

ANTI-HARASSMENT POLICY AND GRIEVANCE PROCEDURES

(November 2007)

Princeton University is committed to creating and maintaining an educational, working, and living environment free from any form of harassment. Princeton University's policy prohibits harassment of any kind and applies to everyone in the University community.

All members of the University community should know:

- (i) what type of conduct constitutes harassment;
- (ii) the resources and processes available for addressing and resolving harassment complaints;
- (iii) the mechanisms for determining whether this Policy has been violated; and
- (iv) if a violation has occurred, the mechanisms for determining an appropriate resolution.

I. DEFINITIONS

A. Sexual harassment in the educational setting/working environment:

Under this Policy, sexual harassment is defined as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

1. Submission to or rejection of these behaviors is made implicitly or explicitly a term or condition of instruction, employment, or participation in any University activity or benefit; or
2. Submission to or rejection of these behaviors by an individual is used as a basis for evaluation in making academic or personnel decisions; or
3. These behaviors are sufficiently severe and/or pervasive to have the effect of unreasonably interfering with an individual's educational experience, working conditions or living conditions by creating an intimidating, hostile, or offensive environment.

Listed below are examples of behavior that can constitute sexual harassment. The list is not all-inclusive; in addition, each situation must be considered in light of the specific facts and circumstances to determine if sexual harassment has occurred.

- Pressure for sexual activity or sexual favors;
- Unwelcome touching of a person's body, hair or clothing;
- Unwelcome sexual jokes or comments (including favorable comments about someone's gender, body, clothing, appearance, etc.);
- Disparaging remarks to a person about his/her gender or body;
- Asking about a person's sexual fantasies or sexual activities;
- Repeatedly asking for a date after the person has said "no";
- Nonverbal behavior, such as making sexual gestures with hands or through body movements;
- Displaying sexually explicit posters or pictures; and
- Electronic communications, such as e-mail, text messaging and internet use, that violate this Policy.

Sexual harassment can occur in a variety of instances, including between individuals of the same sex, regardless of their sexual orientation. The victim can be anyone affected by the offensive conduct, even if not harassed directly. The harasser can be a non-University individual, such as an outside vendor or other third party.

Note: Sexual or romantic relationships involving individuals in a teacher-student relationship (e.g., being directly or indirectly taught, supervised or evaluated) or involving any element of coercion or harassment is a violation of the University's Consensual Relationships with Students Policy (see "Appendix A" of the Anti-Harassment Policy).

Note: Consensual sexual or romantic relationships involving individuals in a supervisor-subordinate employment relationship (e.g., being directly or indirectly supervised or evaluated) creates a conflict of interest that violates the University's Nepotism and Personal Relationships in the Workplace Policy (see "Appendix B" of the Anti-Harassment Policy).

B. Other unlawful harassment in the educational setting/working environment:

At Princeton University, unlawful harassment is defined as unwelcome verbal or physical behavior which is directed at a person because of his/her race, creed, color, sex, gender identity, age, national origin, ancestry, religion, physical or mental disability, veteran's status, marital or domestic partnership status, affectional or sexual orientation or other classification protected by applicable law, when these behaviors are sufficiently severe and/or pervasive to have the effect of unreasonably interfering with an individual's educational experience, working conditions or living conditions by creating an intimidating, hostile, or offensive environment.

Listed below are examples of behavior that can constitute unlawful harassment. The list is not all-inclusive; in addition, each situation must be considered in light of the specific facts and circumstances to determine if harassment has occurred.

- Unwelcome jokes or comments about a legally protected characteristic (e.g., racial or ethnic jokes);
- Disparaging remarks to a person about a legally protected characteristic (e.g., negative or offensive remarks or jokes about a person's religion or religious garments);
- Displaying negative or offensive posters or pictures about a legally protected characteristic;
- Electronic communications, such as e-mail, text messaging and internet use, that violate this Policy; and
- Stereotyping.

C. Balancing Anti-Harassment Policies with Freedom of Speech/Expression.

The University's policies and procedures relating to harassment are not intended to inhibit or restrict free speech or the expression of ideas. Rights, Rules, Responsibilities provides: "Princeton University strives to be an intellectual and residential community in which all members can participate fully and equally, in an atmosphere free from all manifestations of bias and from all forms of harassment, exploitation, or intimidation. As an intellectual community, it attaches great value to freedom of expression and vigorous debate, but it also attaches great importance to mutual respect, and it deplores expressions of hatred directed against any individual or group. The University seeks to promote the full inclusion of all members and groups in every aspect of University life."

II. ROLES AND RESPONSIBILITIES

A. It is the responsibility of the **Provost's Office** to coordinate the dissemination of information and educational and training programs to: (1) assist members of the University community in understanding what behavior is prohibited; (2) make clear that harassment is prohibited under University policy, (3) ensure investigators are trained to respond to and investigate complaints of harassment; and (4) ensure faculty, staff and students are aware of the procedures for addressing complaints of harassment.

B. It is the responsibility of **deans, department chairs, department heads** and program/center directors and **managers** (i.e., those who formally supervise other employees), to:

- inform employees under their direction or supervision of the Anti-Harassment Policy;
- notify the appropriate Harassment Resolution Facilitator listed in Point III.D. below (i.e., the Offices of the Dean of Faculty or Human Resources, or student deans) promptly when they receive reports, witness or otherwise learn of complaints of harassment; and
- implement any corrective actions that are imposed as a result of findings of harassment.

C. It is the responsibility of **all employees** to review the Anti-Harassment Policy and comply with it.

D. It is the responsibility of **all students** to review the Anti-Harassment Policy and comply with it.

E. When the University is aware that a member of the University community may have been subjected to or affected by harassing behavior, the University will take prompt action, including a review of the matter and, if necessary, an investigation and appropriate action to stop the harassment. The course of action taken by the University, including any disciplinary penalty, will depend on the particular facts and allegations involved.

III. OPTIONS FOR ADDRESSING HARASSMENT

The University encourages everyone to report all incidents of harassment regardless of who the alleged harasser might be.

When you feel you are being harassed you can:

A. Tell the harasser to stop, in writing or in person. (The University recognizes that in certain instances such action may not be appropriate or advisable.)

B. Seek confidential counseling from SHARE, the University Health Services Counseling Center, the Ombuds Office, Carebridge (the employee assistance program provider), or chaplains in the Office of Religious Life. These confidential counselors are not authorized to engage in fact-finding or take action on behalf of the University; nor will they maintain formal or detailed records of confidential consultations. If after speaking with a confidential counselor you do not wish to initiate an internal complaint, the confidential counselor will take no action. If you do wish to make a complaint, these individuals are knowledgeable about the University's Anti-Harassment Policy and will put you in touch with an appropriate University administrator.

C. Tell someone. You can speak with your manager, a higher manager in your reporting line, department chair, department head, appointed mentor, directors of student life, an assistant or associate dean, the directors of the LGBT, Women's, International or Carl A. Fields Centers, or human resources personnel. These individuals are knowledgeable about the University's Anti-Harassment Policy and will put you in touch with an appropriate University administrator.

D. Meet with a Harassment Resolution Facilitator. In our diverse community, disagreements and conflicts of varying degrees of seriousness are inevitable. Many issues are best resolved informally by direct communication between the individuals involved or with the assistance of a Harassment Resolution Facilitator. Harassment Resolution Facilitators will assess the matter, engage in fact-finding, and seek to resolve the matter at the lowest possible level.

The following members of the University community have been identified as Harassment Resolution Facilitators, and stand ready to discuss available options for addressing and resolving concerns:

For Undergraduate Students: Hilary Herbold, Associate Dean of Undergraduate Students, Victoria Jueds, Assistant Dean of Undergraduate Students, or Directors of Student Life

For Graduate Students: Joy Montero, David Redman, or Karen Jackson-Weaver, Associate Deans of the Graduate School

For Faculty or Dean of Faculty Staff: Toni Turano or Mary Baum, Associate Deans of the Faculty

For Human Resources Staff: Catherine Geddis, Michael Owen, Rosalie Jones, Vikki Ridge, or Alan Napier, Senior Human Resources Managers; Pierre Joanis, Director of Labor Relations; Rhonda Hospedales, Labor Relations Specialist; Karen Bredbenner or Sue Tintorer, Employee Relations Specialists

For Princeton Plasma Physics Laboratory Staff: Sue Murphy-LaMarche, Director of Human Resources

If for any reason you are uncomfortable meeting with the individuals designated above, you should contact Cheri Lawson, Director for Equal Opportunity Programs, or Terri Reed, Vice Provost for Institutional Equity and Diversity.

E. File a written internal complaint. If the matter cannot be resolved through one of the above approaches or the complainant chooses not to pursue one of the above methods, students, faculty or staff may file a written complaint, as detailed in Point IV below.

F. The University encourages prompt reporting of complaints because late reporting may adversely impact the University's ability to investigate and respond to conduct. However, the University will respond to late reports in accordance with this Policy.

IV. **WRITTEN INTERNAL COMPLAINT: COMPLAINT REPORTING, PRELIMINARY REVIEW OF COMPLAINT, INVESTIGATION AND RESOLUTION**

A. *The following applies in those instances when a written complaint is lodged against any member of the University community other than a student.*

1. Complaint Reporting

Any member of the University community who believes she/he has been subjected to harassment or has observed harassment to others may submit a written complaint to:

*Catherine Geddis, Michael Owen, Rosalie Jones or Pierre Joanis in the **Office of Human Resources***

*Toni Turano or Mary Baum in the **Office of the Dean of the Faculty***

*Sue Murphy-LaMarche in the **Princeton Plasma Physics Laboratory***

*Hilary Herbold or Victoria Jueds in the **Office of the Dean of Undergraduate Students***

*F. Joy Montero or David Redman in the **Office of the Dean of the Graduate School***

*Cheri Lawson or Terri Reed in the **Office of the Provost***

*Residential College Deans or Directors of Studies in the **Office of the Dean of the College***

The written complaint should identify the parties involved; describe the harassing behavior, including when and where it occurred; and identify by name or description any witnesses. Written complaints should be treated as confidential and should be provided directly and only to the appropriate designated individual as listed above.

2. Interim Steps

When appropriate, prior to or during the investigation, the Provost's Office may recommend to the appropriate University official that interim steps be taken to protect the safety and well-being of members of the University community.

3. Investigation Process

The purpose of the investigation is to gather facts relating to the incident(s) outlined in the written complaint and to determine whether it is more likely than not that the alleged behavior occurred and, if so, whether it constitutes harassment. The formal complaint process allows individuals to *submit* their complaint to one of many offices, although the requisite fact finding will typically be conducted by the office that has responsibility for the accused. The investigator (or co-investigators, as necessary) will conduct a fact-finding inquiry that may include written statements, interviews and any other sources the investigator deems appropriate. During the course of the investigation, the investigator may receive counsel from the Provost's Office, the Office of General Counsel, or other parties as needed.

Note: Princeton University expects its faculty and staff to cooperate fully in the investigation process. Any faculty or staff member who is the subject of, or potential witness regarding, a harassment complaint and refuses to cooperate in an investigation is subject to discipline, up to and including termination of employment.

Note: Adversarial hearings, including confrontation, cross-examination by the parties, and active advocacy by attorneys or other outside advocates, are neither appropriate nor permitted during the investigation process.

4. Complaint Resolution

At the conclusion of the investigation, the investigator will prepare (i) a written report and (ii) a written summary of the witness interviews and/or written statements. The report will explain the scope of the investigation and whether any allegations in the complaint were substantiated. The written report and written summary of witness interviews will be submitted to the appropriate Dean (in most instances the Dean of the Faculty) or Vice President (in most instances the Vice President for Human Resources) and to the Provost's Office.

The Dean/VP to whom the report is submitted may accept the report or return the report for further investigation. The Dean/VP or their designee will, for both parties involved (the person who filed the written complaint as well as the person whose behavior is being investigated), summarize the findings (see range of findings below) and provide each of them a reasonable opportunity to respond in writing (e.g., within 10 days).

Finding of "No Violation" of the University's Anti-Harassment Policy

If there is a determination that the behavior investigated did not violate the Anti-Harassment Policy or applicable law, both parties will be so informed. Neither party may appeal such a finding. If retaliatory behavior occurs after the issuance of this determination, either party may bring a complaint under this Policy.

Finding of “Inappropriate Behavior Not Rising to the Level of a Violation” of the University’s Anti-Harassment Policy

There may be a determination that the behavior was inappropriate and unprofessional but did not rise to the level of violating the Anti-Harassment Policy or applicable law. Such inappropriate behavior may merit discipline, ongoing monitoring, coaching, or other appropriate action. Neither party may appeal such a finding. If retaliatory behavior occurs after the issuance of this determination, either party may bring a complaint under this Policy.

Finding of “Violation” of the University’s Anti-Harassment Policy

If there is a determination that the behavior did violate the Anti-Harassment Policy or applicable law, the VP/Dean, in consultation with the appropriate manager or department head, will determine the appropriate corrective actions to be taken. In addition, where appropriate, the Dean/VP/Provost may implement measures to ensure that the person who filed the complaint is not subjected to further harassment, and to remedy the effects of any harassment that may have occurred. Remedial steps, at the discretion of the University, may include, but are not limited to, counseling or training, separation of the parties, and/or discipline of the accused, including a written warning, financial penalty, suspension, demotion or termination in accordance with University policy. The process for appealing such a finding is set forth in Section VI below.

The University’s ability to discipline an individual who is not an employee or student (such as a vendor or contractor) is limited by the degree of control, if any, the University has over the alleged harasser. Nonetheless, the University will seek to take appropriate action in response to violations of this Policy.

B. *The following applies in those instances when a complaint is lodged **against an undergraduate or graduate student.***

Complaints of harassment where the alleged behaviors are those of an undergraduate and/or graduate student are normally investigated and resolved through the student disciplinary process, administered by the Office of the Dean of the Undergraduate Students and Office of the Dean of the Graduate School, respectively.

1. Where the Complaint is Lodged Against an Undergraduate Student

If a member of the University community decides to file a written complaint against an undergraduate student, the person making the complaint should notify the Assistant or Associate Dean responsible for disciplinary matters in the Office of the Dean of Undergraduate Students. If the complaint is one for which separation from the University is not a likely outcome, the Assistant or Associate Dean or, in the case of a student living in a residential college, the Director of Student Life will investigate, issue findings, and take remedial action as necessary.

If the complaint is of a more serious nature, and one for which separation from the University is a possible outcome, the Assistant or Associate Dean will request all parties and witnesses to prepare written accounts of the event(s) in question and, if appropriate, refer the matter to a subcommittee of the Faculty-Student Committee on Discipline. The subcommittee will consist of one student member, two members of the faculty, an Assistant or Associate Dean of the College (who serves as the Chair), and an Assistant or Associate Dean of Undergraduate Students who serves as secretary without vote. The subcommittee will: (a) conduct a fact-finding inquiry that may include written statements and interviews; (b) issue written findings; and (c) make recommendations (including suggested penalties if appropriate) to the Dean of Undergraduate Students.

The Subcommittee Process

After reviewing all of the relevant materials including the written complaint and witness statements, the subcommittee will inform the parties as to how it plans to proceed with interviewing and fact-finding. The subcommittee will interview parties to the complaint, but the person filing the complaint is not required to be in the presence of the student whose behavior is being investigated at any time. Witnesses will be interviewed in the presence of the student charged; the person filing the complaint is not required to be present. Students charged have the right and are encouraged to select an adviser from the University community to be present and advise them during the subcommittee interview. They are also permitted to call a character witness to speak to the subcommittee on their behalf. The student making a complaint is permitted to have a member of the University community present as a support person when speaking to the subcommittee.

When the subcommittee has completed the interviewing and the parties have had the opportunity to respond to one another's statements, the subcommittee will prepare a written summary of its findings and recommendations. The written summary and all other relevant information will be presented to the Dean of Undergraduate Students for review and action. The Dean will make a determination as to whether there was a violation of the Anti-Harassment Policy and, if necessary, implement appropriate remedial measures.

The parties will be informed of the Dean's decision.

2. Where the Complaint is Lodged Against a Graduate Student

If a member of the University community decides to file a written complaint of harassment against a graduate student, that individual should notify the Assistant or Associate Dean responsible for disciplinary matters in the Office of the Dean of the Graduate School. The graduate student will be notified by the Assistant or Associate Dean of the impending investigation, and provided a statement concerning the charge, and the procedures governing the investigation. The graduate student is invited to submit a written response to the charge. If the complaint is one for which separation from the University is not a likely outcome, the Assistant or Associate Dean will investigate, issue findings, and take remedial action as necessary.

If the complaint is of a more serious nature, and one for which separation from the University is a possible outcome, the Assistant or Associate Dean will request all parties and witnesses to prepare written accounts of the event(s) in question. If appropriate, the matter will then be referred to the Dean of the Graduate School who is advised, in accordance with the Rules and Procedures of the Faculty, by the Subcommittee on Student Life and Discipline of the Faculty Committee of the Graduate School. The subcommittee consists of the Dean of the Graduate School, ex officio, as chair, the Assistant or Associate Dean as secretary (both without vote), and four members of the Graduate School Faculty Committee. The subcommittee may be enlarged, at the student's request, by four graduate students, selected at random. The subcommittee will: (a) conduct a fact-finding inquiry that may include written statements and interviews (the graduate student may submit to the subcommittee a list of witnesses he/she seeks to have testify); (b) issue written findings; and, (c) make recommendations including suggested penalties, if appropriate, to the Dean of the Graduate School.

The Subcommittee Process

After reviewing all of the relevant materials including the written complaint and witness statements, the subcommittee will inform the parties as to how it plans to proceed with interviewing and fact-finding. The subcommittee will interview parties to the complaint, but the person filing the complaint is not required to be in the presence of the student whose behavior is being investigated at any time. Witnesses will be interviewed in the presence of the student charged; the person filing the complaint is not required to be present. Students charged have the right and are encouraged to select an adviser from the University community to be present and advise them during the subcommittee interview. They are also permitted to call a character witness to speak to the subcommittee on their behalf. The

student making a complaint is permitted to have a member of the University community present as a support person when speaking to the subcommittee.

When the subcommittee has completed the interviewing and the parties have had the opportunity to respond to one another's statements, the subcommittee will prepare a written summary of its findings and recommendations. The written summary and all other relevant information will be presented to the Dean of the Graduate School for review and action. The Dean will make a determination as to whether there was a violation of the Anti-Harassment Policy and, if necessary, implement appropriate remedial measures.

The parties will be informed of the Dean's decision.

V. CONFIDENTIALITY

Any allegation of harassment brought to the attention of the University will be discreetly addressed in some manner. Investigations will be conducted in a confidential manner to the greatest extent possible. However, the investigation of complaints may also require disclosure to the accused individual and to other witnesses to gather pertinent facts. In such case, disclosures will be limited to the extent possible.

All participants in the process, including the person who filed the complaint, the individual accused and witnesses, will be advised to maintain confidentiality.

VI. APPEALS

The following are the only appeals available under this Policy:

Faculty members found to have violated the Anti-Harassment Policy may, consistent with the Rules and Procedures of the Faculty, file a written appeal with the Committee on Conference and Faculty Appeal, provided the appeal involves the "dismissal or the suspension . . . or any question of unfair treatment in relation to the appointment, reappointment, or academic duties or privileges."

Non-faculty DOF staff found to have violated the Anti-Harassment Policy may, consistent with the Rules and Procedures of the Professional Staffs, submit a written request for reconsideration to the Dean of the Faculty on the grounds that: (i) there exists substantial relevant information that was not presented, and reasonably could not have been presented during the investigation, or (ii) the imposed penalty does not fall within the range of penalties imposed for similar misconduct. Appeals concerning procedural unfairness should be submitted to the Library Committee on Committees and Elections or the Committee on Appointments and Advancements of Professional Research and Technical Staffs, as appropriate.

HR staff found to have violated the Anti-Harassment Policy may file a written request for reconsideration to the Executive Vice President on the grounds that: (i) there exists substantial relevant information that was not presented, and reasonably could not have been presented during the investigation, or (ii) the imposed penalty does not fall within the range of penalties imposed for similar misconduct. Appeals concerning procedural unfairness should be submitted to the Judicial Committee of the Council of the Princeton University Community (CPUC).

Unionized employees found to have violated the Anti-Harassment Policy may resort to the grievance procedures provided pursuant to the applicable collective bargaining agreement.

Undergraduate students found to have violated the Anti-Harassment Policy may, in accordance with the applicable provisions in Rights, Rules, Responsibilities, file an appeal with the Dean of the College, seeking review of the penalty on the grounds that: (i) there exists substantial relevant information that was not presented, and reasonably could not have been presented during the investigation, or (ii) the imposed penalty does not fall within the range of penalties imposed for similar misconduct. Appeals concerning procedural unfairness should be submitted to the Judicial Committee of the Council of the Princeton University Community (CPUC).

Graduate students found to have violated the Anti-Harassment Policy may, in accordance with the applicable provisions in Rights, Rules, Responsibilities, submit a written request for reconsideration to the Dean of the Graduate School on the grounds that: (i) there exists substantial relevant information that was not presented, and reasonably could not have been presented during the investigation, or (ii) the imposed penalty does not fall within the range of penalties imposed for similar misconduct. Appeals concerning procedural unfairness should be submitted to the Judicial Committee of the Council of the Princeton University Community (CPUC).

VII. PROTECTION FROM RETALIATION

Federal and state law and University policy prohibit any form of retaliation against a person who files in good faith a complaint of harassment or in good faith participates in the reporting or investigation process.

Prior to the conclusion of an investigation and findings, a complaint of harassment does not constitute proof of prohibited conduct. As such, the complaint shall not be taken into account during reappointment, tenure, promotion, merit or other evaluation or review until a determination has been made that the University's Policy has been violated.

Complaints of retaliation should be reported as violations of this Policy. Retaliatory conduct may result in serious disciplinary sanctions.

VIII. PROTECTION FROM BAD FAITH COMPLAINTS

It is the responsibility of the University to balance the rights of all parties. Therefore, if the University's investigation reveals that the complaint is malicious or knowingly false, such charges will be dismissed and the person who filed the complaint may be subject to discipline.

IX. EDUCATION

In conjunction with the implementation and dissemination of this Policy, the University supports a program for the education of the University community regarding maintaining a campus environment that is free from harassment. To learn more about the training resources and assistance available, please contact Cheri Lawson, Director for Equal Opportunity Programs, at 609.258.8504.