

SEXUAL HARASSMENT POLICY

I Policy Prohibiting Sexual Harassment.

It is the policy of the Norman Adrian Wiggins School of Law to maintain an academic and employment environment free of sexual harassment. It is a violation of this policy for any faculty member, staff member, employee or student to sexually harass, as that term is defined in this policy, any other faculty member, staff member, employee or student. Sexual harassment is both illegal and unprofessional, and it is contrary to the Judeo-Christian principles that have guided the character of Campbell University for over a century.

This policy is an expression of one aspect of the commitments and fundamental purposes of the School of Law. It is not intended as a new policy but as a more specific expression of our ethical and professional commitments, which include aspects of both our personal relationships and the atmosphere of our academic community. It is not intended to be exhaustive of the moral and ethical obligations of members of the law school community in their relationships with one another.

This policy shall be construed and applied in a manner consistent with the statements of purpose and other policies of the University and the School of Law, and thus is consistent with the principles of academic freedom and the necessity of vigorous debate within the community over issues of law, public policy, and ethics.

II Definition of Sexual Harassment

- A. For purposes of this policy, sexual harassment is defined as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature:
 - (1)1 aimed at coercing an unwilling person into a sexual relationship; or
 - (1)2 making submission to or rejection of such conduct the basis for employment, academic or other law school-related decisions affecting the individual; or
 - (1)3 unreasonably interfering with the individual's work or academic performance by creating an intimidating, hostile, or offensive working, professional or academic environment.

- A. Acts of sexual harassment may include, but are not limited to:

- (1)1 sexual battery;
- (1)2 requesting sexual favors accompanied by implied or overt threats concerning the victim's job, grade, letter of recommendation, or similar activities;
- (1)3 verbal harassment or abuse of a sexual nature;
- (1)4 offensive and unwanted physical contact such as patting, pinching, or unnecessary touching;
- (1)5 subtle pressure for sexual activity;
- (1)6 sexist remarks or gestures regarding a person's body, clothing or sexual activities.

III Retaliation Prohibited.

Any member of the School of Law or Campbell University community who retaliates in any manner against a complainant for reporting sexual harassment will be deemed to be in violation of this policy. Such an act of retaliation may be prosecuted hereunder, in the same manner and to the same extent as for an act of sexual harassment.

IV Procedure for Complaints.

- A. Complaint Officer. The Associate Dean of the School of Law is designated to receive and supervise the investigation of complaints of sexual harassment. The Associate Dean can designate another employee or independent investigator to investigate the complaint.¹
- A. Complaints. Any member of the School of Law community who believes that he or she has been the victim of sexual harassment as defined above shall bring the matter to the attention of the Complaint Officer as soon as possible after the occurrence of the event.
- A. Informal Disposition. Upon completion of the investigation, the Complaint Officer shall make a recommendation to the Dean concerning the issue of

¹

In the event that the Associate Dean is accused of sexual harassment, the Associate Dean for Admissions shall function in the role of "Complaint Officer" under this policy.

whether sexual harassment has occurred.² The Complaint Officer may also make recommendations concerning appropriate sanctions.

- A. Dean's Disposition. If the dean finds that an act(s) of sexual harassment has/have occurred as alleged and that such is supported by substantial evidence, the Dean shall:
- (1)1 make a written report of his or her findings; and
 - (1)2 make a written recommendation as to the appropriate sanction(s) to be imposed.

If the Dean finds no substantial evidence to support the findings of the investigation and the Associate Dean's recommendation, the Dean shall enter a written decision dismissing the complaint.

V Guidelines for Imposing Sanctions.

- A. Employees. Appropriate discipline for an employee found to have committed sexual harassment shall be fashioned to fit the seriousness of the offense and may range from reprimand to termination of employment. The final written decision shall be made a permanent part of the employee's personnel file.
- B. Tenured Faculty Members. A determination that a tenured faculty member has committed sexual harassment may be grounds for revocation of tenure and, in appropriate instances, termination.
- C. Students. Appropriate discipline for any student found to have committed sexual harassment shall be fashioned to fit the seriousness of the offense and may range from reprimand to suspension or expulsion. The final written decision shall be made a permanent part of the student's file and shall be included in any report to the Board of Law Examiners.

VI Appeal.

The offender may appeal the decision of the Dean to the President of Campbell University within thirty days after the date of the Dean's final written decision. Failure to timely appeal constitutes a waiver of the right of appeal.

VII Termination of Proceedings.

²

In the event that the Dean is accused of sexual harassment, the Complaint Officer shall report to the Vice President for Academic Affairs and Provost, who will then perform the functions that would have been performed by the Dean under this policy.

The complainant may at any time pursue other legal remedies available through federal or state courts or agencies having jurisdiction. If the complainant pursues alternative remedies outside the procedures of this policy, any proceeding under this policy may go forward at the option of the Dean of the School of Law.

Adopted by the Faculty of the Norman Adrian Wiggins School of Law on August 14, 2000