



POLICY: Faculty Harassment and Grievances

The Bryant University PA Program directly follows the Bryant University policies for faculty harassment and grievances.

Faculty are made aware of these policies and procedures during Faculty Orientation with Human Resources and are provided refresher of this policy during annual Faculty Retreats.

The latest information on Faculty Harassment and Grievances can be found on the Bryant University Webpage under [Organizational Policy for Bryant University](#).

Protection from Harassment

Bryant University is committed to maintaining a working and learning environment which supports respect for the individual and for academic freedom, where all members of the community can work and learn in an atmosphere that is free from sexual or other types of harassment.

It is the policy of Bryant University that no member of the University community, including faculty, staff, students, volunteers, interns, and third-party contractors, may subject another to sexual or any other type of harassment. Harassment on the basis of race, color, religion, sex, sexual preference or orientation, gender identity or expression, national origin, age, ethnicity, disability, veteran or marital status undermines the basic principles of the Bryant community and will not be tolerated.

Harassment is defined as unwelcome verbal and/or physical conduct directed toward an individual or regarding an individual's race, color, religion, sex, sexual preference or orientation, gender identity or expression, national origin, age, ethnicity, disability, veteran or marital status that has the purpose or effect of:

1. humiliating and/or intimidating an individual or
2. impeding and/or interfering with work performance, academic status, or college life.

In particular, sexual harassment is defined as unwanted sexual advances, requests for sexual favors, and all other verbal or physical conduct of a sexual nature where:

1. submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or academic status; or
2. submission to or rejection of such conduct by an individual is used as the basis for employment or academic decisions affecting such individual; or
3. such conduct has the purpose or effect of unreasonably interfering with an individual's work or academic performance or creating an intimidating, hostile, or offensive environment in which to work or learn (situations that have the effect of substantially interfering with an individual's professional or academic performance by creating an intimidating, hostile, humiliating, or offensive working or learning environment, even if no job or promotion loss results).

Bryant University considers harassment a very serious matter. Any person found to be engaging in harassment, including sexual harassment, or who aids and abets or incites such conduct, will be subject to disciplinary action, up to and including termination of employment. Further, any retaliation against an individual for filing a complaint or for cooperating in an investigation of such a complaint is similarly prohibited and will not be tolerated.

Examples of Sexual Harassment

- Sexual harassment may occur regardless of the intention of the person engaging in the conduct. The following are some examples of conduct, which, if unwelcome, may constitute sexual harassment, depending upon the totality of the circumstances, including the severity of the conduct and its pervasiveness:
 - sexual advances, whether they involve physical touching or not;
 - requests for sexual favors in exchange for actual or promised job or academic benefits such as favorable reviews, salary increases, promotions, grades, increased benefits, or continued employment;
 - sexual jokes;
 - use of sexual epithets, written or oral references to sexual conduct, gossip regarding one's sex life, comments on an individual's body, sexual activity, deficiencies, or prowess;
 - displaying sexual objects, pictures, cartoons;
 - leering, brushing against the body, sexual gestures, suggestive or insulting comments;
 - inquiries into one's sexual activities; and
 - assault or coerced sexual acts.

- The U.S. Equal Employment Opportunity Commission (EEOC) has observed that hostile environment sexual harassment takes a variety of forms, and that many factors affect this determination. The determination of a hostile environment is affected by:
 - whether the conduct was verbal or physical or both;
 - how frequently the conduct was repeated;
 - whether the conduct was hostile and patently offensive;
 - whether the alleged harasser was a co-worker or supervisor;
 - whether others joined in perpetrating the harassment; and
 - whether the harassment was directed at more than one individual.

Sexual harassment does not refer to behavior or occasional compliments of a socially acceptable nature. It refers to behavior that is not welcome, that is offensive, and that fails to respect the rights of others. Conduct which may appear "voluntary" because a faculty or staff member or student does not seem to be forced to participate against his or her will is still sexual harassment as long as the victim makes it clear that the advances are unwelcome. Whether an isolated remark or act or a course of conduct creates a sexually hostile work environment will depend upon the totality of the circumstances.

Reporting Procedures

Bryant University encourages the reporting of all perceived incidents of discrimination, harassment or retaliation, regardless of the offender's identity or position. To encourage persons to come forward, the University provides several channels of communication, information, and complaint resolution. A list of potential resources or contacts available at the University is provided at the conclusion of this policy.

Complaint/Reporting Process: Complaints involving an employee of the University must be reported immediately either orally or in writing to the Associate Vice President for Human Resources (or his/her designee). If the complaint involves a faculty member, the complaint may be made to the Vice President for Academic Affairs (or his/her designee). Complaints of sexually harassing or discriminatory behavior by students may be made to the Vice President for Student Affairs/Dean of Students (or his/her appointed designee). Procedures for handling a student complaint or grievance are covered by certain provisions within the Bryant University Student Handbook and are administered by the Vice President for Student Affairs/Dean of Students.

The Associate Vice President for Human Resources will participate in the investigatory process with Student Affairs and/or Academic Affairs when a student alleges sexual harassment by faculty or staff, or when a faculty member alleges sexual harassment by faculty, staff, or a student. In any complaint situation where a student is involved, the Vice President for Student Affairs/Dean of Students (or his/her appointed designee) will participate in the investigatory process

If a supervisor, manager or department chair of the University becomes aware that harassment or discrimination is occurring, either from personal observation or as a result of an individual coming forward, the supervisor, manager, or department chair should immediately report it to the Associate Vice President for Human Resources.

When a complaint is received, the University will promptly investigate the allegation in a fair and expeditious manner. The investigation will be conducted in such a way as to maintain confidentiality to the extent practicable under the circumstances. The investigation may include interviews with the person making the complaint, any witnesses, and the person(s) alleged to have engaged in the harassment. If it is determined that inappropriate conduct has occurred, the University will act promptly to eliminate that offending conduct and, where it is appropriate, the University also will impose disciplinary action. Appeals must be submitted in writing detailing the specific reason(s) for the appeal.

The President or his/her designee will serve as the appeal authority. The President or his/her designee shall have the power to affirm, reverse, or modify the decision and/or the penalty imposed (but not increase), or to remand the matter to the University official imposing the sanction for further consideration. The decision of the appeal authority is final.

Harassment by Visitors

The University does not condone harassment by individuals visiting students or attending University functions or by any other visitor on the University campus. If anyone is subjected to harassment by visitors, he or she should call Public Safety, who will escort the visitors off campus and/or take other appropriate action. If visitors' behavior is illegal (for example, disturbing the peace, vandalism, sexual assault, etc.), they are subject to arrest. All members of the community should make it clear to visitors that such behavior is not acceptable at Bryant University.

Harassment by Third Parties

The University does not condone harassment by third parties, including internship supervisors, donors, or consultants, with whom members of the Bryant community are dealing on or off campus in the course of their academic or employment responsibilities. If anyone is subject to harassment in these situations, he/she should report it to his/her supervisor or advisor as soon as possible in order that appropriate action can be taken.

Consensual Relationships/Fraternization

Romantic or sexual relationships between faculty/staff and students have the potential for adverse consequences, including the filing of sexual harassment charges. The apparent consensual nature of a relationship may be inherently suspect when a situation of "unequal power" exists which may contain elements of coercion, such as when compliance with requests for sexual favors becomes a criterion for granting privileges or favorable treatment in the working and learning environment. Even when both parties have consented to the relationship, there may be serious concerns about conflict of interest as well as unfair treatment of others. Employees who have access to student residences due to the nature of their position at the University are expected to adhere to all departmental policies related to fraternization or access to student residences. Any violations of departmental policies could result in disciplinary action, up to and including immediate termination of employment.

Romantic or sexual relationships between members of the Bryant community and third parties (e.g., internship supervisors, donors, and consultants) with whom they are dealing off campus as part of their academic or employment responsibilities may also have potential for adverse consequences, including the filing of sexual harassment charges. Even when both parties have consented to the relationship, there may be serious concerns about conflict of interest as well as unfair treatment of others.

Information, Counseling and Advocacy

Anyone may seek advice, information or counseling on any matter, including matters relating to harassment, without having to lodge a complaint. Names and telephone numbers of these resources are listed under "Information/Counseling Resources."

Bryant University List of Resources Available to Individuals Who Believe They Have Been Subject to Discrimination, Harassment, or Retaliation

- ***Information/Counseling Resources***

- Counseling Services: 232-6045
- Health Services: 232-6220
- Student Affairs: 232-6046
- Employee Assistance Program (available to all Bryant employees): LifeWatch: 1-800-333-6228

- ***Internal Contact List***

- Vice President for Student Affairs/Dean of Students: 232-6046
- Associate Vice President for Human Resources: 232-6011
- Vice President for Academic Affairs: 232-6060

External Filing Remedies

While it is Bryant's goal to investigate and resolve harassment complaints internally, individuals who believe they have been subjected to sexual harassment may also file a formal complaint with either or both of the following government agencies:

- Rhode Island Commission for Human Rights, 180 Westminster St., 3rd Floor, Providence, RI 02903 (401) 222-2661
- United States Equal Employment Opportunity Commission (EEOC) John F. Kennedy Federal Building, 475 Government Center Boston, MA 02203 (800) 669-4000

Grievance Procedure

In accordance with Title IX of the Education Amendment Act of 1972, Bryant University prohibits sex discrimination in its educational and athletic programs, as well as in extracurricular activities sponsored by the University.

- An individual's sex cannot be considered as a basis for making decisions in areas such as:
- Admission and graduation requirements
- Access to course enrollment or campus facilities
- Counseling and health services
- Competitive athletic programs and activities
- Housing, financial aid, or other benefits/services

An employee or other individual may use this grievance procedure to file a complaint alleging a violation of Title IX against any Bryant employee, Bryant student, or third party. Complaints may include claims of discrimination, sexual harassment, or sexual violence against the complainant or against others. An employee may also report any claim of discrimination, harassment, or retaliation by following the procedures contained in the policy entitled "Bryant University — Protection from Harassment." Person aggrieved may choose to file a criminal complaint with the appropriate local or state authorities.

Sex discrimination includes unwanted sexual advances, sexual violence, requests for sexual favors, and all other verbal or physical conduct of a sexual nature where submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or academic status, or submission to or rejection of such conduct by an individual is used as the basis for employment or academic decisions affecting such individual, or such conduct has the purpose or effect of unreasonably interfering with an individual's work or academic performance or creating an intimidating, hostile, or offensive environment in which to work or learn.

- **Step 1: Filing a Complaint**

A grievance should be filed as soon as possible but no later than 14 days after the alleged unlawful discriminatory practice. The complaint should be filed in writing by utilizing the Title IX Grievance Form. Forms may be obtained from the Human Resources Department. Supplemental sheets may be attached to provide additional detail regarding the alleged violation. The completed Title IX Grievance Form and any supplemental attachments should be filed with:

Title IX Coordinator
Human Resources Department
1150 Douglas Pike
Smithfield, RI 02917
(401) 232-6011

If the Title IX Coordinator is the person alleged to have discriminated, the complaint may be filed with the Vice President for Student Affairs/Dean of Students, Dr. John Saddlemire, jsaddlemire@bryant.edu (401-232-6046).

- **Step 2: Preliminary Investigation Process**

Within 14 days of receiving the grievance form, the Title IX Coordinator will designate a senior administrator as Investigator, who will meet with the complainant. The purpose of the meeting is for the Investigator to clarify details of the alleged violation, and to obtain names of witnesses to be interviewed and other relevant information deemed necessary to investigate

and resolve the complaint. The Complainant shall have the opportunity to present witnesses and other evidence.

A complainant will be notified in writing if a meeting cannot occur within this timeframe. The Investigator will within seven (7) days of the initial meeting, interview the individual(s) accused of discrimination, who at that time will have an opportunity to provide relevant information for the investigation and/or advice of witnesses to be interviewed. The accused person(s) shall have the opportunity to present witnesses and other evidence.

- **Step 3: Investigation Process**

The investigation will be conducted to ensure the greatest degree of confidentiality of all parties involved. Further, all parties involved in the investigation will be advised of the expectation of confidentiality of the active investigation. Retaliation against the complaining party or witnesses is strictly prohibited. Proven retaliation by an employee or student will result in discipline, up to and including termination, or other appropriate sanctions.

- **Step 4: Completion of Investigation Report**

The Investigator should complete the investigation and submit a written report within 60 days of the initial complaint. The report will detail the facts and allegations made by the complainant, summarize the witness meetings, and make recommendations to resolve the complaint. However, due to the extensiveness or complexity of the issues of an investigation, more time may be needed to complete a thorough and equitable investigation. In those cases, the complainant and accused will be advised in writing that additional time is required.

The Investigator will submit a written report to the Title IX Coordinator, or if necessary to the Vice President for Student Affairs/Dean of Students. The complainant will be advised when the report has been submitted. The Title IX Coordinator may (1) choose to follow the recommendations, (2) attempt to resolve the complaint through a designated representative, or (3) identify and implement other acceptable solutions.

- **Recommendations for Proven Violations**

Recommended solutions for allegations of discrimination that are proven to be valid will be based on the severity of the offense, the frequency that the offense occurred, and the duration of the prohibited conduct or practice. Other factors may include the extent to which the misconduct or practice, however minor or severe, may isolate or intimidate the person filing the complaint. Recommendations may involve corrective action, appropriate disciplinary action, suspensions or expulsion. The complainant will be advised as to the outcome of the Investigation, and any appeal options.

- **Recommendations for Unproven Violations**

In cases where the investigation does not establish by a preponderance of the evidence that a violation has occurred, the Title IX Coordinator or designated representative will advise both the complainant and the person accused of discriminating of the investigation outcome, and any appeal options.

- **Step 5A: Investigation Recommendations Acceptable to Complainant**

If the proposed recommendations are acceptable to the complainant and the solutions are implemented, the complaint is considered resolved. The Title IX Coordinator will advise the complainant to come forward if retaliation takes place.

- **Step 5B: Appeal Process with the University**

If the complaint is not resolved to the satisfaction of the complainant or the party alleged to have discriminated, a written appeal may be submitted to the Vice President of Student Affairs/Dean of Students or Title IX Coordinator. The written request should:

- be submitted within 14 calendar days of receipt of the University's decision
- include the reasons for the appeal and the requested outcome.

The Vice President of Student Affairs/Dean of Students or Title IX Coordinator will notify the opposing party of the appeal and rule on the appeal within 14 days of receipt.

- **Step 5C: Appeal Process with External Agencies**

The complainant may also file a complaint of alleged discrimination with the Office of Civil Rights:

[Office for Civil Rights](#)

U.S. Department of Education

400 Maryland Avenue, S.W.

Washington, D.C. 20202-1100

(202) 245-6800 – 1-800-421-3481

FAX: (202) 245-6840; TDD: (877) 521-2172

[Email: OCR@ed.gov](mailto:OCR@ed.gov)

Standard A3.12 The program must define, publish, and make readily available to faculty institutional policies and procedures for processing faculty grievances and allegations of harassment.

ANNOTATION: If the program has policies related to grievances and harassment in addition to those of the institution, the program is expected to document these and make them readily available to faculty.

Review: 12/11/17

- Medical Director
- Human Resources
- Office of the Provost

Forwarded for Approval: 12/14/17

- Associate Program Director

Approved: 12/14/17

- Program Director