

POLICY PROHIBITING SEXUAL HARASSMENT
(Faculty and Staff)

Mercer University
1400 Coleman Avenue
Macon, Georgia 31207

POLICY PROHIBITING SEXUAL HARASSMENT

The University is committed to maintaining an environment in which the dignity and worth of all members of the institutional community are respected. Sexual harassment harms the environment the University seeks to maintain and is unequivocally prohibited. Moreover, sexual harassment/sexual violence is a form of sex discrimination and violates Federal laws, including Title VII of the Civil Rights Act of 1964 and Title IX of the Education Amendments of 1972 and further amendments. Sexual harassment may involve the behavior of a person of either sex against a person of the opposite or same sex, when that behavior falls within the following definition.

Definition

Sexual harassment and sexual violence is defined as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature, when:

- (a) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or status in a course, program, or activity; or
- (b) submission to or rejection of such conduct is used as a basis for an academic, employment or placement decision affecting the individual; or
- (c) such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or educational experience or creates an intimidating, hostile, or offensive environment for working or learning.

Examples

Examples of conduct prohibited by this policy include, but are not limited to:

- (a) persistent, unwelcome flirtation, advances or propositions of a sexual nature;
- (b) repeated insults, jokes, anecdotes or gestures that are commonly considered by people of a specific sex to be demeaning to that sex;
- (c) repeated, unwelcome comments of a sexual nature about an individual's body or clothing or about sexual activity or speculations about previous sexual experience;
- (d) unnecessary and unwelcome touching, such as patting, pinching, hugging or repeated brushing against an individual's body;
- (e) direct or implied threats that submission to or rejection of requests for sexual favors will affect decisions regarding such matters as an individual's employment, work assignments or status, salary, academic standing, grades, receipt of financial aid, or letters of recommendation; and
- (f) unwarranted use of sexually suggestive materials.

A faculty member's choice of teaching techniques, selection of instructional materials, or other conduct through which the faculty member seeks to communicate with students in an instructional setting shall not be prohibited under this policy if the faculty member claims that the conduct is legitimately related to the subject matter of the course, unless the applicable grievance board or hearing committee finds that the faculty member's claim is clearly unreasonable.

Responsibilities

All members of the University community are responsible for ensuring that their conduct does not sexually harass any other member of the University community, whether on the University premises or any off campus location. This same responsibility extends to employees of third parties doing business with the University or on University premises and to campus visitors.

University administrators and supervisors have the further responsibility of preventing and eliminating sexual harassment within the areas they oversee. If University administrators, faculty, and staff know sexual harassment is occurring, receive a complaint of sexual harassment or sexual violence, or obtain other information indicating possible sexual harassment, they must take immediate steps to ensure the problem is addressed, even if the problem or alleged problem is not within their area of oversight, by reporting the behavior of concern to the appropriate authority charged with investigating such concerns.

Counseling, Advice and Informal Resolution

In many instances, informal discussion and mediation can be useful in resolving perceived instances of sexual harassment. Problems are sometimes easier to resolve when an informal atmosphere encourages people to identify the difficulty, talk it out, and agree on how to deal with it.

Problems, questions and grievances may be discussed with the Associate Vice President for Human Resources/Equal Opportunity Officer/Title IX Coordinator at Mercer University or the Office of Civil Rights (see Section 2.14 of the Faculty Handbook / Section 2 of the Non-Faculty Employee Handbook). The role of the supervisor at this point is to counsel the complainant about sources of further assistance, including the Equal Opportunity Officer/Title IX Coordinator and others who may be designated to help resolve the problem informally. Once a supervisor has been advised of a perceived instance of sexual harassment, the supervisor should notify the Associate Vice President for Human Resources. Alternatively, the employee may ask the Associate Vice President for Human Resources/Equal Opportunity Officer/Title IX Coordinator to meet with the person causing the problem. In other cases, it may be necessary to arrange for a change in work assignment or for a re-evaluation of the employee's work.

At any time during this informal process, the complainant has the right to end the informal process at any time and begin the formal grievance complaint process. In cases involving allegations of sexual assault, mediation will not be used to resolve such complaints. Throughout the advising and informal resolution process, the information provided by the complaining employee will ordinarily be held in confidence unless and until the employee agrees that another party or parties must be informed to facilitate a solution. The employee's identity will ordinarily

not be revealed to the person against whom the complaint is made without the consent of the employee.

Formal Grievance Procedures

Any employee who believes he or she has been subjected to sexual harassment/sexual violence may file a formal complaint with any member of the Discrimination and Harassment Prevention Board or the Associate Vice President of Human Resources/Equal Opportunity Officer/Title IX Coordinator, either initially or after having sought informal resolution as described above, with the possible outcome of disciplinary action against the accused. The formal report will be taken by the Associate Vice President of Human Resources, signed by the complainant, and must describe the specific action(s) complained of. Requests for confidentiality regarding name or other identifiable information of the complainant may not be possible and will be weighed against the following factors: the seriousness of the alleged harassment; the complainant's age; whether there have been other harassment complaints about the same individual; and the alleged harasser's rights to receive information about the allegations if the information is maintained by the school as an "education record" under the Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. § 1232g:34 C.F.R. Part 99. The complaint will be investigated and resolved in accordance with the Grievance Procedure described in Section 2.11 of the Faculty Handbook / Section 5 of the Non-Faculty Employee Handbook. If the accused is a faculty member and the conduct is considered adequate cause for dismissal, the accused will be entitled to invoke the procedures in Section 2.08 of the Faculty Handbook.

Consensual Relationships

Romantic and sexual relationships between faculty members, staff, and students and between supervisors and subordinates do not necessarily involve sexual harassment. However, the powers faculty members exercise in evaluating students' work, awarding grades, providing recommendations and the like will generally constrain a student's actual freedom to choose whether to enter into a romantic or sexual relationship with a faculty member. Subordinates, likewise, may not feel fully free to reject or end a romantic or sexual relationship with their supervisor.

Therefore, where such a power differential exists, it may be exceedingly difficult to defend against a charge of sexual harassment on the grounds that the relationship was consensual. In internal proceedings, the University generally will be unsympathetic to a defense based on consent when the facts establish that the accused had the power to affect the complainant's academic or employment status or future prospects.

Even genuinely consensual relationships between faculty members, staff, and students and between supervisors and subordinates may be problematic. For example, they may result in favoritism or perceptions of favoritism that adversely affect the learning or work environment. Consensual relationships involving a power differential, therefore, may violate University policy and equal opportunity law.



**OPTIONS FOR RESOLVING SEXUAL HARASSMENT
QUESTIONS, CONCERNS, COMPLAINTS AND/OR CHARGES**

I. Internal to Mercer University (*Informal and Formal Assistance Options*)

A. Mercer University Staff Resources

**EEO/Affirmative Action Officer/ (OR) Vice President and Dean of Students
Title IX Coordinator**

Ms. Diane H. Baca
Associate Vice President
Human Resources
(478) 301-2788 / *Macon*

Dr. Douglas R. Pearson
Vice President and Dean of Students
Student Affairs
(478) 301-2685 / *Macon*

(OR)

The Dean of the involved student or employee's College or School

B. Sexual Harassment Prevention Board Members - Atlanta

Dr. Loyd Allen, Professor
Instruction
School of Theology
(678) 547-6472

Ms. Diane Baca, Associate Vice President
Human Resources
(678) 547-6155 / Atlanta
(478) 301-2788 / Macon

Dr. James Bartling, Associate Dean/Assistant Professor
Admissions and Student Affairs
College of Pharmacy and Health Sciences
(678) 547-6232

Ms. Kim Eccles, Associate Director
Swilley Library
(678) 547-6271

Mr. Gary Hollums, Director of Operations/Business Manager
Regional Academic Centers
(678) 547-6370

Ms. Heather Scott, Coordinator
Douglas County Regional Academic Center
(678) 547-6516

Dr. Faye Sisk, Associate Professor/Director
of Executive Programs - Instruction
School of Business & Economics
(678) 547-6127

Atlanta Board Members (cont'd)

Ms. Ann Stewart, Coordinator of
International Students & Scholar Services
International Programs
(678) 547-6109

Dr. Linda Streit, Dean/Professor
Dean's Office
Georgia Baptist College of Nursing
(678) 547-6774

C. Sexual Harassment Prevention Board Members - *Macon & Savannah*

Ms. Diane Baca, Associate Vice President
Human Resources
(478) 301-2788

Dr. Ted Blumoff, Professor
Law Instruction
School of Law
(478) 301-2634

Dr. Joan Burtner, Associate Professor
Industrial Engineering & Industrial Management
School of Engineering
(478) 301-4127

Dr. Alice House, Associate Dean/Associate Professor
Admissions and Student Affairs
School of Medicine - Macon Campus
(478) 301-2531

Ms. Andi Mitchell, Director of Operations
Mercer Engineering Research Center [MERC]
(478) 953-6800

Dr. Sam Murray, Assistant Dean
Admissions and Student Affairs
School of Medicine - Savannah Campus
(912) 350-0392

Dr. Emily Piassick, Director
Counseling & Psychological Services
(478) 301-2862

Dr. Anna Silver, Associate Professor
English
College of Liberal Arts
(478) 301-5641

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