SEXUAL HARASSMENT, ABUSE AND MOLESTATION POLICY

POLICY STATEMENT

Sexual harassment is reprehensible and will not be tolerated. It subverts our mission and threatens the careers, educational experiences and well-being of students, faculty, and staff. Lipscomb will not tolerate sexual harassment of its employees or students by anyone, including, but not limited to, supervisors, faculty, staff, students or alumni. Sexual harassment is an insidious practice which demeans individuals and creates unacceptable stress for the entire organization. More importantly, such harassment is against the Biblical principles upon which Lipscomb is founded and operates. Persons who are found to have sexually harassed will be dealt with swiftly and vigorously.

Lipscomb trusts that all of its employees and students will continue to act responsibly to establish a pleasant work and educational environment free of harassment and discrimination. Lipscomb encourages any employee or student to raise questions he or she may have regarding Sexual Harassment, Abuse, and Molestation Policy with the General Counsel.

Sexual harassment is especially serious when it threatens relationships between teacher and student or supervisor and subordinate. In such situations, sexual harassment exploits unfairly the power inherent in a faculty member’s or supervisor’s position. Through grades, wage increases, recommendations for graduate study, promotion, and the like, a teacher or supervisor can have a decisive influence on a student’s, staff member’s or faculty’s member’s career at Lipscomb and beyond.

While sexual harassment most often takes place in situations of a power differential between the persons involved, Lipscomb also recognizes that sexual harassment may occur between persons of the same educational status. Lipscomb will not tolerate behavior between or among members of the same University or Academy community that creates unacceptable working or educational environment.
REASON FOR THE POLICY

This policy is intended to conform with applicable law and to provide guidelines for University and Academy community members as to what is sexual harassment to clarify expectations of our community.

APPLICABILITY OF THE POLICY

This policy applies to all Lipscomb University and Lipscomb Academy faculty, staff and students.

POLICY ELABORATION

Sexual harassment encompasses any sexual attention that is unwanted. Normal, courteous, mutually respectful, pleasant, non-coercive interactions between men and women that are acceptable to both parties are not considered to be sexual harassment. Examples of verbal or physical conduct prohibited by Section II above include, but not limited to:

- Physical assault;

- Direct or implied threats that submission to sexual advances will be a condition of employment, work status, promotion, grades, or letters of recommendation;

- Direct propositions of a sexual nature;

- Subtle pressure for sexual activity, an element of which may be conduct such as repeated and unwanted staring;

- A pattern of conduct (not legitimately related to the subject to a matter of course if one is involved) intended to discomfort or humiliate, or both, that includes one or more of the following:
  - Comments of a sexual nature; or
  - Sexually explicit statements, questions, gestures, jokes or anecdotes

- A pattern of conduct which would discomfort or humiliate or both a reasonable person at whom the conduct was directed that includes one or more of the following:
  - Unnecessary touching, patting, hugging or brushing against a person’s body;
  - Remarks of a sexual nature about a person’s clothing or body or manipulating clothing in a sexual manner;
  - Display sexual pictures of objects; or
Remarks about sexual activity or speculations of about previous sexual experience including the spreading of sexual rumors.

Members of the University or Academy community who, without establishing a pattern of doing so, engage in isolated conduct of the kind as previously described above or who exhibit a pattern of engaging in such conduct but fail to realize that their actions discomfort or humiliate, demonstrate insensitivity that necessitates remedial measures. When administrators become aware that such activities are occurring in their areas, they should direct that those engaged in such conduct undertake an educational program designed to help them understand the harm they are doing.

If, after participating in the educational program or failing to participate after being directed to do so a person continues to engage in the conduct described above, he or she will be deemed to have engaged in a pattern of conduct intended to discomfort or humiliate the one at whom the actions or statements are directed.

DEFINITIONS

Harassment on the basis of sex is a violation of Section 703 of Title VII, 42 U.S.C. No member of the University or Academy community shall engage in sexual harassment. For the purposes of this policy, sexual harassment is defined as unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature when:

- Submission to such conduct is made explicitly or implicitly a term or condition of an individual’s employment or status in a course, program, or activity;
- Submission to or rejection of such conduct is used as a basis for an employment or educational decision affecting an individual;
- Such conduct has the purpose or effect of unreasonably interfering with an individual’s work or educational performance or of creating an intimidating hostile or offensive environment for work or learning.

PROCEDURES

Any University or Academy employee with a complaint of sexual harassment should notify his or her immediate supervisor. If the complaint involves the immediate supervisor, the employee should contact his or her next higher level of supervisor and/or the Administrator having authority over the employee’s area. In lieu of or in addition to notification of supervisory personnel, any employee with a complaint of sexual harassment may contact the Administrator over their respective area directly to register a complaint and/or request advice and counsel.
Any University student with a complaint of sexual harassment should notify one of the student deans. In lieu of or in addition to notification of a student dean, any University student with a complaint of sexual harassment may contact the Provost directly to register a complaint and/or request advice or counsel.

Any Academy student or parent of an Academy student with a complaint of sexual harassment should notify their principal or dean of students. In lieu of or in addition to notification of a principal or dean, any Academy student or parent with a complaint of sexual harassment may contact an Academy counselor or the Vice President and Headmaster of Lipscomb Academy.

Upon notice of conduct which allegedly constitutes sexual harassment under the definition set forth herein, the supervisory personnel so informed, in consultation with either the Senior Vice President of Finance and Administration (in the event of a claim by a staff member, administrator or student), the Provost (in the event of a claim by a faculty member), or the Vice President and Headmaster of Lipscomb Academy (in the event of a claim by a Academy employee or student), shall take immediate and appropriate corrective action. Due to the sensitive nature of an allegation of sexual harassment, every effort will be made at this stage to resolve the situation on an informal basis to protect the anonymity of the persons involved.

If, after the above steps are undertaken, the affected individual is unsatisfied with the resolution of the matter or if the sexual harassment persists, the affected individual may file a formal grievance with the appropriate Administrator against the offending individual or against the individual who has allegedly failed to take corrective action after receiving notice of the initial complaint. These proceedings will be conducted in accordance with the guidelines contained in the affected individual's applicable handbook, with a view toward obtaining a fair resolution of the complaint while protecting the confidentiality and privacy rights of all individuals involved.

In the event that an individual concludes that he or she has been accused of sexual harassment without justification, then that person may initiate a grievance in accordance with the guidelines contained in the handbook.

Any member of the Lipscomb community who, under the procedures set forth herein, is found to have engaged in the sexual harassment of a subordinate employee, co-worker or student, will be subject to disciplinary actions, which may include any one or more of the following sanctions, but is not limited to:

- A promise not to commit the offensive act again;
- A private apology;
- A public apology (particularly effective in a classroom setting);
- Verbal warning;
- Written warning;
- Withholding of pay increase;
- Transfer;
• Reassignment of duties;
• Mandatory counseling;
• Formal training;
• Suspension;
• Demotion;
• Dismissal.

In addition to the above sanctions, any student who is found to have engaged in sexual harassment will be subject to the following additional disciplinary actions, which may include any one or more of the following sanctions, but is not limited to:

• Probation to the Deans of Campus Life or appropriate Academy principal or dean;
• Suspension;
• Expulsion.

In defining the conduct which constitutes sexual harassment, federal guidelines address themselves to unwelcome conduct and clearly distinguish sexual harassment from a "particular action or incident (which is) a purely personal, social relationship without a discriminating employment effect." In determining whether conduct constitutes sexual harassment, Lipscomb will examine the record as a whole and the totality of the circumstances, such as the nature of the sexual advances and the context in which the alleged incidents occurred. The determination of the legality of a particular action will be made from the facts, on a case by case basis.

Any employee who feels that he or she is being subjected to conduct which, under the definitions and guidelines set forth herein, allegedly constitute sexual harassment, should keep a detailed documentary record of the offending conduct (e.g., date(s) of incident(s), what was said or done, names of witnesses to the incident(s), etc.).

Bad faith allegations or use of this policy for purposes unrelated to its clear intent are expressly prohibited and may result in disciplinary actions.

RELATED DOCUMENTS/POLICIES

Faculty Handbook - Lipscomb University
Staff Handbook - Lipscomb University
Student Handbook - Lipscomb University
EFFECTIVE DATE

This policy was approved by the President on September 23, 2005.

This policy was revised to reflect title changes on January 7, 2011.

This policy was revised to reflect the name change of David Lipscomb Campus School to Lipscomb Academy on August 17, 2012.