

POLICY REGARDING PROHIBITED HARASSMENT OF STUDENTS

1. INTRODUCTION

Auburn University is committed to providing a working and academic environment free from discrimination and harassment and to fostering a nurturing and vibrant community founded upon the fundamental dignity and worth of all its members.

2. POLICY

In accordance with applicable federal law, Auburn University complies with all regulations regarding unlawful discrimination against or harassment of its students. Any form of discrimination or harassment related to a student's race, color, sex, religion, national origin, age, sexual orientation, or disability (protected classes) is a violation of the Student Anti-Harassment policy. This policy is intended to cover any prohibited harassment of or discrimination against a student by other students, employees, or University agents. This policy also covers harassment of students by non-employees on University property or while engaged in University sponsored activities, as well as prohibited discrimination against students by University contractors.

The term "harassment" includes, but is not limited to: slurs, jokes, or other graphic or physical conduct relating to a student's race, color, sex, religion, national origin, age, disability or sexual orientation. Prohibited harassment includes any coercive behavior based on protected class status used to control or influence a student. It may be manifested by verbal and/or physical actions, gestures, unnecessary touching, requests for sexual favors, and physical assault.

3. DEFINITION

Sexual harassment in academic settings and in the employment arena where students are involved is defined as unwelcome sexual advances, requests for sexual advances, requests for sexual favors, and other verbal, graphic, or physical conduct of a sexual nature when:

3.1. Submission to such conduct may be explicitly or implicitly a term or condition of a student's academic success or employment;

3.2. Submission to or rejection of such conduct may be used as the basis for employment or academic decisions affecting the student and the student's total educational and/or work experience; or

3.3. Such conduct has the purpose or effect of substantially interfering with a student's employment or academic performance or creates an intimidating or hostile work or educational environment that is severe, pervasive, and objectively offensive.

The definition of sexual harassment used above may be applied to other forms of prohibited harassment as well.

4. PROHIBITION AGAINST RETALIATION

It is a violation of this policy to take an adverse employment or academic action against a student, faculty, or staff member because they have opposed a practice they reasonably believe to be discriminatory, or filed any complaints or charges with any state or federal agency or participated in an agency investigation or proceeding.

5. REPORTING AND RESOLUTION PROCEDURES

Students who believe they have been discriminated against on the basis of their race, color, sex, religion, national origin, age, sexual orientation, or disability should report incidents to the Office of Affirmative Action/Equal Employment Opportunity (AA/EEO). In addition to the Office of Vice President for Student Affairs, all faculty, staff, and administrators should assist students in directing their harassment and/or discrimination complaints to the Office of AA/EEO.

The Office of AA/EEO will investigate the incident and will consult with witnesses and other appropriate University officials as necessary. Complaints will be handled on a “need to know” basis with a view toward protecting the complaining party from possible reprisal and protecting the accused from irresponsible or mistaken complaints.

The Office of AA/EEO will first attempt to see if the complaint can be resolved on an informal basis by agreement of the complaining party and the accused. Every effort will be made to resolve complaints within 90 days. The informal process involves gathering facts and circumstances surrounding the complaint. Along with guidance and direction from the AA/EEO staff, each party will be asked to provide proposed solutions to the complaint. If the complaint is not resolved on an informal basis, a student may file a formal complaint or grievance. Each individual has the right to proceed with or withdraw from the informal grievance procedure once it has been initiated. Issues should not be changed once the charge has been made. However, administrative procedures may be revised to accommodate issues arising during the investigation which were not known to the student when the initial complaint was filed.

The investigation record will consist of informal statements (not taken under oath) from the alleged victim, the alleged offender, and the witnesses.

If the results of the preliminary University investigation are accepted by the alleged victim as conclusive, and if he/she desires no further University action against the alleged offender, he/she shall sign a statement requesting the University take no further action.

If the complaint is not resolved conclusively by the preliminary investigation, the Office of AA/EEO will refer the matter to the University Provost or the President’s appointed alternative.

It is the intention of the University to resolve complaints as quickly as possible. Except in extraordinary cases, all formal complaints will be investigated and resolved by the University Provost or the President’s appointed alternative within 60 days of receipt.

If formal disciplinary action is warranted, a recommendation will be made to the appropriate University official for implementation of disciplinary action against any student, faculty member, or other University employee. Appropriate action will also be taken against non-University personnel who violate this policy, including formal complaints to their employer and/or restricting access to University property.

Revised 4/2009