

# APPENDICES

## TROY UNIVERSITY POLICY ON HARASSMENT AND DISCRIMINATION

Harassment or discrimination by anyone, whether in the classroom, the office, at a University sponsored function, or within any university environment, will not be tolerated. Individuals found to participate in harassment or discrimination will be subject to disciplinary procedures up to and including termination.

### Individuals Covered Under the Policy

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

### I. Definition of Harassment

All programs, policies, procedures and activities conducted by and through Troy University, its employees, students, contractors and subcontractors shall be conducted without regard to age, sex, mental or physical disability (except where age, mental or physical disability, or sex involves a bonafide occupational qualification), national origin, race, color, creed, sexual orientation, ancestry, genetic information/testing, marital status, pregnancy, disability or veteran's status, political or religious affiliations, beliefs or opinions.

This is inclusive of comments or conduct by a person in a position of authority that is intimidating, threatening or abusive. 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, shunning or exclusion related to the discriminatory or harassment grounds. The victim should directly inform the harasser that the conduct is unwelcome and must stop. The victim should report any complaint as dictated by policy.

NOTE: In any case of harassment, the harasser can be the victim's supervisor, an agent of the employer, a supervisor in another area, a co-worker, or a non-employee to include students.

### Sexual Harassment

Sexual harassment is defined by this policy includes 1) unwelcome sexual advances, 2) requests for sexual favors, and 3) any other verbal, graphic, or physical conduct of sexual nature constitutes sexual harassment when submission to, or rejection of this conduct explicitly or implicitly, affects an individual's employment or educational experience, unreasonably interfere with an individual's work performance or academic performance, or creates an intimidating, hostile, or offensive work or educational environment.

Sexual harassment can occur in a variety of circumstances, including but not limited to the following:

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.

### II. Definition of Discrimination

All programs, policies, procedures and activities conducted by and through Troy University, its employees, students, contractors and subcontractors shall be conducted without regard to age, sex, mental or physical disability (except where age, mental or physical disability, or sex involves a bonafide occupational qualification), national origin, race, color, creed, sexual orientation, ancestry, genetic information/testing, marital status, pregnancy, disability or veteran's status, political or religious affiliations, beliefs or opinions.

### III. Procedures

#### A. Reporting a Complaint

Troy University encourages anyone that believes he or she is being harassed or discriminated against should report the incident within 180 days. An incident should be reported in one of the following ways:

- Directly inform the harasser that the conduct/comments are unwelcome and must stop. If the conduct and/or comments do not cease immediately, the accuser should report the complaint to the accused's superior or the Department of Human Resources.
- If the accuser does not desire to confront the alleged harasser directly, he/she should report the incident to the alleged harasser's superior (the individual to whom the alleged harasser reports) who will report the complaint to the Department of Human Resources.
- If the complainant is not comfortable reporting the incident to the accused's superior, he/she can report the complaint directly to the Department of Human Resources.

Once the complaint is received by the Department of Human Resources, the complainant can choose to proceed informally; where the superior of the alleged harasser, in conjunction with Human Resources, will assist in resolving the matter. If the matter is not resolved informally to the satisfaction of the reporting party, the complainant may request to begin a formal investigation process. The complainant may request to begin the process with a formal investigation rather than an informal procedure if warranted. To begin a formal investigation, the complaint must be submitted to Human Resources in writing and signed by the complainant.

NOTE: Anyone witnessing an act of harassment and/or dis-

crimination may report the incident directly to the Human Resources Department.

**B. Investigation**

Human Resources will coordinate the investigation of the complaint and file a report with a subcommittee of the Personal Advisory Committee. The subcommittee and the appropriate Senior Vice Chancellor will determine whether there is a reasonable basis for believing the alleged violations of the harassment and discrimination policy has occurred. The investigation may include oral interviews and/or written statements from the complainant, the alleged harasser, any witnesses who may be able to provide pertinent information about the facts of the case, and review of any documentation of previous allegations and/or disciplinary actions related to harassment or discrimination. In the course of the investigation, the alleged harasser will be informed of the allegations and the facts surrounding the allegations and will be afforded a full opportunity to respond.

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

1. Interview complainant.
2. Have complainant read, approve, and sign a written report of the incident.
3. Notify accused of complaint. Interview and obtain written report from accused.
4. Interview and obtain written reports from witnesses to the incident of harassment or discrimination.

The University is committed to investigating and resolving any complaint of harassment or discrimination brought to the attention of the University. The investigation process will be completed in an appropriate and timely manner.

An individual who believes he or she is a victim of harassment or discrimination or retaliation 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.

**C. Committee Review and Resolution**

The results of the investigation will be reviewed by an appropriate subcommittee of the Personnel Advisory Committee and the appropriate Senior Vice Chancellor.

<u>Individual Accused</u>	<u>Appropriate Committee to Hear Claim</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	· Vary depending on circumstances the University

If a member of the appropriate body is involved in the incident or asked to be recused from the review, another appropriate representative will be appointed to the review committee by the Senior Director of Human Resources.

**The results of the investigation may fall into two categories:**

- **No Merit** - If the appropriate committee determines the complaint is without merit, the complaint will be regarded as resolved with no further action.
- **Merit** - If after review by the appropriate committee, the complaint is determined to have merit, appropriate sanc-

tions and/or disciplinary action will be taken. The harasser's supervisor, in conjunction with the appropriate Senior Vice Chancellor and the Office of Human Resources, will coordinate the disciplinary action which may include (but not be limited to) counseling or education about discrimination or harassment, verbal or written reprimands, reassignment, suspension or termination. Disciplinary procedures will vary as a result of the parties involved, i.e., the complainant and the accused. A recommendation of disciplinary action will be forwarded to the Chancellor for approval.

In all cases, The Senior Director of Human Resources will provide a written response to the complainant and the accused following conclusion of the process. 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.

**D. Confidentiality**

Harassment or Discrimination is a particularly sensitive issue that may affect any member of the University community. The University recognizes the privacy rights of both the complainant and the accused in a harassment situation. The University and its employees will take care to provide confidentiality to all parties involved in a discrimination or harassment charge. 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 harassment complaint. The need to include individuals in the investigation will obligate sharing of information in the process.

**E. Non-Retaliation**

Retaliation is a very serious violation of this policy and should be reported immediately. Any attempt to penalize or retaliate in any way against a person bringing, investigating, or cooperating with an investigation of a harassment or discrimination charge is prohibited and will be treated as a separate incident to be reviewed on its own merit.

**F. Protection of the Alleged Harasser**

In the event the allegations are not substantiated, all reasonable steps will be taken to restore the reputation of the alleged harasser if it was damaged by the proceeding.

**G. False claims**

A complainant found to have been intentionally dishonest in making the allegations or to have made them maliciously is subject to the full range of the University's disciplinary procedures from official reprimand to dismissal.

**IV. Sanctions**

Sanctions will be determined based on the severity and/or number of incidents. Prior issues related to harassment and discrimination will be taken into account in determining the appropriate disciplinary level.

**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

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## STUDENT RECORDS POLICY

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### *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 Nov. 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 and email address
- B. Dates of attendance
- C. Major and minor fields of study, degree desired, classification (freshman, sophomore, junior, senior) and full-time or part-time status
- D. Participation in officially recognized activities
- E. Degrees and awards received (i.e. Dean's 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. Senior Vice Chancellor, Academic Affairs
- B. Senior Vice Chancellor, Student Services and Administration
- C. Senior Vice Chancellor, Finance and Business 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.