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## **Harassment and Complaint Procedure**

Sexual and other unlawful harassment is a violation of Title VII of the Civil Rights Act of 1964 (Title VII), as amended, as well as many state laws. Harassment based on a characteristic protected by law, such as race, color, ancestry, national origin, gender, sex, sexual orientation, gender identity, marital status, religion, age, disability, veteran status, or other characteristic protected by state or federal law, is prohibited.

It is NewU's policy to provide a work environment free of sexual and other harassment. To that end, harassment of NewU's employees by management, supervisors, coworkers, or nonemployees who are in the workplace is absolutely prohibited. Further, any retaliation against an individual who has complained about sexual or other harassment or retaliation against individuals for cooperating with an investigation of a harassment complaint is similarly unlawful and will not be tolerated. NewU will take all steps necessary to prevent and eliminate unlawful harassment.

**Definition of Unlawful Harassment.** "Unlawful harassment" is conduct that has the purpose or effect of creating an intimidating, hostile, or offensive work environment; has the purpose or effect of substantially and unreasonably interfering with an individual's work performance; or otherwise adversely affects an individual's employment opportunities because of the individual's membership in a protected class.

Unlawful harassment includes, but is not limited to, epithets; slurs; jokes; pranks; innuendo; comments; written or graphic material; stereotyping; or other threatening, hostile, or intimidating acts based on race, color, ancestry, national origin, gender, sex, sexual orientation, marital status, religion, age, disability, veteran status, or other characteristic protected by federal and/or District of Columbia law ("Protected Categories"). Harassment may include conduct carried out through the internet, email, social media, or other electronic means.

**Definition of Sexual Harassment.** For the purposes of University policy, the term "sexual harassment" refers to any unwanted conduct that is based on an individual's sex, sexual orientation, gender identity, or gender expression and that:

1. Involves a stated or implicit threat to the individual's academic or employment status;
2. Has the purpose or effect of interfering with the individual's academic or work performance; and/or

3. Creates an intimidating or offensive academic, living or work environment.

The University regards such behavior as a violation of the standards of conduct required of all members of its community. Accordingly, as noted in the University's *Faculty Handbook*, *NewU Policies Handbook* and *Employee Handbook*, persons engaged in such harassment are subject to the full range of internal disciplinary actions, including separation from the institution. The same range of disciplinary actions will be applied in the event of retaliation against an individual who in good faith makes an allegation of sexual harassment, who cooperates in an investigation into such allegations, or who opposes any act of sexual harassment as defined in this Policy.

### **Complaint Procedure**

Any employee who believes he or she has been subject to or witnessed illegal discrimination, including sexual or other forms of unlawful harassment, is requested and encouraged to make a complaint. A complaint against a staff member may be brought by a student, staff member, faculty member to the Executive Human Resources Officer. The office of Human Resources will take responsibility for pursuing the matter and informing the Ethics & Compliance Committee. If the matter is not resolved informally the Ethics & Compliance Committee will conduct an investigation. If based on the result of that investigation it is determined that the policy was violated, The University will take immediate, appropriate, corrective action, including discipline, up to and including immediate termination.

All complaints will be investigated promptly and, to the extent possible, with regard for confidentiality.

No reprisal, retaliation, or other adverse action will be taken against an employee for making a complaint or report of discrimination or harassment or for assisting in the investigation of any such complaint or report. Any suspected retaliation or intimidation should be reported immediately to the appropriate University representatives.

The prevention of sexual harassment and the establishment of effective procedures with due concern for all parties require a thoughtful educational program.

1. The Chief Academic Officer, the Executive Human Resources Officer and heads of departments should distribute this policy to faculty and staff and are encouraged to discuss the policy and issues of sexual harassment at meetings with faculty, staff, and students.
2. Training programs for faculty, staff, and those who assist students in crisis situations, and/or serve in an advisory capacity to students will include training about referrals, resources and methods for handling complaints of sexual harassment.
3. The University will publish this policy statement annually, including information about how and where to contact University officers available to advise, counsel and

assist in the informal and formal resolution of sexual harassment complaints. All members of the University community have a responsibility to aid in the prevention of sexual harassment and are encouraged to discuss concerns with the appropriate University representatives.

**[End]**