

Harassment Policy

Purpose And Scope

The purpose of this policy is to define both harassment and sexual harassment, and to provide procedures for the investigation of all harassment claims. Barry University is committed to providing the best possible environment for carrying out its educational mission. An essential component of this environment is an atmosphere in which all members of the University community have an equal opportunity to work, learn, and develop.

The University condemns any conduct which interferes with the ability of any individual or group to pursue these objectives. Therefore, the University will not condone any conduct by members of the University community that results in abuse, harassment, or intimidation of other members of the community.

Barry University is committed to maintaining an environment that is free of discrimination. In keeping with this commitment, we will not tolerate harassment of University employees and students by anyone, including any supervisor, co-worker, vendor, client, or customer of Barry University or any third party.

For the purpose of this policy, “supervisor” refers to any person who has authority to undertake or recommend tangible employment decisions affecting an employee or academic decisions affecting a student; or to direct an employee’s work activities or a student’s academic activities

Examples include faculty or staff members to whom work-study students report and team lead workers who, from time to time, monitor other employee’s performance or direct their work.

Overview

Harassment

Harassment consists of unwelcome conduct, whether verbal, physical, or visual, that is based upon a person’s protected status on the basis of race, creed, color, ethnicity, national origin, ancestry, religion, gender, sexual orientation, gender identity, familial status, marital status, pregnancy, age, disability status, veteran status, or any other grounds prohibited under state or federal law. The University will not tolerate harassing conduct that affects tangible job benefits, that interferes unreasonably with an individual’s work performance, or that creates an intimidating, hostile, or offensive working or educational environment. Such harassment may include, for example, jokes about another person’s protected status, kidding, teasing, or practical jokes directed at a person based on his or her protected status.

Sexual Harassment

The Department of Education's Office for Civil Rights (OR)m the Equal Employment Opportunity Commission (EEOC) and the State of Florida regard Sexual Harassment as an unlawful discriminatory practice.

Barry University has adopted the following definition of Sexual Harassment in order to address the unique environment of an academic community.

Acts of sexual harassment may be committed by any person upon any other person, regardless of the sex, sexual orientation, and/or gender identity of those involved.

Sexual Harassment, as an umbrella category, includes the actual or attempted offenses of sexual harassment, sexual assault forcible and non-forcible, domestic violence, dating violence, and stalking, and is defined as:

Conduct on the basis of sex, or that is sexual, that satisfies one or more of the following:

1. Quid Pro Quo
2. Sexual Harassment
 1. Unwelcome conduct,
 2. determined by a reasonable person,
 3. to be so severe, and
 4. pervasive and,
 5. objectively offensive,
 6. that it effectively denies a person equal access to the University's education program or activity
3. Sexual Assault
 1. Sex offenses, forcible
 2. Sex offenses, non-forcible
 3. Dating violence
 4. Domestic violence
 5. Stalking (on the basis of sex)

See Sexual Harassment Policies and Procedures

Sexual or discriminatory displays or publications anywhere in the workplace and/or academic environment by Barry University employees or students, such as:

1. Sexual, ethnic, and racial harassment through publications or electronic means is strictly prohibited.
2. Displaying pictures, posters, calendars, graffiti, objects, promotional materials, reading materials or other materials that are sexually suggestive, sexually demeaning or pornographic, or bringing into the work and/or educational environment, possessing any such material to read, display or view at work and/or educational environment. A picture will be presumed to be sexually suggestive if it depicts a person of either sex who is not fully clothed or in clothes that are not suited to or ordinarily accepted for the accomplishment of routine work in and around the workplace and/or academic environment, and/or who is posed for the obvious purpose of displaying or drawing attention to private portions of his or her body.
3. Reading or otherwise publicizing in the work and/or educational environment materials that are in any way sexually revealing, sexually suggestive, sexually demeaning or pornographic.
4. Displaying signs or other materials purporting to segregate an employee and students by sex in any area of the workplace, academic setting or any University building (other than restrooms and similar semi-private lockers/changing rooms).
5. Displaying sexually explicit, graphically disturbing, or sexually harassing images or text in a public computer facility, or location that can potentially be in view of other individuals.
6. Electronic transmission of sexually explicit, graphically disturbing, or sexually harassing images or text from, or to, university-owned equipment.
7. Retaliation for harassment and sexual harassment complaints, such as:

It is illegal and contrary to University policy for any individual to engage, whether directly or indirectly, in retaliatory conduct against a person who files a discrimination or harassment complaint, gives testimony during an investigation of such a complaint, or otherwise objects to perceived discrimination or harassment. Anyone who believes that retaliatory actions have been taken against him or her in violation of this policy may seek redress through Human Resources if an employee and the Office of the Dean of Students

Employee Procedures For Informal Reporting

Employee Responsibilities

If employees believe that they have witnessed, or been subject to, harassment, sexual harassment, or any unwanted sexual attention; they should make their unease and/or

disapproval directly and immediately known to the harasser whenever possible. If the situation is not immediately resolved, or if the employee is unable to or uncomfortable to address the alleged harasser directly, he or she should report the incident to the employee's manager, Human Resources, or his or her own supervisor. It is helpful to make a written record of the date, time and nature of the incident(s) and the names of any witnesses.

It is important to report concerns of harassment, sexual harassment or inappropriate sexual conduct regardless of the seriousness to Human Resources or a supervisor/manager as soon as possible. Management cannot assist in stopping the harassment from continuing if it is unaware of the problem.

Supervisor Responsibilities

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

- Take all complaints or concerns of alleged or possible harassment or discrimination seriously no matter how minor or who is involved.
- Ensure that harassment or inappropriate sexually oriented conduct is reported to Human Resources immediately so that a prompt investigation can occur.
- Take appropriate action to prevent retaliation or prohibited conduct from reoccurring during and after any investigations or complaints.

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

Human Resources Responsibilities

Human Resources is responsible for:

- Ensuring that both the individual filing the complaint (hereafter referred to as the reporting party) and the accused individual (hereafter referred to as the responding party) are aware of the seriousness of a harassment or sexual harassment complaint.
- Explaining the University's harassment and sexual harassment policy and investigation procedures to the complainant and the respondent.
- Exploring informal means of resolving sexual harassment complaints.
- Notifying the police if criminal activities are alleged.

- Conducting the investigation of the alleged harassment/sexual harassment and the preparation of a written report.

Employee Procedures For Formal Reporting

Incidents of harassment, sexual harassment or inappropriate sexually oriented conduct should be reported following the above informal procedures. However, an employee can initiate a formal investigation into an alleged violation of this policy. Employees will be required to provide a written complaint to Human Resources. Complaints should be submitted as soon as possible after an incident of alleged harassment. To ensure a prompt and thorough investigation of a 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 effect 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.
- Any other information the complainant believes to be relevant to the harassment complaint.

Immediately following the formal complaint, an internal investigation will commence. Once Human Resources completes the investigation, a written determination will be given to both the Complainant and the Respondent.

Student Reporting Of Harassment And Grievances

The University has established policies, procedures to address student complaints related to address a range of harassment concerns, including discrimination in the context of strictly academic issues, student conduct, and academic integrity.

If students believe there has been discrimination in academic areas, such as coursework, grading or class participation, the matter will be handled in accordance with the procedures set out in the applicable student academic policies and procedures.

All students are bound by the Student Code of Conduct. Student peer harassment is prohibited under the Code of Conduct and violations of such should be pursued through the Office of the Dean of Students.

Confidentiality

All inquiries, allegations, and investigations are treated confidentially. Information is revealed strictly on a need-to-know basis. Information contained in an allegation is kept as confidential as possible. However, the identity of the Complainant is revealed to the Respondent and witnesses.

Human Resources and the Office of the Dean of Students take adequate steps to ensure that the reporting party is protected from retaliation during the period of the investigation. All information pertaining to a harassment/sexual harassment allegation or investigation is maintained by Human Resources or the Dean of Students Office in secure files.

Human Resources can answer any questions relating to the procedures for handling information related to harassment/sexual harassment complaints and investigations to Complainants and Respondents.

Discipline

Employees who violate this policy are subject to appropriate discipline. If an investigation results in a finding that this policy has been violated, employees could be subject to immediate termination dependent on the egregious nature of the violation.

Students who violate this policy are subject to appropriate discipline, through the Student Conduct process. If a student is found responsible for the violation of this policy, students may be subject to the student conduct process, up to and including suspension or expulsion from the University.