

LINCOLN UNIVERSITY

Policy: Harassment Prevention
Policy Number: HRM-108
Effective Date: January 2011
Revisions: August 2011
Next Review Date: August 2013
Review Officer: Chief Human Resources Officer
Status: Approved by President and Active

1. Policy

- 1.1 It is the policy of Lincoln University (“University”) to comply with Title VII of the Civil Rights Act of 1964, the Age Discrimination in Employment Act of 1967 (ADEA), and the Americans with Disabilities Act of 1990 (ADA). Further, the University shall comply with anti-discrimination laws which prohibit harassment against individuals and retaliation for filing a complaint, testifying, or participating in any way in an investigation, proceeding, or lawsuit under these laws; or opposing practices that individuals may reasonably believe are discriminatory, in violation of these laws.
- 1.2 The University has a zero tolerance of all forms of harassment and is committed to promoting and maintaining a respectful workplace and learning environment through prevention strategies, training, communication, and enforcement.
- 1.3 It is not the intent of this Policy to inhibit the expression of ideas or to use any methods that would infringe on an individual’s constitutional right to free speech. This policy is intended to create a working environment that promotes respect and dignity for others.
- 1.4 Any and all individuals present on the University’s campus shall adhere to this policy and are free to remind others of it.
- 1.5 Each University employee shall comply with the provisions of this policy and ensure that each visitor to the University campuses complies with the provisions of this policy.
- 1.6 The President, vice presidents, deans, directors, managers, department chairs, and supervisors shall ensure the enforcement of the policy within their assigned areas of oversight.

2. Applicability

This policy shall apply to the University Board of Trustees, administration, faculty, staff, students, vendors, contractors and visitors.

3. Harassment in General

3.1 It is the University's policy that all individuals within the University community have the right to an environment free from any type of discrimination, including any form of harassment. The University is committed to that policy, and under no circumstances will the University tolerate any form of harassment, which includes, but is not limited to: threatening, offensive or intimidating behavior or remarks, demands for sexual favors, or severe and pervasive behavior that creates a hostile or intimidating work environment, because of an individual's sex, age, race, color, national origin, religion, non-job related disability, or any other characteristic protected by federal, state or local law.

3.2 While all forms of harassment are prohibited, since sexual harassment is sometimes less easily understood, it is specifically discussed in the proceeding subsection. Note, however, that all forms of workplace harassment will be addressed using the same procedures and in the same manner as set forth below.

4. Sexual Harassment

4.1 No person, including any supervisor, shall threaten or insinuate, whether explicitly or implicitly, that an employee's refusal to submit to sexual advances will adversely affect the employment, evaluation, wages, advancement, assigned duties, shifts or any other term or condition of employment or career development of any employee.

4.2 All employees, supervisors and non-supervisory personnel and guests, including students, vendors, contractors or visitors, are strictly prohibited from engaging in inappropriate or offensive touching of any employee, offensive sexual flirtations, advances or propositions, verbal abuse of a sexual nature, verbal comments about an individual's body, sexually degrading words used to describe an individual, displaying sexually suggestive objects or pictures in the workplace, or any other conduct that creates a sexually hostile environment.

4.3 The University shall take all necessary and appropriate remedial action to end any such harassment.

5. Reporting Procedure

- 5.1 An employee who is subjected to any act of harassment, as described above, must inform his/her supervisor promptly. If, for any reason, the employee does not feel comfortable notifying his/her supervisor or the supervisor is not available, the employee should immediately report the matter to the next level of administration or the Office of Human Resources.
- 5.2 If an employee believes that he/she is being harassed by a student, the procedures specified in the Code of Student Conduct shall be followed.
- 5.3 The University shall investigate all such complaints and take appropriate action.
- 5.4 While complete confidentiality cannot be assured, all investigations of harassment complaints will be conducted thoroughly, promptly and in a manner designed to protect, to the fullest extent possible, the confidentiality of all parties involved.

6. No Retaliation

No employee shall be retaliated against for having asserted a complaint of harassment pursuant to this policy.

7. Penalty for Policy Violations

- 7.1 If the University determines that an employee engaged in harassment in violation of this policy, that employee shall be subject to appropriate disciplinary action or immediate discharge. Appropriate contractual provisions, if any, shall be followed for discharge or disciplinary action taken against an employee covered by a collective bargaining agreement.
- 7.2 Students violating the policy shall be referred to the Dean of Students and Campus Life.

8. Training and Dissemination of Policy

- 8.1 The University shall foster training and educational programming to create and maintain a harassment-free work and learning environment at least every two years. Attendance and participation in such training and educational programming shall be mandatory for all employees. Newly hired employees are required to complete this training within their introductory / probationary period and at least every two years thereafter. Failure to complete training as specified in this policy shall result in

disciplinary action or termination of employment, as well as negation of the University's responsibility, if any, to indemnify or defend an employee from any claims arising out of or relating to the charge of illegal harassment.

- 8.2 This policy and written guidelines for investigations shall be disseminated to all employees within the University, published on the University's Internet website, and inserted in the University Policy Manual.
- 8.3 Employees shall acknowledge receipt of this policy by signing the appropriate form. The signed form shall be presented by the employee to the Office of Human Resources and placed in the official personnel file of the employee.
- 8.4 Employees with questions or issues and concerns related to this policy should raise their concerns with their supervisor or the Chief Human Resources Officer without fear of reprisal.

References:

*Equal Employment Opportunity Commission
Title VII of the Civil Rights Act of 1964
The Age Discrimination in Employment Act of 1967 (ADEA)
Americans with Disabilities Act of 1990 (ADA)
Pennsylvania Human Relations Act*

Questions regarding this policy may be addressed to:

*Lincoln University, Office of Human Resources
1570 Baltimore Pike, Lincoln University, PA 19352
484-365-8059*

Policy Revisions:

*June 2007, November 2008, Former Title, "Sexual and Other Unlawful Harassment,"
February 2009*