

Appendix J

SEXUAL HARASSMENT POLICY

Sexual harassment by any member of the North Carolina School of the Arts is a violation of law and school policy, and will not be tolerated in the NCSA community.

Requests for sexual favors, and other deliberate, unwelcome verbal or physical conduct of a sexual nature by one in an official NCSA position or by a fellow NCSA employee constitute sexual harassment when, evaluated according to "reasonable sensibilities"

- 1) Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or academic standing, or
- 2) Submission to or rejection of such conduct by an individual is used as the basis for employment or academic decisions affecting that individual, or
- 3) Such conduct has the purpose or effect of substantially interfering with an individual's employment, academic or administrative performance, or creating an intimidating or offensive environment.

This policy seeks to encourage students, faculty, and employees to express freely, responsibly, and in an orderly way their opinions and feelings about any problems or complaint of sexual harassment. Any act by an employee or agent of reprisal, interference, restraint, penalty, discrimination, coercion or harassment --- overt or covert --- against a student or employee using the policy and its procedures interferes with free expression and openness. Accordingly, such acts violate this policy and require appropriate and prompt disciplinary action.

This policy shall not be used to bring frivolous or malicious charges against fellow students, faculty members, or employees.

Administrative Review Powers:

While it is the responsibility of every employee and student in the NCSA community so to conduct himself or herself as to contribute to an environment free of sexual harassment, the responsibility falls especially upon NCSA administrators and supervisors. Should an administrator or supervisor have knowledge of conduct involving sexual harassment or receive a complaint of sexual harassment that involves an NCSA employee or agent under his or her administrative jurisdiction, immediate steps must be taken to deal with the matter appropriately. Mediation, education and negotiation are encouraged.

An employee who believes he or she has been the victim of sexual harassment is encouraged to resolve the matter with the administrative official most directly concerned or through the Vice Chancellor for Student Life. A complaint of sexual harassment against a fellow student should be reported to the Vice Chancellor for Student Life.

Remedial actions taken by administrative officials, if appropriate, will depend on the severity of the incident. Because of the private nature of certain incidents, every effort should be made to resolve problems on an informal basis if possible. At this informal stage, it is hoped to sensitize the parties to the nature of sexual harassment and what it does and does not involve, and to be constructive and not unduly punitive if disciplinary action is appropriate or if the matter complained of is not administratively judged to constitute sexual harassment. An admission of guilt, an acknowledgement of an oral warning, a promise not to commit such an abuse again, and action taken to provide appropriate relief for the aggrieved party may be sufficient resolution if sexual harassment is found.

Whether or not there is a finding of sexual harassment, a record of the incident, including the names of the parties involved and its resolution shall be submitted by the administrator or supervisor to the Affirmative Action Officer, who shall maintain a confidential file of such records. The person accused of and the person alleging he or she has been the victim of sexual harassment may inspect the record of the incident to which he or she is a party and may also submit a statement to the Affirmative Action Officer for the files of that office.

If a complaint cannot be resolved informally to the satisfaction of the complaining party, the complaining party may proceed in accordance with grievance procedures as specified below. If a complaint is resolved informally to the satisfaction of the complaining party, but not to the person charged, that person may avail himself or herself of the grievance mechanism to which, by virtue of his or her position or circumstance in the NCSA community, he or she has access.

Grievance Committee Review Procedures

Should any employee or student believe that he or she has been the victim of sexual harassment, and should the informal procedure (if appropriate) have failed to produce a resolution satisfactory to that person, then he or she may proceed to the appropriate grievance committee. Complaint must be made by means of a written signed statement submitted to that committee to which, by virtue of his or her position or circumstance in NCSA, the complainant has access (for a student versus student complaint, the Disciplinary Proceedings Board; for an SPA employee, the SPA Grievance Committee; for faculty and other EPA employees, the Faculty Grievance Committee).

A faculty member who alleges sexual harassment as evidence of an allegation that a decision not to reappoint him or her was based upon one or more of the impermissible grounds as stated in the Regulations on Faculty Employment shall complain to the Faculty Grievance Committee in accordance with procedures outlined in that document.

A complaint shall be handled as expeditiously as possible by the appropriate grievance mechanism. The phrase "administrative official most directly concerned" as used in the procedures of each grievance mechanism shall be interpreted not to include any person accused. A student alleging sexual harassment by an NCSA employee (faculty, staff, and administrator) shall report that incident directly to the Vice Chancellor for Student Life, who shall in turn report to the Provost/Vice Chancellor for Arts and Academic Programs.

Following completion of the appropriate grievance mechanism's review of the complaint, the person who filed the complaint or the person accused of sexual harassment may appeal the disposition of the matter by the grievance mechanism according to existing procedures. Information concerning such procedures is available in the office of the Chancellor.