Luther College

POLICIES AND PROCEDURES

Department: Human Resources
Subject: Discrimination and Harassment Policy
Date Issued: October 1, 2005
Date Revised: Approved By:

I. Policy/Procedure

Luther College is committed to a work environment in which all individuals are treated with respect and dignity. It is a policy of Luther College to ensure equal employment opportunity without discrimination or harassment on the basis of race, color, religion, sex, national origin, ancestry, sexual orientation, age disability, marital status, citizenship or any other characteristic protected by law. Luther College prohibits any such discrimination or harassment. The purpose of this policy is to ensure compliance with federal, state and local laws on discrimination.

II. Scope

This policy applies to all employees, agents and students at all times and places in any connection with Luther College. Compliance with this policy is a term and condition of employment with this institution. For the purpose of this policy, the terms “employee” or “employment” include, but are not limited to, faculty, staff, agents and independent contractors who are performing services at the College.

III. Terms and Definitions

A. Sexual harassment constitutes discrimination and is illegal under, federal, state and local laws. For the purposes of this policy, sexual harassment is defined, as in the Equal Employment Opportunity Commission Guidelines, as unwelcome sexual advances, request for sexual favors and other verbal, physical conduct or electronic communication of a sexual nature when, for example:

- submission to or rejection of such conduct as a condition of an individual’s employment
- submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual
- such conduct has the purpose or effect of unreasonably interfering with an individual’s work performance or creating an intimidating, hostile or offensive working environment. Sexual harassment may include a range of subtle and not so subtle behaviors and may involve individuals of the same or different gender. Depending on the circumstances, these behaviors may include, but are not limited to: unwelcome sexual advances or requests for sexual favors; sexual jokes and innuendos; verbal abuse of a sexual nature; commentary about an individual’s body, sexual prowess or sexual deficiencies; leering, whistling or touching; insulting or obscene comments or gestures; display on the work place of sexually suggestive objects or pictures; requests for a date with a student by a faculty member when the student is enrolled in the faculty member’s class, an advisee of the faculty member or otherwise subject
to the supervision of the faculty member and other physical, verbal, electronic or visual conduct of a sexual nature.

B. Discrimination or harassment on the basis of race, color, religion, sex, sexual orientation, age, disability, marital status, citizenship or any other characteristic protected by law is also strictly prohibited. Under this policy, harassment is verbal, physical or electronic communication conduct that denigrates or shows hostility aversion toward an individual because of his/her membership in a protected class:

- has the purpose or effect of creating an intimidating, hostile or offensive work environment
- has the purpose or effect of unreasonably interfering with an individual's work performance or
- otherwise adversely affects an individual’s employment opportunities. Harassing conduct includes, but is not limited to: slurs or negative stereotyping; threatening; intimidating or hostile acts; denigrating jokes; and written, graphic or electronic material that denigrates or shows hostility or aversion toward an individual or group.

IV. Procedures and Guidelines

The purposes of these procedures are to provide a prompt and firm resolution of problems, to preserve the rights of all involved, to allow an opportunity for an impartial investigation and to provide for discipline of violators of this policy. However, administration may take any immediate action to stop the discrimination or harassment if reasonably necessary, and is not limited to the process provided herein. In the event that you believe that discrimination or harassment has occurred or is occurring, you are encouraged to communicate clearly, preferably in writing, to the harasser and state that the conduct is not acceptable. You also are encouraged to maintain carefully written records of the discrimination or harassment and to continue to maintain current records throughout the process. If the conduct is not stopped after your communication or if you wish not to make the initial contact with the harasser or if you observe discrimination or harassment of an employee or student, you should submit a written complaint regarding the incident with one of the following persons:

- Vice President and Dean for Student Life
- Harassing Conduct Officers (current officers are listed in the front of the Faculty/Staff Directory)
- Director of Human Resources

These contact persons will assist you with your complaint of discrimination and/or harassment. The complaint should include the name of the harasser and any persons who may have knowledge of the situation. It should also provide the dates of any and all incidents. The contact person will attempt to resolve the matter at this stage if it is agreeable to you and appropriate given the nature of the discrimination or harassment and history of the harasser. An incident of discrimination or harassment can be reported to any of the above in addition to a supervisor, department chairperson or dean who will send the information to one of the contact persons. The contact person may attempt to informally resolve the complaint by mutual agreement of the parties. The contact person must document any informal resolution that is agreed upon in writing. A copy of the informal resolution must be submitted to the Director of Human Resources or the Vice President and Dean for Student Life as applicable. If the complaint is not informally resolved by the efforts of the contact person, a designated harassing conduct officer will complete an investigation, make a recommendation of whether discrimination or harassment has occurred, and determine the appropriate corrective action if discrimination or harassment is found. The parties to the complaint will be provided written notice of recommendations of the harassing conduct officer. If a recommendation of the harassing conduct officer concludes that discrimination or harassment has occurred, the matter will be referred to the
immediate supervisor for corrective action. All reasonable attempts will be made to complete this entire process in not more than 45 days from the date of the filing of the complaint.

V. Confidentiality and Record

Confidentiality shall be maintained to the greatest extent possible within the requirements of conducting reasonable investigations. Only those who have an immediate need to know will or may find out the identity of the parties. Any attempt by a faculty member, staff member or student to penalize or retaliate in any way against a complainant or witnesses is prohibited specifically by this policy and will be treated as a separate incident subject to the appropriate corrective action.