

APPENDICES

TROY UNIVERSITY POLICY ON HARASSMENT

I. Statement of Philosophy

Troy University is proud of its tradition of friendly and congenial relations between students and employees (faculty, staff and administrators). The University is committed to maintaining an environment that nourishes respect for the dignity of each individual and creates an atmosphere in which students and employees can interact productively. In keeping with these goals, harassment by anyone (whether in the classroom, the office, at a University sponsored function, or within any University environment) will not be tolerated.

II. Definition of Harassment

For purposes of Troy University's policy, harassment is defined as a course of comments or conduct consisting of words or actions that are unwelcome or offensive to a person in relation to sex, race, age, religion, national origin, sexual orientation, color, pregnancy, disability, or veteran status. It can include comments or conduct by a person in a position of authority that is intimidating, threatening or abusive and may be accompanied by direct or implied threats to the individual's grade(s), status, or job. Harassment can also occur between people of similar authority. Harassment occurs when it is known or ought reasonably to be known that such comments or conduct would be unwelcome.

Examples of harassment include gestures, remarks, jokes, taunting, innuendo, display of offensive materials, threats, imposition of academic penalties, hazing, stalking, and shunning or exclusion related to the prohibited grounds.

III. Sexual Harassment

For purposes of Troy University's policy, sexual harassment is defined as any type of sexually oriented misconduct that is unwelcome or inappropriate. Sexual harassment consists of unwelcome sexual advances, requests for sexual favors, and other verbal, graphic, or physical conduct of sexual nature when:

1. Submission to such conduct is explicitly or implicitly a term or condition of a student's or employee's academic success or employment.
2. Submission to or rejection of such conduct is used as the implicit or explicit basis for employment or academic decisions affecting the student's or employee's educational and/ or work experience.
3. Such conduct has the purpose or effect of unreasonably interfering with a student's academic performance or an employee's employment, or creates an intimidating, hostile, or offensive work or educational environment.

Examples of sexual harassment include, but are not limited to:

1. Demanding sexual favors in exchange for favorable evaluations, assignments, promotions, continued employment, grades, letters of recommendation or similar promises.
2. Subtle pressure for sexual activity.
3. Continued or repeated sexual jokes, kidding, teasing, epithets, flirtation, advances, or propositions.
4. Derogatory or demeaning comments about gender, whether sexual or not.
5. Harassment consistently targeted at only one sex, even if the content of the verbal abuse is not sexual.
6. Verbal abuse of a sexual nature.

7. Graphic verbal commentary about an individual's body, clothing, sexual process, or sexual deficiencies.
8. Sexually degrading or vulgar words to describe an individual.
9. Leering, whistling, touching, pinching, brushing the body, assault, coerced sexual acts, or suggestive, insulting, or obscene comments or gestures.
10. The display in the workplace or an academic environment of sexually suggestive objects, pictures, posters or cartoons.
11. Introduction or utilization of inappropriate sexual material in an academic setting.
12. Name calling, relating stories, gossip, comments, or jokes that may be derogatory toward a particular sex.
13. The display of sexually suggestive graffiti.
14. Asking questions about sexual conduct or sexual orientation or performances.
15. Offensive, repeated requests for dates, even if made after work.
16. Continued advances of a sexual nature which are rejected, even after the parties break off a consensual relationship.

IV. Individuals Covered Under the Policy

Troy University's comprehensive harassment policy covers all employees, students, applicants, and others conducting official business with the University.

V. Procedures

A. Reporting a Complaint

Troy University encourages any person who believes he/she is a victim of harassment to try to resolve the problem informally with the person directly responsible for the harassment. This is not, however, a prerequisite for reporting or filing a complaint. The University also encourages those witnessing harassment to report such behavior.

The University recognizes that an individual may be reluctant and/or embarrassed to complain about harassment. As a consequence of this reluctance, the University provides the following reporting avenues:

1. A student may report a complaint to any member of the University's Harassment Response Team or the Student Services Office. Names and telephone numbers of the Harassment Response Team are available in the Office of Human Resources.
2. A faculty or staff member may report a complaint to the appropriate supervisor, dean, director, or vice chancellor who, in turn, will inform the complainant of the need to report the complaint to the Harassment Response Team. An individual who is uncertain about the appropriate person to whom the complaint should be addressed may direct the complaint to the campus Director of Human Resources. Names and telephone numbers of the Harassment Response Team are available in the Office of Human Resources.
3. University visitors may report a complaint to the campus Office of Human Resources or call the Troy campus Office of Human Resources at (334) 670-3710.

4. At University College locations, the procedure for reporting will follow the same guidelines as 1 and 2 above with coordination through the Site Director (unless the Site Director is the accused or the accuser).
5. At the Phenix City campus, the procedure for reporting will follow the same guidelines as 1 and 2 above.

The Harassment Response Team members shall consist of seven members, which will include both males and females of various ages, classified personnel, professional staff, tenured and tenure-track faculty. When investigating a claim, the Harassment Response Team Chair shall appoint at least two members of the team to conduct an investigation.

B. Confidentiality

The University recognizes the privacy rights of both the complainant and the accused in a harassment situation. Any allegation of harassment that is brought before a member of the Harassment Response Team will be handled discretely. Reasonable effort will be made to respect the privacy of the parties involved; however, it will be necessary to investigate the complaint and to respond to any legal and/or administrative proceedings which may arise out of or relate to the complaint. Participants in an investigation are authorized to discuss the case only with those persons who have a genuine need to know.

C. Filing a Complaint with the Harassment Response Team

The University encourages any person who files a complaint to do so promptly. The University also understands the complainant's reluctance to file a complaint and assures the complainant that late reporting will not in and of itself preclude remedial action by the University. All cases must be reported to the Harassment Response Team within 90 days of the alleged harassment; however, for this purpose, the date the University acquires knowledge of an instance through any source whatever will commence this ninety-day period. All complaints made to a member of the Harassment Response Team will be immediately put into writing, regardless whether the complainant wishes to pursue the matter further. The written report of the complainant will be read, approved, and signed by the complainant. At this point, the complainant and/or the Harassment Response Team member will determine whether the complaint will be pursued further. Depending on this decision, one of two procedures will be followed:

1. If the complainant does not wish to continue with the complaint, the Harassment Response Team member will notify the accused that a complaint was filed. The accused will be provided a copy of the complaint. The accused will have the opportunity to respond to the allegations in writing. Both reports, the complainant's and the accused, will be retained by the Office of Human Resources. At this point, an informal resolution will be sought.
2. If the complainant wishes to continue the complaint and seek sanctions against the accused, the investigative process begins. (See Section E)

An individual who believes he or she is a victim of harassment is encouraged to keep a record of the objectionable conduct. However, the complainant should be aware that a record kept at the direction of the University may be considered privileged, to any extent possible.

The University will retain confidential documentation of all allegations and investigations for a period of two years.

D. Protection Against Retaliation

Neither the University nor its employees or representatives will in any way retaliate against an employee or student who makes a report of harassment. Retaliation is a very serious violation of this policy and should be reported immediately. Retaliation against any individual for reporting harassment will be treated with the same strict discipline as the harassment complaint itself. All individuals involved in investigating the harassment, including the Harassment Response Team members and witnesses, are also protected from retaliation.

E. Investigating a Complaint

If a complainant wishes to pursue the complaint (Section C.2), the investigation will begin and be conducted in a timely manner. The investigation will be handled by the Harassment Response Team member to whom the complaint was reported, with the assistance of at least one other Harassment Response Team member.

The University will notify the complainant and the accused, through the Harassment Response Team member, of the procedures that will be followed to allow for due process. Each party to the complaint will be notified that he/she may seek legal counsel at any time during the process.

In general, the process will consist of the following procedures:

1. Interview complainant charging harassment.
2. Have complainant read, approve, and sign written report.
3. Notify accused of complaint. Interview and obtain written report from accused.
4. Interview witnesses to harassment.

Resolving the Complaint

The University is committed to investigating and resolving any complaint of harassment brought to the attention of the University. The results of the investigation, having been completed by members of the Harassment Response Team, will be forwarded to the appropriate body responsible for making the disciplinary decisions. (The Harassment Response Team only investigates and compiles information – the Team does not make recommendations for disciplinary action.)

Disciplinary procedures will vary as a result of the parties involved, i.e., the complainant and the accused. The parties involved may be a combination of students, faculty, staff, administrators, and individuals under contract by the University, or persons external to the University.

| <u>Accused</u> | <u>Appropriate Body</u> |
|---------------------------------------|---|
| Student | · Student Services Committee |
| Faculty | · Executive Vice Chancellor · Dean of college or school · One faculty member · Human Resources Director |
| Staff or Administrator | · Senior Vice Chancellor of the employee's division · Two staff employee members from the Personnel Advisory Committee · Human Resources Director |
| Others associated with the University | · Vary depending on circumstances |

Any individual involved in a complaint, as either complainant, accused, or witness, will be replaced by an appropriate person chosen by the senior vice chancellor. In all cases, the individual accused will be allowed due process.

It is the responsibility of each body to determine whether the complaint has merit. Each body may decide that the complaint is without merit and recommend no disciplinary action. Alternatively, it may determine that the complaint is valid and will determine the appropriate disciplinary action. (See Sanctions)

The procedures outlined in this policy do not deny the right of any individual to pursue other avenues of recourse which may include filing charges with the Equal Employment Opportunity Commission (EEOC), initiating civil action, or redress under state, civil, or criminal statutes and/or federal law.

VI. Sanctions*A. Employees*

Potential sanctions for harassment include the following:

- Disciplinary warning/reprimand
- Referral to appropriate counseling
- Reassignment
- Temporary suspension
- Termination

B. Students

Potential sanctions for harassment include the following:

- Disciplinary warning/ reprimand
- Disciplinary probation
- Suspension
- Expulsion

VII. Appeals

A party who is not satisfied with the disposition of the findings of the Harassment Response Team may appeal to the Chair, Personnel Advisory Committee for a second review, and, if necessary, a formal hearing, in accordance with the hearing procedures outlined in the Faculty Handbook, Staff Handbook, or Oracle as appropriate.

STUDENT RECORDS POLICY

The Family Educational Rights and Privacy Act (Buckley Amendment, 20 U.S.C. 1230, 1232g). Effective Date, April 8, 1976

Troy University compiles and maintains information about students which facilitates educational development of the student and effective administration of the university. To better guarantee the rights and privacy and access as provided by the Family Educational Rights and Privacy Act of 1974, (Buckley Amendment, 20 U.S.C. 1230, 1232g) Troy University has adopted the following policies and procedures:

1. GENERAL POLICY.

Troy University shall not permit access to or the release of education records of personally identifiable information contained therein, other than directory information as defined in paragraph 4 herein, without the written consent of the student, to any party other than the following:

A. Other school officials and teachers of this university who have been determined by the university to have legitimate educational interests. A school official is:

- A person employed by the university in an administrative, supervisory, academic or research, or support staff position.
- A person elected to the Board of Trustees.
- A person employed by or under contract to the university to perform a special task, such as the attorney or auditor.

A school official has a legitimate educational interest if the official is:

- Performing a task that is specified in his or her position description or by a contract agreement.
- Performing a task related to a student's education.
- Performing a task related to the discipline of a student.
- Providing a service or benefit relating to the student or student's family, such as health care, counseling, job placement or financial aid;

B. Officials of other schools or school systems in which the student seeks or intends to enroll, upon condition that the student may receive a copy of the record if desired, and have an opportunity for a hearing to challenge the content of the record;

C. Certain authorized representatives of federal departments or agencies or state educational authorities for purposes of audits, evaluative studies, etc. Data collected will be protected in a way which prevents personal identification except when specifically authorized by federal law. The data will be destroyed when no longer needed for such purposes;

D. In connection with a student's application for, or receipt of, financial aid;

- State and local officials or authorities to which such information is specifically required to be reported or disclosed pursuant to state statute adopted prior to November 19, 1974;

E. Organizations conducting studies for, or on behalf of, educational agencies or institutions for the purpose of developing, validating, or administering predictive tests, administering student aid programs and improving instruction, if such studies are conducted in such a manner as will not permit the personal identification of students by persons other than representatives of such organizations and such information will be destroyed when no longer needed for the purpose for which it is conducted;

F. Accrediting organizations in order to carry out their accrediting functions;

G. Parents of a student who is a dependent for income tax purposes;

H. Pursuant to a lawful subpoena or court order;

I. Other appropriate persons in an emergency to protect the health or safety of the student or others. Students shall have access to all such information in accordance with the procedure outlined in this statement with the exceptions specified in paragraph "2" herein.

2. DEFINITION OF EDUCATIONAL RECORDS.

Student educational records are defined as those records, files, documents, and other materials which contain information directly related to a student and are maintained by the university or by a person acting for the university. Specifically excluded from the definition of "educational records" and not open to student inspection are the following materials:

A. Records of instructional, supervisory and administrative personnel which are in the sole possession of the maker and accessible only to the maker or a designated assistant to the maker;

B. Records of campus security, except in those instances where they have been transmitted within the university for administrative purposes;

C. Records which are created or maintained by a physician, psychiatrist, psychologist, or other recognized professional or para professional acting in a professional or para professional capacity, or assisting in that capacity, and which are created, maintained, or used only in connection with the provision of treatment to the student, and are not available to anyone other than persons providing such treatment or who could not be involved officially within the university, but such records are available to a physician or appropriate professional of the student's choice, if requested by the student.

3. DEFINITION OF STUDENT.

For the purpose of this policy, "student" means any person who has been enrolled in and is attending or has attended any course offering of Troy University. It does not include prospective students.

4. DIRECTORY INFORMATION.

The following categories of information with respect to each student have been designated by the university as directory information which may be made available to the public, absent a student's request that any such information should not be released without the student's prior consent:

A. Student's name, address, telephone number, and e-mail address;

B. Date and place of birth;

C. Last term attended Troy University, if any, and the most recent previous institution attended;

D. Major and minor fields of study, degree desired, classification (freshman, sophomore, junior, senior) and full-time or part-time status;

E. Participation in officially recognized activities;

F. Degrees and awards received (i.e., Deans' List, Who's Who, etc.)

5. LOCATION OF RECORDS.

The university has designated the following officials or their equivalents at the branches as responsible for student records within their respective areas of responsibility:

- A. Provost
- B. Vice Chancellor for Student Affairs
- C. Vice Chancellor for Financial Affairs
- D. University Registrar
- E. Deans of various schools within the university

These officials shall hereinafter be referred to as "records officials." Each official is responsible for maintaining a listing of student records within such records official's area of responsibility, which listing shall indicate the location and general content of the records. Any student request concerning his or her records or files, including requests that information not be disclosed to the public, requests for disclosure to third parties, and requests for access by the student shall be directed to the appropriate records official. Forms for all such requests may be obtained from these officials. The appropriate records official will also attempt to resolve any challenges to the records at an informal hearing with the student and, if an agreeable solution is not reached, the records official will refer the student and his or her challenge to the University Hearing Officer, who shall set a hearing within 10 days thereafter for final decision.

6. ACCESS OF STUDENT RECORDS TO STUDENT.

The student is accorded the right to inspect and review, in the presence of a university staff member, any records, files and data directly related to the student. To inspect his or her personal folder or file, a student shall submit a written request to the appropriate records official, which request shall be signed by the student and, if not personally submitted by the student, then the student's signature shall be acknowledged by the affidavit of a Notary Public. The request for inspection shall be acted upon within 45 days from the date such request is received. If, in the opinion of the appropriate records official, inspection can reasonably be accomplished by providing copies of documents, such copies shall be made and provided to the student.

7. LIMITATIONS ON ACCESS.

The right of inspection of personal information described in paragraph "6" above does not include:

- A. Financial records of the parents of the student or any information contained therein;
- B. Confidential letters and statements of recommendation, which were placed in the education records prior to January 1, 1975, if such letters or statements are not used for purposes other than those for which they were specifically intended;
- C. Other confidential records, access to which has been waived by the student in accordance with policy concerning waivers.

8. CHALLENGING THE CONTENTS OF THE RECORD.

If, after inspecting the record, a student wishes an explanation or to challenge any part of the contents of such record, then the student shall submit a written request for a hearing in the same manner and under the same procedures as provided by paragraph "5."

The request for hearing should identify the item or items in the file to be challenged and state the grounds for the challenge, e.g., inaccuracy, misleading nature, inappropriateness, etc. The records official shall examine the contested item, shall hear the person responsible for placing the item in the file if appropriate and possible, and shall examine any documents or hear any testimony the student wishes to present. The records official may decide that the contested item should be retained, that it should be

deleted or revised or referred to the Hearing Officer who shall set a hearing within 10 days thereafter for final decision. In the event any part of the challenged item is retained, the student shall be allowed to place a written examination thereof in the file. A written decision shall be delivered or mailed to the student within 10 days from the date such hearing is concluded, either by the records official or the Hearing Officer.

9. WAIVER OF ACCESS.

A student or a person applying for admission may waive their right of access to confidential statements concerning application for admission, financial aid, employment, honorary recognition, or any other benefit made available by Troy University.

The student may sign and return the waiver or may request a list of the names of persons who will be asked for recommendations as to such application prior to signing and returning such waiver or the student may decline to waive the right of access. No such application shall be conditioned upon or prejudiced by the student's failure or refusal to sign such waiver.

10. PROVIDING RECORDS TO THIRD PARTIES -- CONTENT OF CONSENT.

The policy of Troy University is to refuse access to student records to third parties without the written consent of the student except as provided in paragraphs 1 and 4. Any records pertaining to a student, which are not excluded by the provisions of paragraph 2, shall be released upon receipt of that student's written request, directed to the proper records official, specifying the records to be released, the reason for such release, the person to whom the records are to be released, and whether a copy thereof is also to be furnished the student.

11. PARENTAL NOTIFICATION LETTER

In accordance with (FERPA) Family Educational Rights and Privacy Act, the university must have parental and student consent to allow the university to release student information to the parents and/or legal guardians. This information includes grades, billing information, schedules and judicial files.

12. TRANSFER OF INFORMATION BY THIRD PARTIES.

Any information released under paragraph "10" shall be expressly conditioned upon the understanding that the party to which the information is being transferred will not permit any other party to have access to such information without the consent of the student. Such conditional understanding shall be in writing, and included in or attached to each release of information.

13. RECORD ACCESS.

Troy University shall maintain a record, kept with the education records of each student which will indicate all parties (other than those specified in paragraph "1a") which have requested or obtained access to a student's education records. This record will indicate specifically the legitimate interest that each such party has in obtaining this information. Such record of access shall be available only to the student, to the school official, and his or her assistants who are responsible for the custody of such records, and to persons or organizations authorized in, and under the conditions of paragraph 1a and 1c, as a means of auditing the operation of the system.

14. DESTRUCTION OF RECORDS.

Troy University retains the right, if not otherwise precluded by law, to destroy records as a matter of policy. However, upon written request, a student shall be granted access to and copies of his or her records, which are not excluded by the provisions of paragraph "2," prior to the destruction of such records. Without

such a request on file prior to destruction, no copy of records to be destroyed need be furnished the student.

15. COST OF COPIES.

Any copies of records furnished at the request of a student shall be subject to the payment of a reasonable fee, to be established by the university from time to time, for such service.

COURSE PREFIXES (KEY TO ABBREVIATIONS)

| | | | |
|----------|-----------------------------|-----------|----------------------------------|
| ACT..... | Accounting | JRN..... | Journalism |
| AEG..... | American English Group | KHP..... | Kinesiology and Health Promotion |
| ANT..... | Anthropology | KOR..... | Korean |
| ARB..... | Arabic | LAT..... | Latin |
| ART..... | Art and Design | LAW..... | Law |
| AS..... | Aerospace | LDR..... | Leadership |
| AT..... | Athletic Training Education | MB..... | Marine Biology |
| BIO..... | Biology | MGT..... | Management |
| BUS..... | Business | MKT..... | Marketing |
| CDC..... | Cross Discipline | MSL..... | Military Science and Leadership |
| CHI..... | Chinese (Mandarin) | MT..... | Medical Technology |
| CHM..... | Chemistry | MTH..... | Mathematics |
| CJ..... | Criminal Justice | MUI..... | Music Industry |
| CLA..... | Classics | MUS..... | Music |
| COM..... | Communication | NSG..... | Nursing |
| CS..... | Computer Science | PER..... | Persian |
| DRA..... | Dramatic Arts | PHI..... | Philosophy |
| ECE..... | Early Childhood Education | PHY..... | Physics |
| ECO..... | Economics | POL..... | Political Science |
| EDU..... | Education | PSY..... | Psychology |
| ELE..... | Elementary Education | QM..... | Quantitative Methods |
| ENG..... | English | RED..... | Reading/Literacy |
| FIN..... | Finance | REL..... | Religion |
| FLN..... | Foreign Language | RHB..... | Rehabilitation |
| FRN..... | French | RMI..... | Risk Management and Insurance |
| GEM..... | Geomatics | RUS..... | Russian |
| GEO..... | Geography | SCI..... | Science |
| GER..... | German | SED..... | Secondary Education |
| GRK..... | Greek | SOC..... | Sociology |
| HIS..... | History | SPE..... | Special Education |
| HON..... | University Honors Program | SPH..... | Speech Communication |
| HS..... | Human Services | SPN..... | Spanish |
| IDS..... | Interdisciplinary Studies | SS..... | Social Science |
| IED..... | Interdisciplinary Education | SWK..... | Social Work |
| IS..... | Information Systems | TROY..... | Troy University |