

**Moravian College and Theological Seminary  
Community Policy on Harassment and Inappropriate Conduct**

**Introduction**

Moravian College and Moravian Theological Seminary are committed to providing a campus community in which all individuals are treated with respect and dignity and that is free from all forms of discrimination and conduct that can be considered harassing, coercive, or disruptive. Sexual harassment within the community is unlawful, as is harassment based upon race, color, religion, national origin, disability, age, or membership in any other protected group. It is also unlawful to retaliate against a member of the campus community for filing a complaint of harassment or for cooperating in an investigation of harassment.

This policy applies to all members of the community, which for purposes of this policy includes, but is not limited to, employees, students, independent contractors, consultants, leased employees, visitors, and others working on College or Seminary premises or with College or Seminary employees or students. The scope of this policy includes, but is not limited to, all settings in which members of the campus community may find themselves in connection with their employment, education, or other institutionally related activities, such as off-site meetings, conferences, social events, etc., including time spent traveling and socializing on the way to and from, and while at, such events. It also extends to other interactions between or among members of the campus community to the extent that a community member's right to a campus community free from harassment or other inappropriate conduct is involved.

The institution will not tolerate harassment or retaliation against its employees, students, or any other members of the campus community by anyone, including other members of the community. Furthermore, the institution will also attempt to protect its community members from harassment by other individuals who may be encountered within the community, such as vendors, customers, service employees, etc.

The director of human resources or his or her designee is responsible for overseeing the implementation of this policy in the case of administrators and support staff. In the case of faculty, the vice president for academic affairs will provide oversight.

**Harassment and Inappropriate Conduct**

The institution will not tolerate harassment of any community member based upon membership in a protected class by any other member of the community or other individuals with whom community members interact in connection with their employment, education, or other institutionally related activities.

Harassment consists of unwelcome conduct, whether verbal, physical, or visual, that is based on a person's protected status, such as race, color, sex, national origin, religion, disability, age, or any other basis prohibited by federal, state, or local law; and which has the effect of interfering unreasonably with another's work or academic performance, or creating an intimidating, offensive, or hostile environment.

Harassing conduct includes, but is not limited to: slurs; negative stereotyping; ethnic jokes; offensive written or graphic material; display of offensive objects; or threatening, intimidating, or hostile acts that denigrate or show hostility or aversion toward an individual or group because of membership in a protected group.

Note that conduct as described in this section may not be sufficiently severe or pervasive to constitute harassment in the legal sense. However, the institution considers any conduct of this nature to be inappropriate within the campus community, and complaints concerning such conduct should be brought to the institution's attention as set forth below.

**Sexual Harassment**

Sexual harassment is prohibited. This includes unwelcome or unwanted sexual advances, requests for

sexual favors, and other verbal, physical, or visual conduct of a sexual nature when: submission to such conduct is made, explicitly or implicitly, a term or condition of a community member's employment, education, or other participation in the community; submission to or rejection of such conduct by a community member is used as the basis for decisions affecting the community member's employment, education, or other participation in the community; or such conduct has the purpose or effect of unreasonable interference with a community member's work or academic performance or creates an intimidating, hostile, or offensive working or academic environment.

It is not possible to list all the circumstances that may constitute sexual harassment. However, the following are examples of conduct that, if unwelcome, may constitute sexual harassment depending upon the totality of the circumstances including the severity of the conduct and its frequency or pervasiveness.

- Unwelcome sexual advances or propositions (whether or not they involve unwelcome physical touching).
- Explicitly or implicitly conditioning any terms of employment or education (e.g., continued employment, wages, evaluation, advancement, assigned duties, on-call assignments, grades) on the provision of sexual favors.
- Inquiries into another's sexual experience, discussions of one's sexual activities, comments on an individual's body, comments about an individual's sexual activity, deficiencies, or prowess.
- Sexual innuendo, sexually suggestive comments, or use of sexually explicit or vulgar language.
- Sexually oriented teasing or practical jokes; "humor" about gender-specific traits.
- Suggestive body language or gestures.
- Display or transmission of sexually suggestive objects, pictures, posters, cartoons, or other printed or visual material.
- Leering, whistling, or physical contact such as unwelcome touching, patting, pinching, or brushing against another's body.
- Continued requests to socialize, on or off duty, on or off campus, when a community member has indicated he or she is not interested.
- Continued writing of sexually suggestive notes or letters when it is known or should be known that the addressee does not welcome them.
- Derogatory or provocative remarks relating to an employee's sex or sexual orientation.

## **Retaliation**

No community member will be subject to retaliation for making a complaint of harassment or inappropriate conduct, cooperating in the investigation of such a complaint, or otherwise opposing unlawful harassment or other inappropriate conduct.

## **Complaints of Harassment or Retaliation**

Because the institution takes allegations of harassment or retaliation seriously, it will respond promptly to complaints of such behavior. The institution strongly encourages any member of the community who believes he or she has been the target of harassment or inappropriate conduct to report the incident promptly, in writing. In addition, every member of the community is strongly encouraged to report, in writing, any such conduct observed, no matter who the target. A timely written report will enable the institution to respond rapidly in investigating the allegations and, where it is determined that harassment or inappropriate conduct has occurred, take the necessary steps to eliminate objectionable conduct or conditions and impose corrective action, where appropriate.

Should any community member believe that he or she is being harassed or subjected to inappropriate behavior, he or she may wish to notify the offender directly and immediately that the behavior is unwelcome and offensive and must stop. However, if for any reason a community member does not wish to discuss the matter directly with the offender or if the discussion does not successfully end the behavior, it is the community member's duty to report the conduct immediately. The institution is committed and may

be required by law to take action if it learns of potential harassment or inappropriate conduct, even if the aggrieved party does not wish to file a formal complaint.

Depending on the identities of the complainant and the alleged perpetrator of prohibited conduct, the report should be made to the appropriate individual or office as set forth in the Administrative/Support Staff Handbook. If for any reason the complainant is not comfortable reporting the conduct to the designated individuals, he or she may contact the assistant director of human resources or any vice president.

The Office of Human Resources, 610 861-1527, is available to discuss any concerns of community members and to provide information about this policy and the complaint process.

### **Investigation**

A complaint of harassment will be investigated promptly and fairly. To the extent practicable, care will be taken to protect the identity of all parties to the complaint, consistent with a thorough and appropriate investigation.

Institutional investigation will include private interviews with the person reporting the incident; any witnesses; and the person alleged to have engaged in the harassment or inappropriate conduct. It is vital for all parties to the investigation to refrain from discussing any and all aspects of it, on or off campus. If investigation determines that harassment or inappropriate conduct has occurred, the institution will act promptly to eliminate the offending conduct and impose corrective action where appropriate. After the decision, the person who filed the complaint and the person alleged to have committed the offense will be informed of the results of the investigation and any corrective action to be taken. However, the complainant may not be informed of the specifics of any disciplinary action imposed upon the perpetrator to the extent that this might invade his or her privacy.

False statements made by any party in connection with a complaint of harassment or inappropriate conduct or during an investigation will constitute the occasion for appropriate corrective action, up to and including termination of the person's relationship with the institution.

### **Corrective Action**

*Employees:* If it is determined that harassment or inappropriate conduct has occurred, corrective action may range from a verbal warning and counseling to termination of employment, and may include such other forms of corrective action as the institution deems appropriate.

*Students:* If it is determined that harassment or inappropriate conduct has occurred, corrective action may range from a written warning and disciplinary probation to expulsion, and may include such other forms of corrective action as the institution deems appropriate.

### **Reporting Allegations of Harassment and Inappropriate Behavior**

College students should report allegations of harassment and inappropriate behavior:

- If the accused is a student, to the vice president for student affairs or the dean of student life.
- If the accused is a member of the support staff or of the faculty, to the vice president for student affairs or the director of human resources.
- If the accused is an administrator, to the director of human resources.

Seminary students should report allegations of harassment and inappropriate behavior:

- If the accused is a student, to the Dean of the Seminary or the Director of Admissions and Student Life.
- If the accused is a member of the support staff or of the faculty, to the Dean of the Seminary or the director of human resources.

- If the accused is an administrator, to the director of human resources.

*This is a general statement of policy and no more.* While this policy sets forth institutional goals of promoting a community free of harassment and other inappropriate conduct, it is not intended to limit the institution's authority to discipline or take remedial action for conduct it deems unacceptable. It does not constitute a term or provision of any contract of employment or implied contract of employment between Moravian College and Moravian Theological Seminary and an individual employee, nor does it create contractual obligations on behalf of the institution to any person. Likewise, it does not constitute a guarantee of continued student status to any person or otherwise create any obligation on the part of the institution.