

ANTI-HARASSMENT POLICY

PC 9.1

Date of Last Update:

March 31, 2016

Approved By:

- President's Cabinet

Responsible Office:

Inclusion and Equity/Office of Affirmative Action

POLICY STATEMENT

Article I. Purpose

The goal of Grand Valley State University is to maintain a positive work environment for employees and a climate conducive to learning for students. The University, consistent with its policies and procedures, promotes institutional diversity by embracing such concepts as "affirmative action" and "equal opportunity" as a campus-wide strategy to provide equal access to opportunity. The University's commitment to non-discrimination is the foundation for such efforts. This policy outlines expectations for institutional and individual conduct that apply to all University faculty and staff members.

It is neither the purpose nor intent of this policy to infringe on [academic freedom](#) as defined by Grand Valley State University's Board of Trustees' Policies and the Faculty Handbook.

PROCEDURES

Article II. Prohibited Conduct Harassment

Harassment is unprofessional conduct that could reasonably be understood as (1) having the purpose or effect of creating an intimidating, hostile, or offensive environment, (2) having the purpose or effect of unreasonably interfering with an individual's work performance or access to educational activities and programs, (3) otherwise adversely affecting an individual's employment opportunities or access to educational activities and programs.

Harassment on the basis of age, color, disability, familial status, height, marital status, national

origin, political affiliation, race, religion, veteran status, or weight is considered a violation of university policy. (For sex/gender, sexual orientation, gender identity and/or gender expression, see [Sexual or Gender-Based Harassment Policy](#).)

Article III. Sanctions

Any person who violates the University's Anti-Harassment Policy may be subject to a range of sanctions (in accordance with University policies) which could include, but is not limited to, dismissal, according to due process, from University employment. Violators may also be subject to civil action or criminal prosecution because harassment and other discriminatory behavior may violate state or federal laws.

Article IV. Retaliation

1) Definition: Retaliation means any adverse action taken against a person for making a good faith report of prohibited conduct (see, generally, policies on [Sexual Misconduct](#), [Sexual or Gender-based Harassment](#), and [Anti-Harassment](#)) or participating in any proceeding under University policy or policies.

a. Retaliation includes threatening, intimidating, harassing, coercing or any other conduct that would discourage a reasonable person from engaging in activity protected under University policy or policies.

b. Retaliation may be present even where there is a finding of “no responsibility” on the allegations of prohibited conduct.

c. Retaliation does not include good faith actions lawfully pursued in response to a report of prohibited conduct.

2) Reporting: Acts of alleged retaliation should be reported immediately to the Vice President for Inclusion and Equity, or designees, and will be promptly investigated. The University will take appropriate steps to protect individuals who fear that they may be subjected to retaliation.

Article V. Procedural Guidelines for Discrimination and Harassment Complaints

A. Preliminary Issues

The following procedures are intended to enforce the University's [Equal Opportunity/Affirmative Action Policy](#), ([EEO/AA Policy](#)) and the University's [Non-Discrimination and Anti-Harassment Policy](#). The procedures are initiated by making a complaint that alleges discrimination, including unlawful harassment, has occurred.

Complaints may be either formal or informal, and the procedure for each is described below.

B. Purpose of these Guidelines

The purpose of these procedural guidelines is to ensure that discrimination complaints, including harassment, are handled promptly and effectively in a manner that is procedurally fair to all parties. The Affirmative Action Office may deviate from these Guidelines as necessary to achieve the goals of prompt, thorough, and effective complaint resolution in a procedurally fair manner.

C. Time limit for Filing a Complaint

Typically, both formal and informal complaints should be reported as soon as possible and within sixty (60) days after discovery of the act which constitutes an instance of inappropriate behavior. The University retains the right to accept and address complaints reported anytime after the 60 day recommended time limit.

D. Confidentiality

Although discretion will be exercised, a guarantee of confidentiality or anonymity cannot be made because the fact-finding investigation will involve discussions with other parties. Information about the Complainant and the incidents giving rise to the complaint will be revealed only as investigatory and disciplinary processes require. Confidentiality will be observed to the extent permitted by law and which is consistent with protecting the welfare of the faculty, staff and students, and the interests of the University.

E. Where to Make a Complaint

In most cases, a University Faculty/Staff member with a complaint alleging harassment in violation of this Policy, whether formal or informal, should report this to the Affirmative Action Office. A University student with a complaint alleging harassment in violation of this Policy, whether it is formal or informal, should report it to the Affirmative Action Office or the Dean of Students Office. In the event a complaint is received in offices other than the offices mentioned above, faculty and staff are responsible for referring the individual to the appropriate office.

F. Emergency

Provisional, emergency actions departing from these procedures may be taken by a University Appointing Officer with the advice of the Affirmative Action Office and the University Counsel Office and must be followed as promptly as possible by steps providing Respondent(s) with the notice and opportunity to defend the allegations.

Article VI. Informal Complaints

Individuals who believe they have experienced or may have witnessed discrimination or harassment in violation of this Policy should consult with the Affirmative Action Office. Contacting the Affirmative Action Office about a concern does not automatically result in a formal complaint.

The party making the complaint (the “Complainant”) may request that the University official consulted speak informally with the alleged offender(s) (the “Respondent”) informing them of the salient features of the complaint. If this process does not resolve the matter or, if the Complainant or University official who is consulted prefers, he/she may pursue any of the avenues of resolution listed below.

Informal complaints are those complaints where the Complainant or a witness of an alleged offense asks the Affirmative Action Office to assist in the resolution of an alleged violation of the Non-Discrimination and Anti-Harassment Policy.

1. Advising. One function of the Affirmative Action Office is to hear and address complaints concerning discrimination, including harassment of any type, in violation of this policy. If the Complainant seeks a preliminary informational and advising session with the Affirmative Action Office, an opportunity for full discussion of the case shall be provided. The Affirmative Action Office shall aid the Complainant in exploring all possible options for resolving the complaint as effectively as possible. In doing so, the Affirmative Action Office will observe the confidentiality provisions of this Policy.

Some incidents, if considered serious, may require some type of follow-up actions to be taken by the Affirmative Action Office. If any follow-up actions are deemed necessary, the Affirmative Action Office will inform the person who identified the concern that action will be taken.

Students may seek advice and guidance from the Dean of Students or the Affirmative Action Office.

2. Alternative Dispute Resolution (ADR). The goal of ADR is to provide a forum where the Complainant and Respondent can, with the aid of the third party come to a mutually agreed-upon resolution. ADR works only when both the complaining and responding parties voluntarily participate in the process. ADR facilitators may be assigned by the Affirmative Action office. By definition, informal resolutions do not include imposing sanctions, but they may involve mutually acceptable consequences.

a. Mediation Process. A favored method of alternative dispute resolution(ADR) of complaints is mediation, which also is a voluntary conflict-resolution process. The Complainant and the Respondent voluntarily agree to work with a third party mediator, who is usually a member of the University community that is a trained mediator, to resolve the complaint. This mediation is intended to resolve the complaint to the satisfaction of both the Complainant and the Respondent. Informal complaints need not be put in writing or signed by the Complainant.

Certain types of incidents, however, may not be appropriate for mediation.

- i. A faculty or staff member or student initiates the mediation process by making an informal complaint within the Human Resources Office or the Affirmative Action Office. Students may initiate the process in the Dean of Students Office or may consult with the Affirmative Action Office. The complaint need not be in writing or be signed by the complainant.
- ii. The office receiving the complaint will discuss the mediation process with the Complainant to determine if mediation might be an appropriate method to resolve the complaint.
- iii. If the Complainant wishes to proceed with mediation, then a person designated by the Affirmative Action Office, the Human Resources Office, or the Dean of Students Office meets with the alleged offender, informing him or her that an informal complaint has been filed and that the Complainant wishes to resolve it by mediation. The mediation process will be discussed with the alleged offender to determine if mediation might be an appropriate method to resolve the complaint. The Respondent is also informed that mediation is a voluntary conflict resolution process intended to make each party aware of the position or feelings of the other and to resolve the conflict.
- iv. If both parties agree to mediation, a Mediator will be selected by the Affirmative Action Office, the Human Resources Office, or the Dean of Students Office. The mediator will be a trained member of the University community who is deemed the most suitable and knowledgeable based on the circumstances involved.
- v. Mediation may also include meetings between the Mediator and the parties separately.
- vi. If mediation has been successful, the Mediator will inform the Affirmative Action Office that the complaint has been resolved.
- vii. If the Mediator determines that mediation cannot adequately resolve the issues, he or she will inform the Complainant and Respondent of this as well as the options available, such as filing a formal complaint. The Mediator will also notify the Affirmative Action Office that mediation was unsuccessful.
- viii. If the Complainant is dissatisfied with the results of mediation, he or she may file a formal complaint.

Article VII. Formal Complaints (Written)

Formal complaints are those complaints where the faculty/staff/student files a written complaint

with the Affirmative Action Office.

A. Filing a Formal Complaint

Complainants must provide a written description of the allegation(s) and the name of the alleged offender. Complaint forms are available from the Affirmative Action Office and on the web at: <http://www.gvsu.edu/inclusion/> under "Forms." The Complainant should complete the form, listing: the type of alleged offense; summary of alleged discrimination; who discriminated against the Complainant; what action has been taken so far; what action is suggested; and whether the Complainant has filed a complaint/grievance with any other agency. The Complainant must sign the complaint form and submit it to the Affirmative Action Office to begin a formal investigation.

B. Notifications

Certain notifications are required to ensure fairness and equity to all parties involved:

1. The appropriate Appointing Officer responsible for the areas where the Complainant and Respondent are employed will be notified. The appropriate Vice President and the Appointing Officer for the Respondent shall receive a copy of the Complaint.
2. Once he or she becomes the focus of a complaint, the Respondent must be notified of the complaint, the identity of the Complainant and the nature of the complaint. They will also be advised not to contact the Complainant directly or to retaliate against him/her. The appropriate Appointing Officer will meet with the Respondent and provide a copy of the Complaint and be advised of the obligation of non-retaliation.
3. If either the Complainant or Respondent is represented by a collective bargaining agreement, the appropriate official in the Human Resources Office will be contacted immediately to assist in the facilitating the fact-finding investigation process.
4. If the complaint is against a student, the Complainant may elect to pursue a formal charge through the Dean of Students Office. The Affirmative Action Office will notify the Dean of Students as appropriate.
5. If the complaint is against an appointing officer, only the appropriate Vice President is notified. If the complaint is against a Vice President or Provost, the President is notified. If the complaint is against the President, the Chair of the Board of Trustees is notified. If the complaint is against a member of the Board of Trustees, the Chair of the Board of Trustees will be notified. If the complaint is against the Chair of the Board of Trustees, the Vice Chair of the Board of Trustees will be notified.

6. The Affirmative Action Office will maintain periodic contact with the Complainant and Respondent regarding the complaint status throughout the investigation.

C. Steps in the Investigation Process

A formal fact-finding investigation process will be carried out in as timely a manner as possible. However, all parties involved are encouraged to recognize that a thorough investigation requires time. While no specific deadlines are established, required notifications, respondent and, where applicable, union representation and investigation activities should begin as quickly as possible after receiving the written complaint.

1. The Affirmative Action Office will determine the most effective method of investigating the concerns raised by the Complainant. If circumstances deem that the investigation should be referred to the Student Grievance Process, then the Dean of Students will handle oversight responsibilities of the complaint. If not referred to the Dean of Students, then the Affirmative Action Office is responsible for the investigation.

2. Unless unusual circumstances prevent or suggest otherwise, a co-investigator will be identified to participate in the investigation process that will be led by the Assistant Vice President for Affirmative Action. The co-investigator will be a trained/experienced member of GVSU's faculty or staff.

3. The investigation will involve conducting a thorough fact-finding investigation that includes meeting with the Complainant, Respondent, pertinent witnesses and reviewing and analyzing relevant documents as they relate to each allegation of the complaint. The investigators have the obligation to remain neutral during the investigation. Occasionally, a different or less formal response to the complaint may be warranted. Although the Affirmative Action Office may deviate from these guidelines, it will still respond to the complaint in a prompt, thorough and effective manner that is procedurally fair.

4. Communication with the Complainant and Respondent regarding the current status of the investigation and anticipated or adjusted timelines for concluding will occur on a regular and timely basis.

D. Investigation Report

1. A Final Investigation Report will contain: 1) a summary of the Complainant(s) allegations and the Respondent's relevant statement in response to the allegations; 2) analysis of findings that includes a description of the relevant information provided by witnesses or obtained from the documents; and 3) the conclusion about whether or not university policy has been violated.

2. The Final Investigation Report will be provided to the appropriate Appointing Officer and Vice President. The Assistant Vice President for Affirmative Action will verbally notify both the Complainant and the Respondent about whether or not university policy was violated. The co-investigator's involvement in the matter concludes when the final investigation report is issued.

3. The Assistant Vice President for Affirmative Action will meet with a representative from the University Counsel Office and the Appointing Officer to discuss recommendations for any follow-up actions.

E. Standard for Determining Violations of This Policy

Allegations of violations of this Policy will be evaluated by considering the totality of the particular circumstances, including the nature, frequency, intensity, location, context, and duration of the questioned behavior. Although repeated incidents generally create a stronger claim of harassment, a serious incident, even if isolated, can be sufficient to rise to the level of being considered a policy violation.

F. Corrective Action

If the report finds that the EEO/AA policy or this Non-Discrimination and Anti- Harassment Policy were violated, the University will determine appropriate corrective action, up to and including dismissal. The University may also take corrective action if no discrimination or harassment is found, but Respondent is found to have engaged in inappropriate workplace behavior. If corrective action is to be taken against a Respondent that is represented by a collective bargaining agreement, the appropriate official in the Human Resources Office will be contacted immediately to assist in the facilitating the corrective action.

Article VIII. Other Information

Copies of complaint procedures are available online at: www.gvsu.edu/inclusion. Information regarding other grievance procedures is located in the following documents:

1. Faculty members - [Section 3.02](#) of the Faculty Handbook.
2. Executive, Administrative and Professional Staff - Board of Trustees' Policies, [BOT 4.4.8](#)
3. Clerical, Office and Technical Staff - Section 6, Grievance, of the present contract.
4. Confidential Clerical - Section 9, Grievances, of the Personnel Policies in the Confidential Clerical handbook.

5. Maintenance, Grounds, and Services - Section 6, Grievances, of the present contract.
6. Department of Public Safety Staff - Section 6, Grievances, of the present contract.
7. Security Staff - Grievances, of the Personnel Policies in the Security Staff Handbook.
8. Student Employees - Student Employee Handbook and Student Code, Article IV. Student Grievance Procedures

Contact information for faculty and staff:

- Division of Inclusion and Equity
 - Affirmative Action
4000 James H. Zumberge Hall
Allendale, MI 49401
616-331-2242
<http://www.gvsu.edu/affirmative>
 - Disability Support Resources
4015 James H. Zumberge Hall
Allendale Campus 49401
616-331-2490
<http://www.gvsu.edu/dsr/>
 - [Division of Legal, Compliance & Risk Management](#)
 - 4068 James H. Zumberge Hall – 616-331-2067
 - Employee Assistance Program (EAP) - Encompass 1-800-788-8630
 - Human Resources (Staff Relations) – 616-331-2215
 - LGBT Faculty/Staff Association - lgbtfsa@gvsu.edu
 - Deans
 - Provost's Office – 616-331-2400

Contact information for students:

- Division of Inclusion and Equity
 - Affirmative Action
4000 James H. Zumberge Hall
Allendale, MI 49401
616-331-2242
<http://www.gvsu.edu/affirmative>

- Disability Support Resources
4015 James H. Zumberge Hall
Allendale Campus 49401
616-331-2490
<http://www.gvsu.edu/dsr/>

 - Division of Legal, Compliance & Risk Management
4068 James H. Zumberge Hall – 616-331-2067

 - Student Services - Dean of Students
202 Student Services Building – Allendale Campus
616-331-3585

 - Counseling Center
204 STU, Allendale Campus
616-331-3266

 - LGBT Resource Center
1161 Kirkhof Center – Allendale Campus
616-331-2530
lgbtcenter@gvsu.edu

 - Nontraditional Students
616-331-7360
Toll Free: 888-831-4034
nontraditional@gvsu.edu

 - Office of Multicultural Affairs
1240 Kirkhof – Allendale Campus
616-331-2177
oma@gvsu.edu

 - Women's Center
1201 Kirkhof Center – Allendale Campus
616-331-2748
womenctr@gvsu.edu
-