

Protection from Harassment

Policy Statement:

Bryant University is committed to maintaining a working and learning environment which supports respect for the individual and for academic freedom, where all members of the community can work and learn in an atmosphere that is free from sexual or other types of harassment.

It is the policy of Bryant University that no member of the University community, including faculty, staff, students, volunteers, interns, and third party contractors, may subject another to sexual or any other type of harassment. Harassment on the basis of race, color, religion, sex, sexual preference or orientation, gender identity or expression, national origin, age, ethnicity, disability, veteran or marital status undermines the basic principles of the Bryant community and will not be tolerated.

Harassment is defined as unwelcome verbal and/or physical conduct directed toward an individual or regarding an individual's race, color, religion, sex, sexual preference or orientation, gender identity or expression, national origin, age, ethnicity, disability, veteran or marital status that has the purpose or effect of:

- 1) humiliating and/or intimidating an individual or
- 2) impeding and/or interfering with work performance, academic status, or college life.

In particular, sexual harassment is defined as unwanted sexual advances, requests for sexual favors, and all other verbal or physical conduct of a sexual nature where:

- 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 affecting such individual; 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 environment in which to work or learn (situations that have the effect of substantially interfering with an individual's professional or academic performance by creating an intimidating, hostile, humiliating, or offensive working or learning environment, even if no job or promotion loss results).

Bryant University considers harassment a very serious matter. Any person found to be engaging in harassment, including sexual harassment, or who aids and abets or incites such conduct, will be subject to disciplinary action, up to and including termination of employment. Further, any retaliation against an individual for filing a complaint or for cooperating in an investigation of such a complaint is similarly prohibited and will not be tolerated.

Examples of Sexual Harassment

Sexual harassment may occur regardless of the intention of the person engaging in the conduct. The following are some examples of conduct, which, if unwelcome, may constitute sexual harassment, depending upon the totality of the circumstances, including the severity of the conduct and its pervasiveness:

- sexual advances - whether they involve physical touching or not;
- requests for sexual favors in exchange for actual or promised job or academic benefits such as favorable reviews, salary increases, promotions, grades, increased benefits, or continued employment;
- sexual jokes;
- use of sexual epithets, written or oral references to sexual conduct, gossip regarding one's sex life, comments on an individual's body, sexual activity, deficiencies, or prowess;
- displaying sexual objects, pictures, cartoons;
- leering, brushing against the body, sexual gestures, suggestive or insulting comments;
- inquiries into one's sexual activities; and
- assault or coerced sexual acts.

The U.S. Equal Employment Opportunity Commission (EEOC) has observed that hostile environment sexual harassment takes a variety of forms, and that many factors affect this determination. The determination of a hostile environment is affected by:

- whether the conduct was verbal or physical or both;
- how frequently the conduct was repeated;
- whether the conduct was hostile and patently offensive;
- whether the alleged harasser was a co-worker or supervisor;
- whether others joined in perpetrating the harassment; and
- whether the harassment was directed at more than one individual.

Sexual harassment does not refer to behavior or occasional compliments of a socially acceptable nature. It refers to behavior that is not welcome, that is offensive, and that fails to respect the rights of others. Conduct which may appear "voluntary" because a faculty or staff member or student does not seem to be forced to participate against his or her will is still sexual harassment as long as the victim makes it clear that the advances are unwelcome. Whether an isolated remark or act or a course of conduct creates a sexually hostile work environment will depend upon the totality of the circumstances.

Reporting Procedures

Bryant University encourages the reporting of all perceived incidents of discrimination, harassment or retaliation, regardless of the offender's identity or position. To encourage persons to come forward, the University provides several channels of communication, information, and complaint resolution. A list of potential resources or contacts available at the University is provided at the conclusion of this policy.

Complaint/Reporting Process

Complaints involving an employee of the University must be reported immediately either orally or in writing to the Associate Vice President for Human Resources (or his/her designee). If the complaint involves a faculty member, the complaint may be made to the Provost (or his/her designee). Complaints of sexually harassing or discriminatory behavior by students may be made to the Vice President for Student Affairs/Dean of Students (or his/her appointed designee). Procedures for handling a student complaint or grievance are covered by certain provisions within the Bryant University Student Handbook and are administered by the Vice President for Student Affairs/Dean of Students.

The Associate Vice President for Human Resources (or his/her designee) will participate in the investigatory process with Student Affairs and/or Academic Affairs when a student alleges sexual harassment by faculty or staff, or when a faculty member alleges sexual harassment by faculty, staff, or a student. In any complaint situation where a student is involved, the Vice President for Student Affairs/Dean of Students (or his/her appointed designee) will participate in the investigatory process.

If a supervisor, manager or department chair of the University becomes aware that harassment or discrimination is occurring, either from personal observation or as a result of an individual coming forward, the supervisor, manager, or department chair should immediately report it to the Associate Vice President for Human Resources.

When a complaint is received, the University will promptly investigate the allegation in a fair and expeditious manner. The investigation will be conducted in such a way as to maintain confidentiality to the extent practicable under the circumstances. The investigation may include interviews with the person making the complaint, any witnesses, and the person(s) alleged to have engaged in the harassment. If it is determined that inappropriate conduct has occurred, the University will act promptly to eliminate that offending conduct and, where it is appropriate, the University also will impose disciplinary action. Appeals must be submitted in writing detailing the specific reason(s) for the appeal.

The President (or his/her designee) will serve as the appeal authority. The President or his/her designee shall have the power to affirm, reverse, or modify the decision and/or the penalty imposed (but not increase), or to remand the matter to the University official imposing the sanction for further consideration. The decision of the appeal authority is final.

Harassment by Visitors

The University does not condone harassment by individuals visiting students or attending University functions or by any other visitor on the University campus. If anyone is subjected to harassment by visitors, he or she should call Public Safety, who will escort the visitors off campus and/or take other appropriate action. If visitors' behavior is illegal (for example, disturbing the peace, vandalism, sexual assault, etc.), they are subject to arrest. All members of the community should make it clear to visitors that such behavior is not acceptable at Bryant University.

Harassment by Third Parties

The University does not condone harassment by third parties, including internship supervisors, donors, or consultants, with whom members of the Bryant community are dealing on or off campus in the course of their academic or employment responsibilities. If anyone is subject to harassment in these situations, he/she should report it to his/her supervisor or advisor as soon as possible in order that appropriate action can be taken.

Consensual Relationships/Fraternization

Romantic or sexual relationships between faculty/staff and students have potential for adverse consequences, including the filing of sexual harassment charges. The apparent consensual nature of a relationship may be inherently suspect when a situation of “unequal power” exists which may contain elements of coercion, such as when compliance with requests for sexual favors becomes a criterion for granting privileges or favorable treatment in the working and learning environment. Even when both parties have consented to the relationship, there may be serious concerns about conflict of interest as well as unfair treatment of others. Employees who have access to student residences due to the nature of their position at the University are expected to adhere to all departmental policies related to fraternization or access to student residences. Any violations of departmental policies could result in disciplinary action, up to and including immediate termination of employment.

Romantic or sexual relationships between members of the Bryant community and third parties (e.g., internship supervisors, donors, consultants) with whom they are dealing off campus as part of their academic or employment responsibilities may also have potential for adverse consequences, including the filing of sexual harassment charges. Even when both parties have consented to the relationship, there may be serious concerns about conflict of interest as well as unfair treatment of others.

Information, Counseling and Advocacy

Anyone may seek advice, information or counseling on any matter, including matters relating to harassment, without having to lodge a complaint. Resources are listed under Information/Counseling Resources.

Bryant University list of resources available to individuals who believe they have been subject to discrimination, harassment, or retaliation.

Information/Counseling Resources

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| Counseling Services | 232-6045 |
| Health Services | 232-6220 |
| Student Affairs | 232-6046 |
| Coastline EAP | 1-800-445-1195 |

Internal Contact List

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| Vice President for Student Affairs/Dean of Students | 232-6046 |
| Vice President for Human Resources | 232-6011 |
| Provost | 232-6060 |

External Filing Remedies

While it is Bryant's goal to investigate and resolve harassment complaints internally, individuals who believe they have been subjected to sexual harassment, may also file a formal complaint with either or both of the following government agencies:

Rhode Island Commission
for Human Rights
180 Westminster St. 3rd Fl
Providence, RI 02903
(401) 222-2661

United States Equal Employment
Opportunity Commission (EEOC)
John F. Kennedy Federal Building
475 Government Center
Boston, MA 02203
(800) 669-4000

Related Information – [Sexual Misconduct Policy](#)