



EMPLOYEE POLICIES MANUAL

POLICY INDEX

Anti-Harassment (including Sexual Harassment)

Wilkes University strives to provide an academic, work and living environment free from harassment where students, faculty, staff and all members of the University community can work and learn together without fear or intimidation. Wilkes University prohibits any discrimination, including harassment based on race, color, religion, gender, gender identification/ expression, sexual orientation, national origin, age, disability, marital status, domestic partnership status, veteran status or any other protected group status. University employees are prohibited from harassing co-workers whether or not the harassment occurs on University premises and whether or not the incident occurs during working hours. The following are examples of conduct which may constitute harassment in violation of this policy. These examples are not intended to be all inclusive, as there may be other forms of behavior or conduct which are also considered to be harassment in violation of this policy:

- Offensive written or spoken words
- Offensive physical actions such as, obscene hand or finger gestures
- Offensive graphic communication such as, explicit or obscene drawings, illustrations, cartoons or posters
- Any unwelcome physical contact
- Situations involving a guarantee or implied promise of special treatment or negative consequences
- Any behavior that creates a threatening, hostile or offensive work environment, or unreasonably interferes with a person's work performance
- Sexual harassment of any kind as described below

Sexual Harassment

Sexual harassment can generally be defined to as unwelcome sexual advances, requests for sexual favors and/or any other visual, verbal or physical conduct of a sexual nature. Any unwelcome sexual advances (verbal or physical), requests for sexual favors or other verbal or physical conduct of a sexual nature are considered sexual harassment when: submitting to or participating in the conduct is either explicitly or implicitly a term or condition for any employment related decisions; or the conduct interferes with or is intended to interfere with work performance; or if the conduct creates an intimidating, hostile or offensive work environment.

This definition includes many forms of offensive behavior including, but not limited to:

- Sexually suggestive physical contact, including, but not limited to, sexual assault and sexual violence
- Touching in any unwelcome fashion
- Requests for sexual favors
- Offers of employment benefits in exchange for sexual favors
- Direct or indirect threats of retaliation for refusal to comply with a sexually oriented request
- Sexual gestures or indecent exposure
- Displaying, storing, or transmitting pornographic or sexually suggestive material on University equipment
- Displaying sexually suggestive objects, pictures, cartoons or posters
- Verbal or written sexual comments, suggestions or propositions
- Sexually degrading remarks or comments about another's body
- Suggestive or obscene letters, notes, invitations, e mails and/or text messages

- Any other verbal or physical conduct of a sexual nature

Reporting Procedures

Employees reporting or raising concerns about harassment can do so without fear of reprisal or retaliation. Reporting a concern will not be used against the reporting employee, nor have an adverse impact on the reporting employee's employment status.

Employees

Employees who believe they have been discriminated against or harassed in any way should, to the extent possible, express disapproval directly and immediately to the individual engaging in the harassing behavior or conduct. In addition, employees must inform the University using the following procedure:

- Report the incident immediately to a supervisor or the Human Resources Department
- Provide the Human Resources Department with a signed written statement including:
 - Name of the alleged harasser(s)
 - A detailed description of the alleged action to include:
 - number of occurrences
 - date(s) and time(s)
 - location(s), and any other relevant information
 - Witnesses (if any)
 - Remediation sought

The University recognizes that circumstances related to alleged violations may cause employees to feel uncomfortable making a report in person and has established a confidential reporting mechanism to address this issue (see Confidential Reporting Mechanism).

Supervisors

Supervisors who suspect, are aware of and/or receive an employee report of alleged sexual or other harassment must immediately contact the Human Resources Director. Supervisors knowingly allowing or tolerating harassment are in violation of this policy and subject to disciplinary action, up to and including termination of employment.

Human Resources

The Human Resources Department, in conjunction with the appropriate division head (s) and Legal Counsel (when applicable), will investigate all claims of conduct or behavior alleged to be harassment and will take appropriate action(s) at the conclusion of the investigation. The Human Resources Department will maintain all investigatory records.

Any Wilkes University employee violating this policy will be subject to disciplinary action, up to and including termination of employment.

Effective Date: 2/1/2004 **Revision Date:** 12/2012

