

Discrimination and Harassment Policy

As an employer and institution of higher learning, the Appalachian School of Law seeks to discharge its legal responsibilities and serve its diverse and talented community through fair and responsible application of this policy. This policy expresses institutional values and carries out the mandates of state and federal law. This institution does not discriminate on the basis of race, color, gender, sexual orientation, disability, religion, national and ethnic origin, age, veteran status or political affiliation.

As a reflection of institutional values, the policy upholds traditions of academic freedom and uncensored debate on matters of public concern. The policy effects no compromise of freedom of thought, inquiry, or debate. Rather, the policy seeks to ensure an environment in which education, work, research, and discussion are not corrupted by harassment. Professional relationships among faculty, staff, and students are central to the educational mission of the Law School. These relationships must be protected against impropriety, as well as the appearance of impropriety. Those who work within this community are entrusted with unique responsibilities, including, but not limited to, guiding the educational and professional development of students, evaluating student performance and assigning grades, providing job recommendations, mentoring, and counseling.

This policy establishes institutionally enforceable prohibitions, not aspirational standards. The policy does not preclude other, non-disciplinary efforts to resolve interpersonal grievances or to create a hospitable work and educational environment for all members of the Law School community. The policy does not attempt to address behaviors that do not constitute discrimination or harassment. Offensive workplace and/or school behavior that does not violate this policy should be addressed by the appropriate supervisor or Student Ombudsperson.

DEFINITIONS:

Discrimination – The act of denying opportunities, resources or access to an individual or group based on race, color, gender, sexual orientation, disability, religion, national and ethnic origin, age, veteran status or political affiliation.

Harassment – Is a form of discrimination consisting of verbal or physical conduct based on race, color, gender, sexual orientation, disability, religion, national and ethnic origin, age, veteran status or political affiliation which is sufficiently severe, pervasive or persistent, as to deny or limit the ability of an individual to participate in or benefit from the education program, thereby creating an intimidating, hostile or offensive educational or work environment. Not every act that might be offensive to an individual or group will be considered harassment. Whether the alleged conduct constitutes harassment depends upon the record as a whole and the totality of the circumstances,

such as the nature of the incident in the context within which the alleged incident occurs. Harassment may not include verbal expressions or written material that is relevant and appropriately related to course subject matter or curriculum.

Sexual harassment - Is unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when one of the following criteria is met:

- Submission to such conduct is made either explicitly or implicitly as a term or condition of the individual's employment or of the individual's status in a program, course or activity;
- submission to or rejection of such conduct by an individual is used as a basis for employment decisions, a criterion for evaluation, or a basis for academic or other decisions affecting such individual; or
- such conduct is sufficiently severe, pervasive or persistent, as to deny or limit the ability of an individual to participate in or benefit from the Law School program, thereby creating an intimidating, hostile or offensive educational or work environment.

Examples of Sexual Harassment:

Sexual harassment can take many forms. Some examples of conduct of a sexual nature are:

- Use in the classroom of sexual jokes, stories, remarks or images when such use is in no way germane to the subject matter of the class.
- Attempted or actual kissing or fondling.
- Coerced sexual intercourse.
- Sexual assault.
- Promising a work-related benefit or a grade in return for sexual favors.
- Inappropriate touching or brushing against the body.
- Implied or overt sexual threats.
- E-mail, voicemail, notes, letters, or other written materials displaying objects or pictures which are sexual in nature that would create hostile or offensive environments.
- Refusing to hire, promote or grant certain privileges because of acceptance or rejection of sexual advances.

The examples listed above are not exclusive, but simply represent types of conduct that may constitute sexual harassment.

Please note that sexual assaults are criminal acts and, as such, the Law School may coordinate its internal investigation and processing with local police, crisis intervention centers and other agencies as appropriate.

In determining whether behavior constitutes discriminatory harassment in violation of this policy, the totality of the circumstances and the context in which the behavior occurs will be considered. This is intended to ensure the protection of individual rights, freedom of speech, and academic freedom.

Nothing stated above circumscribes the authority of the Law School to establish policy that is not otherwise contrary to law.

SCOPE OF COVERAGE:

This policy covers all Law School sponsored programs and activities either on or off campus. Additionally, it covers all actions at these programs or activities by a student or an employee which may limit the ability of an individual to participate in or benefit from the Law School program.

RESPONDING/REPORTING DISCRIMINATION/HARASSMENT:

All acts of discrimination or harassment are covered in the grievance policy located in the Office of the Dean and in the Student Handbook. If you believe you are experiencing treatment that violates this policy, if you are comfortable, tell the person to stop. If the discrimination or harassment persists you may take the following steps:

1. Contact the Law School Ombudsperson:

Jina Marie Sauls
Room 131, Classroom and Office Building
276-935-4349, Ext. 1228

The Ombudsperson coordinates all grievances, including, Title IX of the Education Amendments of 1972 (Title IX).

- 2. Submit a grievance:** Grievances about students, employees, volunteers, or other visitors or participants in Law School sponsored programs or activities should be submitted to the Ombudsperson. Grievances about the Ombudsperson can be submitted to the Associate Dean. The grievance policy is located in the Office of the Dean and in the Student Handbook.

Grievances must be filed within 90 calendar days of the alleged discrimination or harassment. If a person cannot bring a grievance within the 90 calendar days because of medical incapacitation or the person adversely affected lacked knowledge of the discrimination or harassment, the 90 calendar days may be waived at the discretion of the Ombudsperson if filed within 45 calendar days of the end of incapacitation or becoming aware of the discrimination. Grievances are preferably submitted in writing. Grievances that are non-written, anonymous, or filed by third parties will be investigated to the fullest extent possible.

3. Regardless of whether you have done any of the above, **you may contact the Office for Civil Rights, United States Department of Education regarding complaints based on age, race, national origin, color, disability, or gender at:**

**District of Columbia Office
Office for Civil Rights
U.S. Department of Education
1100 Pennsylvania Ave., N.W., Rm. 316
P.O. Box 14620
Washington, D.C. 20044-4620**

**Telephone: 202-208-2545
FAX: 202-208-7797; TDD: 877-521-2172
Email: OCR.DC@ed.gov**

Additionally, other legal remedies such as a civil law suit maybe available.

REMEDIES:

If it is determined that discriminatory harassment is occurring or has occurred, the Law School may take any or all of the following actions: making sure that the discriminatory conduct stops; imposing disciplinary action up to and including termination of employment or dismissal from the Law School; reporting the conduct to appropriate governmental or bar authorities; other corrective action such as counseling or training; and steps such as reinstatement, hiring, reassignment, promotion, training, back pay or reinstatement of other benefits as are necessary.