SUMMARY:

In order to maintain an environment in which the dignity and worth of all members of the University community are respected, it is the policy of Coastal Carolina University that sexual harassment of employees or students is prohibited. Such conduct is a form of behavior that seriously undermines the atmosphere of trust essential to the academic environment, is unacceptable, and will not be tolerated.

Policy

I. SEXUAL HARASSMENT

Title VII of the Civil Rights Act of 1964, as amended, provides that it will be an unlawful discriminatory practice for any employer, because of the sex of any person, to discharge without just cause, to refuse to hire, or otherwise discriminate against any person with respect to any matter directly or indirectly related to employment. Harassment of an employee on the basis of sex violates this federal law. The Equal Employment Opportunity Commission has issued guidelines as to what constitutes sexual harassment of any employee under Title VII.

Title IX of the Education Amendments of 1972, as amended, prohibits sexual discrimination in any educational program or activity receiving federal financial assistance. Coastal Carolina University receives such assistance.

The South Carolina State Human Affairs Law also prohibits sexual discrimination.

Based on the above legal authority, Coastal Carolina University prohibits sexual harassment of employees or students. In addition, willful false accusations of sexual harassment will not be tolerated and may be prosecuted.

Coastal Carolina University hereby determines that the Title VII guidelines on sexual harassment against employees will be equally applicable to sexual harassment of students by employees.

Accordingly, the following University guidelines are issued:
A. Unwelcome sexual advances, requests for sexual favors, and other verbal or physical
contact of a sexual nature constitute sexual harassment when:

Submission to or rejection of such conduct is made explicitly or implicitly a term or
condition of an individual's employment or academic standing; or

Such conduct unreasonably interferes with an individual's work or academic performance
or creates an intimidating, hostile or offensive working or academic environment.

B. Coastal Carolina University has determined that sexual harassment occurs in situations
covered by existing federal laws and guidelines, and in instances for which no law, per se,
has been enacted. The federal law and guidelines as set forth above contemplate a one-
direction transgression, namely, supervisor harassing an employee, or faculty or staff
member harassing a student. The reverse can also occur. Therefore, this policy prohibits
an employee from sexually harassing a superior, a student from sexually harassing a
faculty or staff member, and any other harassing behavior involving a University
employee; when such actions occur, the offended individual should take corrective
measures in accordance with prescribed policies and procedures.

Sexual harassment of University faculty, staff, or students is prohibited and will subject
the offender to disciplinary action which may include, but is not limited to, oral or
written reprimand, demotion, transfer, suspension or dismissal for cause after
compliance with procedural due process requirements.

All employees of the University are required to report complaints of student-on-student
sexual harassment or observed student-on-student sexual harassment to the Office of
Student Conduct (http://www.coastal.edu/conduct/). Failure to report student-on-student
harassment could lead to disciplinary action.

All supervisors are responsible for providing work and educational environments that are
free from sexual harassment.

C. DEFINITION OF SEXUAL HARASSMENT

For purposes of this policy, sexual harassment may involve the behavior of a person of
either sex against a person of the opposite or same sex, when such behavior falls within
the definition outlined below:

1. Sexual conduct of any nature, including, but not limited to, sexual advances,
requests for sexual favors, verbal or other expressive behaviors or physical
conduct commonly understood to be of a sexual nature, which are not mutually
agreeable to both parties;

2. Communications of a sexual nature, whether verbal, non-verbal, written,
electronic or pictorial.
3. Solicitation of sexual conduct of any nature, when submission or rejection would either implicitly or explicitly impose adverse or favorable terms and conditions of employment or academic standing. Behavior that has the purpose or effect of unreasonably and substantially interfering with an individual’s welfare, academic or professional performance or creates an intimidating, hostile, offensive and demeaning work or educational environment is considered harassment.

D. EXAMPLES OF PROHIBITED BEHAVIORS

Prohibited acts of sexual harassment may take a variety of forms ranging from subtle pressure for sexual activity to physical assault. Examples of the kinds of conduct included in the definition of sexual harassment include but are not limited to:

1. Threats or intimidation of sexual relations or sexual contact that are not mutually agreeable to both parties;

2. Continual or repeated verbal abuses of a sexual nature including graphic comments about a person’s body, sexually suggestive objects or pictures placed in the work or study area that may embarrass or offend the person, sexually degrading words to describe the person or propositions of a sexual nature; and

3. Threats or insinuations that the person’s employment, pay, promotional opportunities, academic grading, classroom or work assignments or other conditions of employment or academic life may be adversely affected by not submitting to sexual advances.

E. CONSENSUAL RELATIONSHIPS

Consensual sexual relationships between faculty or staff and student, or between supervisor and employee, are generally deemed inappropriate. Such relationships are inappropriate when they occur between University employees and students or between supervisors and employees. A professional power differential exists in these situations in terms of the influence and authority with which one can exercise over the other.

F. NON REPRISAL

No faculty member or staff member, applicant for employment, student or member of the public may be subject to restraint, interference, coercion or reprisal for seeking information about sexual harassment, filing a sexual harassment complaint, or serving as a witness.

II. ADMINISTRATIVE PROCEDURES FOR SEXUAL HARASSMENT

All members of the Coastal Carolina community should contact the Human Resources and Equal Opportunity Office if they observe or encounter conduct that may violate the University’s Sexual Harassment Policy. Reports of alleged violations may also be made to an immediate supervisor. Alternatively, if the immediate supervisor is the alleged
harasser, complaints may be made to the next level supervisor. Students can report alleged violations to deans or department chairs or to staff in Counseling Services or Human Resources and Equal Opportunity. Any University employee who receives a complaint of sexual harassment is required to notify the Human Resources and Equal Opportunity Office in order to have complaints promptly processed under the Informal and/or the Formal Complaint procedure described below. Information essential to an investigation must be provided to the Human Resources and Equal Opportunity Office upon request.

Reports of sexual harassment should be reported as soon as possible after the alleged conduct occurs. Prompt reporting enables the University to more effectively investigate the facts, determine if a violation of policy has occurred, and provide an appropriate remedy or disciplinary action.

A. INFORMAL COMPLAINT PROCEDURE

The goal of the Informal Complaint Procedure is to resolve concerns at the earliest stage possible with the cooperation of the parties involved. This procedure includes, but is not limited to, discussions with the parties, mediating an agreement between the parties, referring the parties to counseling programs, conducting educational and training programs, and making other recommendations for resolution. Upon notification of an informal complaint, the Human Resources and Equal Opportunity Office will conduct an investigation into the allegations using the following procedure:

1. Discussions will be conducted separately with the complainant and the accused to review the allegation(s) and develop a mutually satisfactory resolution. If deemed appropriate, and both parties agree, the investigator may bring the parties together for a joint discussion.

2. The resolution procedure will be confidential to the extent permitted by law. A staff member in the Human Resources and Equal Opportunity Office will advise all parties of the confidentiality of the investigation and the strict prohibition against retaliation.

3. A written record of the allegation(s) and the resolution will be retained in the Human Resources and Equal Opportunity Office.

4. If the investigator, after hearing the complainant’s statement, determines that a formal investigation is necessary, the complaint will be handled under the Formal Investigation Procedure in section II. B. of this policy.

5. Resolution of complaints handled under the Informal Complaint Procedure will be completed as soon as possible and in most cases within thirty (30) calendar days of receipt of the complaint by the Human Resources and Equal Opportunity Office. If a resolution cannot be completed within thirty (30) calendar days because of valid extenuating circumstances, the complainant will be notified and
given a projected time for completion. If it is determined that a matter originally submitted under the Informal Complaint Procedure becomes a Formal Complaint, all parties will be notified in writing from the Human Resources and Equal Opportunity Office.

6. The Informal Complaint Procedure is an optional step. The complainant or the Human Resources and Equal Opportunity Office may decide to skip the Informal Complaint Procedure and proceed under the Formal Complaint Procedure.

B. FORMAL COMPLAINT PROCEDURE

The Formal Complaint Procedure will be followed if the Informal Complaint Procedure is not successful or appropriate for addressing the allegations of the complainant (such as when the facts are in dispute in reports of serious misconduct). The wishes of the complainant making the report will be considered, but will not determine whether or not to initiate the Formal Complaint Procedure. For example, the University may determine that it is obligated to proceed under the Formal Complaint Procedure due to the seriousness or nature of the allegations even if the complainant would prefer to proceed under the Informal Complaint Procedure. Upon notification of a formal complaint, the Human Resources and Equal Opportunity Office will conduct an investigation into the allegations using the following procedure:

1. The procedure will be confidential to the extent permitted by law. All parties will be advised of the confidentiality of the investigation and the strict prohibition against retaliation.

2. The investigation will include interviews with the parties, interviews with other witnesses, as needed, and a review of relevant documents, if appropriate. If all witnesses identified by the parties are not interviewed, the investigator will document the reason the interviews were not conducted.

3. The individual(s) accused of violating Coastal Carolina University’s Sexual Harassment Policy will be given a written statement of the allegations.

4. The investigation will be completed as promptly as possible and in most cases within forty-five (45) calendar days of the date the Formal Investigation Procedure was initiated. If the investigation cannot be completed within forty-five (45) calendar days because of valid extenuating circumstances, the parties will be notified and given a projected time of completion.

5. The investigation will result in a written report that includes a statement of the allegations, the positions of the parties, a summary of the findings of fact, and a determination by the Human Resources and Equal Opportunity Office whether University policy has been violated, and recommendations for actions to resolve the complaint if appropriate. The report will include a statement of explanation if all witnesses identified were not interviewed. The report will be
submitted to the University official(s) with authority to implement the actions necessary to resolve the complaint.

6. The parties will be informed as soon as possible and in most cases within thirty (30) calendar days of the conclusion of the investigation unless valid extenuating circumstances occur. Parties will be notified when the investigation is complete and whether or any violations of policy were found. The complainant will be informed of actions taken to resolve the complaint only if the actions are directly related to the complainant, such as a directive that the accused not contact the complainant. The complainant will be notified if the matter is referred for disciplinary action, but will not be informed of the details.

III.  APPEALS OF THE FORMAL COMPLAINT PROCEDURE

A. The complainant or accused has a right to appeal the decision of the Formal Complaint Procedure.

1. Appeals must be submitted in writing to the Office of the President of the University within seven (7) University work days after receipt of the final report of the Formal Complaint Procedure. The President or his or her designee will review and decide the appeal.

2. Decisions not appealed within such time are deemed final.

3. The President or his or her designee will issue a decision on the appeal to all parties involved within thirty (30) calendar days after receipt of the written appeal.

IV.  TEMPORARY MEASURES

A. At any point in the Informal or Formal Complaint Procedure, the Human Resources and Equal Opportunity Office staff may recommend interim actions to protect parties or witnesses involved in the investigation, including, but not limited to, separating the parties, reassignment, alternative work or student housing arrangements or other types of temporary measures. The University also reserves the right to issue no contact provisions to any or all parties involved in the investigation.