



Harassment

**Policy
and
Procedures**

Mississippi State University



MISSISSIPPI STATE UNIVERSITY

Operating Policy and Procedures

HARASSMENT

Purpose

Mississippi State University fosters a campus environment that recognizes individual and cultural differences. The university is strongly committed to the ethical and legal principle that each faculty member enjoys academic freedom and all members of the university community have a constitutional right to free speech. The right of free expression and the open exchange of ideas and views are essential, especially in a learning environment. Mississippi State University vigorously upholds these freedoms. However, the value of free expression may be undermined by certain acts of harassment as defined below. Such harassment may result in the loss of self esteem for the victim and the deterioration of a quality classroom, social or work environment and will not be tolerated.

This policy establishes uniform guidelines and procedures for addressing all forms of harassment applicable to all students, faculty and staff. Policies 91.123 (Harassment and Discrimination Against Students) and 60-402 (Sexual Harassment Policy) are hereby rescinded.

Policy

As members of the university community, students, faculty, administrators, and staff have the responsibility to respect and not violate the rights of others and to show tolerance for opinions that differ from their own. However, nothing in this policy prohibits appropriate admonition, argument and correction by a teacher in the conduct of his/her professional responsibility in the interest of maintaining order, upholding standards, stimulating thought, or promoting competence. Such action is, by definition, not a violation of this policy. Likewise, nothing in this policy precludes management's inherent authority to plan, direct and evaluate the activities of other organizational members in accordance with sound management principles and directives, including communicating, training and disciplining employees.

Harassment based upon race, color, religion, sex (including sexual harassment), national origin, age, disability or veteran status is a form of discrimination in violation of the law and will not be tolerated. Harassment based upon sexual orientation

or group affiliation is prohibited by this policy and also will not be tolerated.

Retaliation against any person complaining of harassment is prohibited by law or this policy and will not be tolerated.

All students, faculty and staff are expected to adhere to this university policy and will be held accountable for violating it. Mississippi State University will respond promptly to all complaints of harassment and retaliation. Violation of this policy can result in serious disciplinary action up to and including expulsion for students or discharge for employees.

Disciplinary action for violations of this policy is the responsibility of an employee's unit head or other appropriate administrator, or for students, the dean of students.

RULES

Definitions

1) Harassment is uninvited and unwelcome verbal or physical conduct directed at a person because of his or her race, color, religion, sex, national origin, age, disability, sexual orientation, or group affiliation that is either of the following:

a) Quid pro quo harassment consists of unwelcome conduct when:

- submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment, academic advancement or receipt of a university service, and
- a tangible employment, academic or provision of services action results from the person's failure or refusal to submit to such conduct.

b) Hostile environment harassment consists of unwelcome conduct when:

- such conduct has the effect of unreasonably interfering with an individual's work or academic performance, thereby creating an intimidating, hostile or offensive working or learning environment, and
- such conduct is so objectively and subjectively offensive as to alter the conditions of the person's employment or academic advancement (conduct that a reasonable person would find hostile or abusive and one that the victim does in fact perceive to be so). Hostile environment harassment is usually repeated and unwanted behavior, although a sufficiently serious, isolated incident may constitute harassment.

2) Retaliation is conduct intended as interference, coercion, restraint, or reprisal upon or against a complainant of prohibited harassment or one partici-

pating in the complaint resolution process.

3) The complainant is the party asserting an allegation of prohibited harassment against a specific person or persons.

4) A respondent is a party against whom an allegation of prohibited harassment is asserted.

False Allegations

False accusations are prohibited by this policy. Adverse employment or student disciplinary action may be imposed on individuals for such behavior. However, failure to prove a claim of prohibited harassment is not equivalent to a false allegation.

Confidentiality

While confidentiality cannot be guaranteed, everyone involved in a harassment complaint is expected to treat all information given or received in connection with the filing, investigation and resolution of allegations as confidential except to the extent it is necessary to disclose particulars in the course of the investigation or when compelled to do so by law. All individuals involved in the process, including the complainant and respondent, should observe a high level of discretion and respect for the reputation of everyone involved in the process.

PROCEDURE/RULES

Informal Resolution

Complaints asserting prohibited harassment against students shall be filed with the Dean of Students' Office within 180 days of the incident.

Complaints asserting prohibited harassment against faculty may be filed with the Office of the Provost within 180 days of the incident.

Complaints asserting prohibited harassment against employees other than faculty may be filed with the unit head or other university administrator within the management line of authority of the accused employee or the Office of Diversity and Equity Programs within 180 days of the incident.

Complaints of harassment may be resolved through a variety of informal options, including but not limited to the following:

1) The complainant may confront the respondent in person regarding the conduct with or without the assistance of a unit head or representative from

the Office of Diversity and Equity Programs (for employees), or representative from the Dean of Students' Office (for students).

- 2) The complainant may confront the respondent in writing regarding the conduct with or without the assistance described in paragraph 1 above.
- 3) The complainant may ask an appropriate official identified in paragraph 1 above to notify the respondent of the complaint and seek to resolve the complaint.
- 4) The complainant may ask an appropriate official identified in paragraph 1 above to have the complaint mediated between the parties.
- 5) Informal resolution efforts should normally not extend beyond two weeks from the date the complaint is first asserted.

Formal Resolution

Any complaint not resolved informally must be filed within seven calendar days of the end of the informal resolution period with the Dean of Students' Office when the complaint is based on the alleged conduct of a student, the Office of the Provost when the complaint is based on the alleged conduct of a faculty member, or the Office of Diversity and Equity Programs when the complaint is based on the alleged conduct of an employee other than a faculty member. The complaint should be in writing. The appropriate official (provost; dean of students; or director, Office of Diversity and Equity Programs) will promptly designate a person to investigate complaints filed with that official's office.

Responsibilities of the Investigating Official

The person designated to investigate the allegation will inform the complainant that:

- 1) The university is not precluded from taking any action it deems appropriate, including informing the respondent of the allegations and pursuing an investigation even in cases when the complainant is reluctant to proceed or fails to reduce the complaint to writing.
- 2) The manner and frequency with which the complainant will be updated about the status of the investigation.
- 3) The need for a high level of discretion during the investigatory process.

Normally within three working days of receipt of the assignment, the person designated to investigate the allegation will advise of and provide the respondent with:

- 1) The specific allegations and a copy of the written complaint if the

complaint is in writing.

- 2) The manner and frequency in which the respondent will be updated about the status of the investigation.
- 3) The need for all parties to exercise a high level of discretion during the investigatory process and the university's policy with respect to retaliation.
- 4) An opportunity to submit a written response to the complaint within five working days of notification of the complaint.

Complaint Investigation

1) The purpose of the investigation is to gather facts.

2) Depending upon the facts of the case, an investigation may range from a one-on-one conversation between the investigating official and the respondent to an inquiry with multiple witness interviews. The investigator will produce a written finding of facts at the conclusion of the investigation.

3) Investigations normally should be completed within 45 calendar days from the date the complaint was first asserted. If this is not reasonably possible, the investigator should make the complainant and the respondent aware of the status of the review and provide an estimated conclusion date.

Submission of Investigative Report

Upon completion of the investigation, the investigator shall submit the report to the appropriate university official:

- 1) The dean of the college within which a respondent faculty member is employed [when the respondent is a faculty member] with a copy of the report submitted separately to the provost.
- 2) The director, Office of Diversity and Equity Programs [when the respondent is a university employee, other than a faculty member].
- 3) The dean of students [when the respondent is a student].

Final Determination and Action

Upon receipt of the investigative report, the appropriate university official, as defined above, shall take the following action:

1) The dean of the college shall review the report and submit an initial determination to the provost that states that a violation of the policy either did or did not occur. If an initial determination is that a violation did occur, then the dean shall also submit an initial proposal to the provost stating what "prompt remedial action" the dean considers to be appropriate, including any disciplinary

action that may be considered appropriate. Upon receipt of approval from the provost of the dean's initial determination and of the proposed remedial action, the dean shall implement the remedial action. Should the provost disapprove the dean's initial determination and/or initial remedial action proposed, and should the dean, after consultation with the provost, remain convinced that the initial determination and/or remedial action is correct, then the provost shall make a final determination and, if applicable, shall direct appropriate remedial action.

2) The director of the Office of Diversity and Equity Programs shall review the report and forward the report to the appropriate "administrative official" (the department head or higher level administrative official in the respondent's administrative chain). The "administrative official" shall review the report and submit an initial determination through administrative channels to the division head (vice president or equivalent) stating that a violation of the policy either did or did not occur. If the initial determination is that a violation did occur, then the "administrative official" shall also submit an initial proposal to the division head stating what "prompt remedial action" the "administrative official" considers to be appropriate, including any disciplinary action that may be considered appropriate. Upon receipt of approval from the division head of the initial determination and of the proposed remedial action, the "administrative official" shall implement the remedial action. Should the division head disapprove the initial determination and/or initial remedial action proposed, and should the "administrative official," after consultation with all other administrative officials within the administrative chain up to and including the division head, remain convinced that the initial determination and/or remedial action is correct, then the division head or his/her designee shall make a final determination and, if applicable, shall direct appropriate remedial action.

3) The dean of students shall review the report and handle the matter in accordance with OP 91.100.

Notification of Completion

Upon conclusion of the determination process (and, if applicable, a decision regarding what remedial action is appropriate), the complainant and respondent shall be informed that the university process has been completed.

Review

This policy shall be reviewed by the director of the Office of Diversity and Equity Programs as needed.

Where to go for answers and help

Being subjected to harassment can be a devastating experience. You may feel that what is happening is your fault and that you are powerless and alone. You aren't. There are a number of places you can go for advice, support and encouragement. Talking to someone will make you feel less alone and more able to deal with your experience. If you are not sure who to contact, the person with whom you feel most comfortable is the right choice. You may seek advice or help from any one of the following university officials.

Director
Department of Human Resources Management
150 McArthur Hall (Barr Avenue)
Mississippi State University
(662) 325-3713

Dean of Students
Office of the Dean of Students
100 Lee Hall
Mississippi State University
(662) 325-3611

Director
Office of Diversity and Equity Programs
106 McArthur Hall (Barr Avenue)
Mississippi State University
(662) 325-2493

Assistant Vice President for Academic Affairs
Office of the Provost and Vice President for Academic Affairs
608 Allen Hall
Mississippi State University
(662) 325-3742

If fear of physical safety, threats or assault is involved, contact:
University Police Department, Williams Building, at (662) 325-2121.