

RECOMMENDATION FOR DEVELOPING IMPLEMENTATION PROCEDURES  
FOR BOTH ATTACHED DRAFT POLICIES

The Faculty Affairs Committee will recommend to the Faculty Senate that the revised Racial and Ethnic Harassment Policy and the Sexual Harassment Policy be endorsed by the Faculty Senate and then sent back to the Faculty Affairs Committee in order to develop implementation procedures for both policies. After the implementation procedures are developed by the Committee, open hearings will be held for input from the General Faculty. Following this, the policy and implementation process for both policies will be brought back to the Faculty Senate for final approval.

## DRAFT

EAST CAROLINA UNIVERSITY POLICY ON SEXUAL HARASSMENT,  
DISCRIMINATION, AND CONFLICTS OF INTEREST

## I. INTRODUCTION

East Carolina University is committed to providing and promoting an atmosphere in which employees realize their maximum potential in the workplace and students can engage fully in the learning process. Sexual harassment and discrimination is illegal and endangers the environment of tolerance, civility and mutual respect that must prevail if the University is to fulfill its mission. Amorous relations between a student and a University employee who is responsible for supervising and/or evaluating the student can derogate the merit principle of supervision and evaluation. These policies are the University's statement of its intent to prohibit sexual harassment and discrimination, and to prohibit amorous relations between University employees and students when such relations create a risk of favoritism.

## II. DEFINITIONS

## SEXUAL HARASSMENT

Sexual harassment consists in actions, verbal or otherwise, that either require an individual to tolerate amorous and/or sexual advances as a condition of some reward in academics or employment, or propose to engage in amorous and/or sexual activities as a condition of some reward in academics or employment.

## SEXUAL DISCRIMINATION

Sexual discrimination consists in actions that single out and cause harm to an individual or a group because of the individual's or the group's sex.

## CONFLICTS OF INTEREST DUE TO

## CONSENSUAL AMOROUS RELATIONSHIPS

Consensual amorous relationships create conflicts of interest when they impair or can reasonably be expected to impair the professional judgment of someone who is responsible for supervising and/or evaluating others.

III. Policy

It is the responsibility of members of the University community to strive to create an environment free of sexual harassment and discrimination, and free of unprofessional bias in the supervision and evaluation of students. (The University of North Carolina Board of Governors resolution regarding potential favoritism between University employees is contained in Appendix H of the East Carolina University Faculty Manual; East Carolina University's policies on non-discrimination in recruitment and hiring are contained in Appendix K of the Faculty Manual.)

a. It is against the policies of East Carolina University for employees of the University to subject students or employees of the University to amorous and/or sexual advances when either toleration of or submission to said advances is made a condition of the student's academic success, or of the employee's employment, salary, fringe benefits, assignments, reappointment, promotion, or tenure.

b. It is against the policies of East Carolina University for employees and students of the University to willingly engage in, or to propose to engage in amorous and/or sexual relations in exchange for academic rewards, or for rewards in the areas of employment, salary, fringe benefits, assignments, reappointment, promotion, or tenure.

c. It is against the policies of East Carolina University for employees and students of the University to single out an individual or a group and subject the individual or the group to malicious sexist insults, or to create a hostile University environment because of the individual's or the group's sex.

d. It is against the policies of East Carolina University for employees of the University to allow an individual's sex to influence decisions regarding the individual's salary, fringe benefits, assignments, reappointment, promotion, or tenure, except where sex constitutes a bona fide occupational qualification.

e. It is against the policies of East Carolina University for employees of the University to apply unequal standards of supervision and/or evaluation to a student because of the student's sex.

f. It is against the policies of East Carolina University for employees of the University to engage in consensual amorous relationships with students the employee is or will be responsible for supervising and/or evaluating. (This policy only applies to consensual amorous relationships initiated after the policy's adoption date.)

**EAST CAROLINA UNIVERSITY RACIAL AND ETHNIC HARASSMENT POLICY**

I. Definition of Racial and/or Ethnic Harassment

Racial and/or ethnic harassment consists in actions, verbal or otherwise, that single out and cause harm to an individual or a group because of the individual's or the group's race and/or ethnic affiliation.

II. Introduction

Racial and/or ethnic harassment endangers the environment of tolerance, civility and mutual respect that must prevail if the University is to fulfill its mission. Such behavior will not be condoned by members of the University Community. This policy is the University's statement of its intent to protect its educational environment by prohibiting specific forms of constitutionally sanctionable racial and/or ethnic harassment. It supersedes all previous University policies dealing with racial and/or ethnic discrimination. The University recognizes that the free and unfettered interchange of competing views is essential to the institution's educational mission, and that the peoples' right to express their opinions is guaranteed by the United States Constitution.

III. Policy

It is the responsibility of members of the University community to strive to create an environment free of racial and/or ethnic harassment. East Carolina University prohibits employees and students of the University from:

- a. singling out an individual or a group and subjecting the individual or the group to malicious racial insults, or to speech or other actions which would have a tendency to cause acts of violence by the individual or group addressed because of the individual's or the group's race and/or ethnic affiliation, or
- b. singling out an individual or a group and subjecting the individual or the group to unequal or unfair or threatening treatment in the areas of academic success, employment, salary, fringe benefits, assignments, reappointment, promotion, or tenure, because of the individual's or the group's race and/or ethnic affiliation.
- c. singling out an individual or a group and subjecting the individual or the group to a hostile University environment because of the individual's or the group's race and/or ethnic affiliation, or
- d. singling out an individual or a group and subjecting the individual or the group to extreme and outrageous conduct with the intent to cause and causing severe emotional disturbances to the individual or group because of the individual's or the group's race and/or ethnic affiliation.

Through this policy, members of the University Community are encouraged to express freely, responsibly, and in an orderly way their opinions and feelings about any problem or complaint of racial/and or ethnic harassment. Any act by a University employee or student of reprisal, interference, restraint, penalty, discrimination, coercion or harassment against a student or an employee for responsibly using the policy interferes with free expression and openness. Accordingly, members of the University community charged with racial and/or ethnic harassment are prohibited from acts of reprisal against their accuser(s) exclusive of actions brought in the North Carolina or United States courts.