts that relate to a protected characteristic.
- **Visual harassment**, such as offensive or obscene photographs, calendars, posters, e-mails, cards, cartoons, drawings and gestures, display of lewd objects, unwelcome notes or letters, or any written, electronic, or graphic material that denigrates or shows hostility or aversion toward an individual.
- **Sexual harassment**, which is specifically defined as sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature or conduct directed toward another person because of his/her gender where:
 - Submission to such conduct is made -- either implicitly or explicitly -- a term or condition of a person's academic or employment status;
 - Such behavior has the purpose or effect of substantially interfering with the individual's academic or work performance or creating an intimidating, hostile or offensive classroom or working or academic environment; or
 - Submission to or rejection of such conduct by an individual is used as a basis for decisions affecting the individual.

- **Sexual violence**, including physical sexual acts perpetrated against a person's will or where a person is incapable of giving consent due to the victim's use of drugs or alcohol or due to an intellectual or other disability.
- **Gender-based harassment**, which may include acts of verbal, nonverbal, or physical aggression, intimidation, or hostility based on sex or sex stereotyping, even if these acts do not involve conduct of a sexual nature.

Bullying

The College is committed to the elimination of all forms of bullying and will ensure that procedures exist to allow complaints of bullying to be dealt with and resolved without limiting any person's entitlement to pursue resolution of their complaint within the relevant statutory authority.

Definitions:

Bullying is unwelcome or unreasonable behavior that demeans, intimidates, or humiliates people either as individuals or as a group. Bullying behavior is often persistent and part of a pattern, but it can also occur as a single incident. It is usually carried out by an individual but can also be an aspect of group behavior. Context is important in understanding bullying, particularly verbal communication. There is a difference between friendly banter exchanged by colleagues and comments that are meant to be, or are taken as, demeaning.

Mobbing is a particular type of bullying behavior carried out by a group rather than by an individual. Mobbing is the bullying or social isolation of a person through collective unjustified accusations, humiliation, general harassment, or emotional abuse. Although it is group behavior, specific incidents such as an insult or a practical joke may be carried out by an individual as part of mobbing behavior.

Bullying is unacceptable behavior because it breaches principles of equality and fairness, and it frequently represents an abuse of power and authority. It also has potential consequences for everyone involved.

Reporting Procedures for Discrimination, Harassment, and Bullying

Any employee who believes he/she is being subjected to discrimination, harassment (sexual or other discriminatory harassment) or bullying shall report the situation to his/her supervisor or the Associate Vice President for Human Resources. A complaint should be made in writing whenever possible, including as much information as possible, such as details of the alleged incident, dates, names of those involved in the harassment, any physical evidence that may exist, and the names of any individuals who may have observed or witnessed the conduct.

Any employee who witnesses, receives a complaint, or otherwise learns of conduct that is in violation of the policies related to discrimination, harassment, or bullying is required to refer the matter to his/her supervisor or the Associate Vice President for Human Resources. Any incident or complaint involving a student should be reported to the Dean of Students.

The College will act promptly and appropriately upon any information that it obtains which indicates that any violation of this policy has taken place. Prompt and appropriate action will be taken pending an investigation to ensure that any prohibited conduct that might exist does not continue.

Informal Resolution

It may be possible and appropriate to resolve the reported offense informally. The supervisor, in consultation with the Associate Vice President for Human Resources will document the complaint and informal steps taken to resolve the concern. Documentation falling under the Informal Resolution process will remain in a separate file in the Associate Vice President for Human Resources office and not placed in the respondent's personnel file. This information will be used to monitor repeated complaints within the same department or involving the same individual. Should additional complaints be received, the

Associate Vice President for Human Resources will move the complaint and documentation to the Formal Resolution process.

Formal Resolution

If, for any reason, the matter cannot be resolved as described above, or a complainant chooses the formal resolution, the complainant will state the specific allegations in writing so that an investigation can be initiated by the Associate Vice President for Human Resources or assigned neutral designee. The Associate Vice President for Human Resources or assigned neutral designee will then promptly coordinate a complete investigation into the complaint.

The Associate Vice President for Human Resources or assigned neutral designee will decide whether the complaint warrants:

- a. Further investigation by the College or, if criminal behavior has been discovered, by law enforcement.
- b. Dismissal of the charges if unsubstantiated with communication of the outcome to the accused and the complainant as well as a letter in the accused's file regarding the outcome of the investigation.
- c. Affirmation of the allegations with recommendations for appropriate disciplinary action. Notification verbally and in writing to the employee as to the findings of the investigation and applicable sanctions as determined by the Senior Staff officer for that area in consultation with the Associate Vice President for Human Resources. A letter outlining the offenses and actions taken will be placed in the employee's personnel file.

Recommended disciplinary action will be determined on a case-by-case basis and will be determined by the frequency and severity of the violation.

Should either the complainant or the employee disagree with the outcome of the investigation, an *ad hoc* Peer Relations Review Committee of three employees chosen by the Dean of Faculty (concerning faculty complaints) or the Provost/Senior Vice President and Vice President for Administration (concerning staff and administration complaints) will be established. The Peer Relations Review Committee will conduct an independent investigation and make a recommendation as to the results of the Committee's investigation. The Dean of Faculty, Provost/Senior Vice President, and the Vice President for Administration, as appropriate to the case, will then make a final determination and action

An employee found to have violated the College's policies against discrimination, harassment, and bullying may be subject to disciplinary action up to and including termination or release.

Retaliation

The College will not retaliate, nor will it tolerate retaliation, against any employee or student who, in good faith, reports or makes a complaint of discrimination, harassment, or bullying in the workplace or classroom, or who participates in an investigation into the same. Following the resolution of any complaint, the employee or student should continue to keep the College informed if the harassment persists.

No individual will be subject to disciplinary action for submitting a good faith report of a policy violation. However, any claims of prohibited conduct that are found to be deliberately false will be investigated and the complainant may be subject to disciplinary action. Anyone who believes that she/he has been the subject of a false allegation may meet with his/her supervisor or the Associate Vice President for Human Resources to discuss the allegations.

Confidentiality

The College shall maintain confidentiality to the extent possible within the requirements of conducting reasonable and complete investigations. To the extent possible, only those who have a need to know will be told the identity of the parties to a complaint. In certain circumstances, however, the investigation may disclose the identity of those individuals who claim to have been harassed and/or others involved.

In some instances, a reporting party may ask to take no action or to defer action until a later date in order to maintain anonymity. In these instances, the College reserves the right to limited disclosure and to take appropriate action in order to complete its investigation and to ensure the safety and well-being of other members of the College community.

The College as Complainant

The College reserves the right to investigate allegations of prohibited conduct in appropriate circumstances even in the absence of a complaint from a member of the College community. Results of any investigation involving prohibited conduct will be documented and coordinated through Human Resources and in cases involving students the Office of Student Rights and Responsibilities.