



HARASSMENT POLICY

I. Policy Statement

This document defines Clemson University's policy regarding harassment and the complaint resolution process.

Clemson University is committed to offering educational and employment opportunities based on ability and performance, in a productive climate, free from harassment. Accordingly, it is the policy of Clemson University that harassment of any kind, as defined below, by employees, students or non-employees will not be tolerated. It is also the policy of Clemson University that retaliation against any person who has filed a complaint of harassment or who has assisted or participated in any manner in the investigation and resolution of a complaint of harassment is prohibited and subject to disciplinary action.

Clemson University will respond promptly to all complaints of harassment and retaliation. Immediate and appropriate corrective action will be taken when it is determined that harassment has occurred.

Violation of this policy can result in personal liability for any perpetrator, as well as any disciplinary action that the University deems appropriate.

II. Definitions

A. Harassment

In general, harassment is unwelcome verbal or physical conduct, based upon race, color, religion, sex, sexual orientation, gender, national origin, age, disability, status as a military veteran or protected activity (e.g., opposition to prohibited discrimination or participation in the statutory complaint process), that unreasonably interferes with the person's work or educational performance or creates an intimidating or hostile work or educational environment. Examples may include, but are not limited to, epithets, slurs, jokes or other verbal, graphic or physical conduct.

B. Sexual Harassment

Sexual harassment is one of the oldest forms of sex discrimination. It is defined by the U.S. Equal Employment Opportunity Commission as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

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; 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 work or academic environment.

Sexual harassment can take many forms. It can be committed by both men and women and can occur between members of the opposite sex or between members of the same sex. Examples include, but are not limited to, the following:

- Seeking sexual favors or relationships in return for the promise of a grade or other academic opportunity;
- Conditioning an employment-related action (such as hiring, promotion, compensation, or performance appraisal) on a sexual favor or relationship;
- Conduct by individuals in positions of authority or by co-workers or peers that creates a hostile working or learning environment or unreasonably interferes with the ability of a person to perform his/her employment or academic responsibilities; such conduct might include but is not limited to the following:
 - Intentional and undesired physical contact
 - Repeated, unwelcome requests for dates
 - Sexually explicit language or writings
 - Displaying or electronically transmitting lewd pictures or notes
 - Remarks or conduct that demean or belittle an individual personally or in general because of his/her gender. (This type of gender harassment is a violation of the policy even though the remarks are not sexually provocative and the conduct does not involve sexual advances.)

III. Reporting Harassment

Clemson University will respond to and investigate all claims of harassment and will take steps to ensure that no retaliation will be taken against any person making a complaint in good faith, and that any person against whom an allegation is made is treated fairly. Reports of harassment should be made as soon as possible to enable the University to more effectively investigate the allegations. Complaints investigated under the University's procedures must be reported no more than 120 days after the alleged conduct occurs.

- A. Any employee who has experienced harassment must report the incident to the Office of Access and Equity, 110 Holtzendorff Hall; telephone 656-3181 (voice) and 656-0899 (TDD). An employee can also report the incident to his/her immediate supervisor or to the next level supervisor or University official if the immediate supervisor is the alleged harasser, or if he/she feels more comfortable talking to that person (see section IV).
- B. Any undergraduate student who has experienced harassment must report the incident to the Office of Access and Equity, 110 Holtzendorff Hall; telephone 656-3181 (voice) or 656-0899 (TDD). A student can also report an incident of harassment to the Office of the Dean of Students, 202 Hendrix Student Center, telephone 656-0471, Academic Deans or Department Chairs (see section IV).
- C. Any graduate student who has experienced harassment must report the incident to the Office of Access and Equity, 110 Holtzendorff Hall; telephone 656-3181 (voice) or 656-0899 (TDD). A graduate student can also report an incident of harassment to the Dean of the Graduate School, E-105 Martin Hall, telephone 864-656-4172, Academic Deans, or Department Chairs (see section IV).
- D. All others who believe they have experienced harassment must report the incident to the Office of Access and Equity, 110 Holtzendorff Hall; telephone 656-3181 (voice) or 656-0899 (TDD).
- E. Anyone who wants to report an incident of harassment at a time when University offices are closed can call 656-3181 and leave a message on the voice mail service in the Office of Access & Equity. Your call will be returned as soon as possible. If anyone feels that the matter is an emergency or their life or someone else's life is in danger at a time when these offices are closed, the University Police Department should be contacted by calling 656-2222.

IV. Responsibility to Notify the Office of Access and Equity

Every supervisor or other University official who receives a complaint of harassment has a positive responsibility to immediately report the complaint to the Office of Access and Equity, regardless of whether or not the alleged harasser has been identified.

Note: A conflict between an individual's desire for confidentiality and the University's duty to investigate may arise if an individual informs a supervisor about alleged harassment, but asks him/her to keep the matter confidential and take no action. Inaction by the supervisor in such instances could lead to University liability. While it may seem reasonable to let the individual determine whether to pursue a complaint, Clemson University has an obligation to prevent and correct the harassment. Therefore, it is important that all allegations of harassment be reported to the Office of Access and Equity.

V. Methods for Resolving Complaints

The Office of Access and Equity has primary responsibility for investigating allegations of harassment and for initiating and coordinating corrective action when necessary. Immediate intervention by this office could prevent the harassment from continuing. Every effort will be made to resolve the complaint as quickly and in as informal and confidential manner as possible. The following methods are available to seek assistance and/or resolve harassment complaints.

A. General Information and Assistance

If an individual is uncomfortable in dealing with behavior deemed inappropriate, he/she may discuss the situation informally with a counselor in the Office of Access and Equity. This can be done in person or by telephone (656-3181) if the complainant wishes to remain anonymous. As long as the identity of the accused is not revealed, no investigation will be initiated. However, general questions can be answered, options examined, and advice given. Whether this discussion is done face-to-face or by telephone, the information will be treated as confidential.

B. Internal Resolution of Complaint of Harassment

1. Complaint Process

The first step in resolving a complaint of harassment internally is the informal complaint process. Once an individual contacts the Office of Access and Equity, an investigator in this office will discuss the procedure with the complainant and have him/her describe the problem. The information provided will be used to conduct a fact-finding investigation.

The amount of time that it will take to complete the investigation will depend on the particular circumstances. Assistance from the supervisor of the accused individual will normally be sought early in the process. The investigation may include interviews with the accused, any witnesses and anyone else who might have information that may be helpful. The investigation will also include a review of relevant data and documents. All reasonable efforts will be made to reach a resolution in a timely manner.

Complaints may be resolved through either the Informal or Formal Complaint Process. Further information can be obtained in the University's Procedures for Resolution of Discrimination / Harassment Complaints (see Section X).

Each investigation will consider the complaint in relationship to the total circumstances, such as the nature of the conduct and the context within which the alleged incident(s) occurred. While the principal goal is to stop the harassing behavior, the University always reserves the right to take disciplinary action, if warranted. Confidential records of all investigations will be kept in the Office of Access and Equity in accordance with the University's Records and Retention Policy.

2. Appeal Process

The complainant or the accused has a right to appeal the decision of the formal complaint process. Appeals must be submitted in writing to the Office of the President of the University within seven (7) working days (excluding weekends and University holidays) after receipt of the final report of the formal complaint process. The President will appoint a member of his Administrative Council to review and decide the appeal. Decisions not appealed within such time are deemed final.

C. Filing with External Agencies

In addition to, or in lieu of, the procedures outlined above:

1. Students (either undergraduate or graduate) may file formal complaints with the following agency:

United States Department of Education, Office for Civil Rights
61 Forsyth St. S.W., Suite 19T70, Atlanta, GA 30303-3104
Telephone: 404-562-6350; TDD: 404-331-7236
(Must file within 180 calendar days from date of discrimination.)

2. Employees may file formal complaints with the following agencies:

South Carolina Human Affairs Commission
2611 Forest Drive, Suite 200, Post Office Box 4490
Columbia, SC 29240
Telephone: (803) 737-7800; TDD: (803) 253-4125
(Must file within 180 calendar days from date of discrimination.)

U. S. Equal Employment Opportunity Commission
301 North Main Street, Suite 1402, Greenville, SC 29601
Telephone: (864) 241-4400; TDD: (864) 241-4403

(Must file within 300 calendar days from date of discriminatory act, or 30 days after receiving notice that the state or local agency has terminated its processing of the charge, whichever is earlier.)

VI. Retaliation

Retaliation is conduct causing any interference, coercion, restraint or reprisal against a person complaining of harassment or against a person assisting in any way in the investigation and resolution of the complaint. Retaliation is a violation of this policy and will not be tolerated. Appropriate sanctions/disciplinary actions shall be taken against any person found to have participated in any acts of retaliation. Persons who feel they have been subjected to retaliation for filing a complaint of harassment or for assisting with the resolution of a complaint should contact the Office of Access and Equity.

VII. Confidentiality

The University wishes to create a safe environment in which individuals are unafraid to discuss concerns. Therefore, the University will always maintain confidentiality to the extent possible. However, confidentiality of the harassment allegation and the identity of the complainant cannot be guaranteed because the University must also consider fairness to the individual accused as well as the safety and welfare of all members of the University community. These considerations may require the University to disclose the harassment allegation and the identity of the complainant to the accused and to other University officials.

VIII. Sanctions

Persons found to be in violation of the University's Harassment Policy will be subject to immediate and appropriate disciplinary action, proportional to the seriousness of the offense, which may include, but is not limited to: oral or written reprimand, reassignment, demotion, suspension or termination of employment, or expulsion from the University in the case of a student. These sanctions also apply if any employee or student is found to have intentionally brought false charges against another member of the University community.

Individuals subject to disciplinary action may exercise their appeal rights pursuant to the procedures set forth in the Faculty Manual or the Personnel Policies and Procedures Manual. The Office of Community and Ethical Standards addresses student appeals.

IX. Resources:

Office of Access and Equity 656-3181
Advice and counseling is available regarding any form of harassment or discrimination.

Office of Human Resources 656-0921
Employee counseling services are available through the Employee Assistance Program.

Office of Counseling and Psychological Services 656-2451
Free psychological counseling is available at Redfern Health Center to students who have experienced harassment.

X. Education and Prevention

To meet State requirements, the Harassment Policy is distributed annually to each employee of the University. Individuals with teaching or supervisory responsibilities must be knowledgeable of the sexual harassment prevention guidelines. To support this objective, the Office of Access and Equity provides a computer-assisted training program on the subject of sexual harassment at:

<http://www.clemson.edu/access/>

In addition, a representative of the Office of Access and Equity informs new employees and graduate students about the policy on harassment at their respective orientation sessions and education and training sessions on harassment are offered in conjunction with the Office of Human Resources. All employees, especially those with supervisory responsibility, are encouraged to participate in these sessions. The Office of Access and Equity also works with the Office of the Dean of Students to provide training sessions to undergraduate students regarding harassment upon request. Information on harassment and procedures for resolving discrimination and harassment complaints can also be found online as follows:

1. The Student Handbook
 (<http://www.clemson.edu/studentaffairs/studenthandbook/index.php>)
2. The Human Resources Personnel Policies and Procedures Manual
 (<http://www.clemson.edu/humanres/PandP/>)
3. The Faculty Manual
 (<http://www.lib.clemson.edu/fs/FacultyManual/facultymanual.pdf>)
4. The Access and Equity Web Page
 (<http://www.clemson.edu/access/policies/policies.htm>)

The Director of the Office of Access and Equity will submit an annual summary report to the President and to the Board of Trustees describing the number, type and status of formal and informal complaints of harassment that have been received and investigated.

This policy is a revision of, and replacement for, the Sexual Harassment Policy (Adopted: April 1982) and the Racial Harassment Policy (Adopted: March 1988).

Revised and reissued September 2007