Lehigh University

MINUTES OF THE FACULTY MEETING

4 February 2002

Presiding: Gregory Farrington (University Center Room 308)

President Farrington called the meeting to order at 4:10 PM.

1. **Memorial Resolution.** A tribute to Preston Parr, late Dean Emeritus and Vice President Emeritus of Student Affairs, was read by Vice President John Smeaton who then MOVED that his remarks be incorporated in these minutes [see Attachment 1]. The President declared the motion APPROVED by acclamation and the faculty STOOD for a moment of silence in memory of Preston Parr.

2. **Minutes.** The minutes of the December 3, 2001 faculty meeting were APPROVED.

3. **Faculty Introductions.** Dean Mohamed el-Aasser introduced two new faculty in the P.C. Rossin College of Engineering and Applied Science: Andrew Ross in Industrial and Systems Engineering; and Clay Naito in Civil and Environmental Engineering. Both started at Lehigh this semester.

4. **Short Trustees’ Report.** President Farrington gave a brief report on the recent trustees’ meeting. The meeting was very successful with numerous presentations by faculty including Daniel Ou-Yang on the Bioengineering Program, David Wu on Industrial and Systems Engineering, George DuPaul and Linda Bambara on disabilities, and Dean Dick Durand on the College of Business and Economics. Bruce Gardiner gave a report on the status of admissions. The president noted that early decision applications are at a record high – 20 per cent ahead of last year. The trustees formed a subcommittee on academic governance.

5. **Committee Motions.** Professor Monica Najjar, on behalf of the Nominations Committee, MOVED to suspend the rules to permit an election to fill two vacancies on the University Committee on Discipline. Specifically, one position expires May 2002. Professor Najjar suggested that, pending the faculty’s approval of the motion to suspend the rules, the person elected to this position be given a full three-year term expiring
May, 2005. The motion was **SECONDED** and **PASSED**. The election then proceeded.

Professor Jack Paul, on behalf of the Graduate and Research Committee, **MOVED** approval of the proposal on graduate certificates [see Attachment 2]. The motion was **SECONDED**.

Professor Bob Thornton asked about the approval process for certificate programs, and asked for an amendment to the proposal requiring that certificate programs be proposed by departments and approved by college faculty just as with all other academic programs.

Provost Ron Yoshida spoke in opposition to the amendment stating his belief that such an amendment would slow down the approval process.

Professor Neal Simon expressed a need for some faculty oversight to avoid a proliferation of certificate programs.

Professor Philip Blythe stated his belief that requiring certificate programs to go through the normal review process is helpful, and that the GRC plays an important oversight role.

Professor Thornton offered his amendment to the original motion. He **MOVED** to amend the original motion to require all certificate programs to receive approval by the college(s) involved and by the GRC. The amendment was **SECONDED** and **PASSED**.

The amended original motion then **PASSED**.

Professor Judi Lasker, on behalf of the Faculty Steering Committee, **MOVED** to waive the "7 Day Rule" so that the faculty could consider a motion to change voting procedures for amending R&P. The motion was **SECONDED** and **PASSED**.

Professor Lasker then **MOVED** to change voting procedures for amendments to R&P [see Attachment 3]. The motion was **SECONDED**.

Professor Roger Simon **MOVED** to amend the original motion as follows:

In the last paragraph of the motion the first sentence is amended to read (amended portion in bold):

"that the final report, with the amendments approved by the faculty, will be submitted to the entire faculty for an electronic vote, **with two weeks** allowed for a response. At least one-third of the voting faculty must
cast ballots for the vote to be valid.” The amendment was SECONDED.

Professor Jim Roberts noted that the quorum on a written ballot is less than the quorum for a faculty meeting.

Professor Roger Simon observed that R&P specifies one-third of the voting faculty as a quorum.

Professor Sudhakar Neti asked what areas this motion covered. Professor Lasker replied that it was the five R&P task forces.

Professor Roger Simon asked why governance would be the last task force to be constituted.

Vice President Nelson Markley gave the rationale that it was important to put processes in place, and then rethink governance.

Professor Rich Aronson asked how the faculty was to amend R&P under this proposal. Professor Lasker replied that amendments would be sent in writing, and then transmitted to the faculty for an electronic vote.

Professor Aronson asked why it was not appropriate to have faculty meetings for such votes.

Professor Gary Lutz expressed his view that faculty meetings might lead to the impulsive approval of amendments for many reasons, and that many faculty might not attend such faculty meetings.

The amendment PASSED.

The amended, original motion PASSED.

6. **Unfinished Business.**  None.

7. **New Business.**  None.

8. **Committee Report.**  Professors Jean Soderlund and Rick Weisman, on behalf of the Equal Opportunity/Harassment Policy Committee, provided an update. They reviewed the process to the present, noting the draft document dated December 18, 2001 [see Attachment 4]. There will be additional open meetings this week.

Professor Neti asked for a summary of student concerns.
Vice President Smeaton said those concerns were all over the map including supervisory conflict of interest issues, whether some policies were too strong or too weak and noted the large number of anonymous responses to the draft.

Professor Weisman indicated there was student interest in campus climate issues versus legal issues, and the conduct of athletic coaches.

Ed Kay noted a case involving a fraternity that dress in KKK garb.

9. **President's Report.** President Farrington announced that the Campus Square project is meticulously on schedule. He toured the new bookstore area last week and said it looks good. He said he expected lease contracts to be signed by the end of the month for an ice cream store, coffee shop and restaurant.

New street lighting will be installed beginning in March and be completed by August.

The state has committed $15 million over 5 years to the opto-electronics program. Senator Specter has received a $1 million commitment from the federal government.

10. **Provost's Report.** Provost Yoshida detailed the university's 5-year budget process. In October, the trustees directed the development of a 5-10 year vision for the university, hence the need for a 5-year budget to line up behind that vision.

There are 31 academic searches underway. 1 search has been closed. 2 candidates have accepted positions with 2 more likely to accept momentarily.

Faculty reappointment candidates have received lengthy letters. The provost's office has also provided departments with feedback on the execution of their reappointment responsibilities. The provost reinforced that it is most important that we mentor junior faculty and keep them on track. Detailed comments and reviews are our most important function.

The provost reiterated that the trustees meeting was a great success.

President Farrington gave an update on other building projects. Coppee Hall renovation starts in March. Wilbur Powerhouse renovation is underway. An expansion of Varsity House will occur by next summer.

The president also noted that the decline in graduate tuition and indirect
cost recovery has been reversed, and that we are well on the way to returning to 1990 levels in both areas. He said that growing revenues permit choices, and help offset stock market declines.

Professor Peter Beidler asked about faculty compensation increases for academic year 2002-03.

President Farrington said an announcement would be made shortly and that he was not unhappy with the figures.

Professor Beidler asked if the faculty would be happy with the figures.

President Farrington said the faculty should not be unhappy with the figures.

Professor Beidler thanked the president.

The meeting stood adjourned at 5:10 PM.

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Stephen F. Thode
Secretary to the Faculty
304 Rauch Business Center
(610) 758-4557
FAX: (610) 882-9415
E-mail: sft2
Memorial Resolution for
Preston Parr

It is with deep sorrow that the faculty and administration of Lehigh University note the passing of Preston Parr on November 19, 2001. He was the former vice president for student affairs.

A native of Philadelphia, Prest graduated from Lehigh with a B.S. degree in chemical engineering in 1943, where he was elected to Phi Beta Kappa. He earned the M.S. degree in chemistry from Lehigh in 1944 and subsequently completed two years of additional graduate work at M.I.T. Prior to his return to Lehigh, Prest was a chemical engineer in Philadelphia. In 1949, he joined the Lehigh faculty as assistant director of the Lehigh University Institute of Research.

Over the next two decades he served as associate dean of students, dean of student life and in 1970 was named dean and vice president for student affairs. In 1955, he was co-winner of the Alfred Noble Robinson Award for outstanding performance in service of the University. In 1982, Dean Parr, as he was affectionately known, retired after 33 years of service to his beloved alma mater.

Through the course of his career Prest gained national recognition as he served on various commissions and in numerous leadership roles on state, regional and national boards. In 1978, he received the Fred Turner Award for Outstanding Service from the National Association of Student Personnel Administrators. His professional service included membership on the board of directors of King's College in Wilkes-Barre, PA.

Prest was also prominent in community cultural programs. He was a founding member of the Chamber Music Society of Bethlehem and a member of the boards of the Bach Choir, the Touchstone Theatre and the Kemmerer Museum.

He was a man blessed with a wonderful sense of humor. Stories abound regarding practical jokes of which he was variously culprit and victim. One of the most memorable took place in the 1960's, a time when practically every living group had canine mascots. There were dogs everywhere on campus. A colleague obtained Prest stationery and sent letters to all the living groups informing them that they had to come to the University Center to have their dogs photographed for an ID. On the appointed day, Prest arrived at work only to find the University Center overflowing with dogs awaiting the photographer. Prest emerged with a big smile and his first words were "I've been had!"

Those at Lehigh during his tenure, remember Prest as Lehigh's first, most articulate and most powerful advocate for students. He was the administrator most in charge during the tumultuous events of the early 1970s when the undergraduate students, for the only time in Lehigh's history, went on the rampage, struck, and demanded a wider say in university affairs. He managed to earn the confidence of both conservatives, who insisted on firm rules of conduct, and also liberals who believed social regulations were an impediment to the development of the individual. It was largely through Prest's gentle leadership that the anger and noise of those days resulted
in the University Forum, arguably the most effective faculty-student governing board Lehigh has ever had.

And of course it was Pres whose wise leadership guided the university through its most important transition ever – the transition to coeducation. At a time when some thought that admitting women meant little more than converting a few of the men’s residence halls to women’s halls, Pres saw that there was much, much more to be done to make women feel comfortable in the place that they would do so much to transform.

There is much to remember Pres Parr for, but we think that he would be most pleased to have us remember him as a man who never let us forget that a university exists for the sake of its students, who never let us forget that there is far more to the life of a student than what happens in the classroom or the laboratory or the library. He may not have invented the term “student life”, but more than anyone else he gave that term meaning at Lehigh and expected the rest of the university to use it with respect.

Preston Parr was a true gentleman, in every sense of the term. He was kind, wise, cultured, helpful to others, friendly, open, gentle. There was almost nothing he could not converse intelligently about: chemistry, college students, music, drama, sports, budgets, politics, health care, good dining, the joys of parenthood, the worries of parenthood and the delights of more than a half century with the lovely Ruth Beardslee Parr.

We shall miss him dearly. We offer our sincere condolences to his wife Ruth, and to their daughters Caroline, Louise, Elizabeth and Judith.

Respectfully submitted.

[Signature]
John W. Smeaton

Peter Seidler
Curtis Clump
Joseph Dowling
Paul Franz
Roy Herrenkohl
W. L. Quay

President Farrington I move that this memorial resolution be made a permanent part of the faculty record by being included in the minutes of this meeting and that copies be sent to the members of his family.
Proposal
Graduate Certificates
December 12, 2001

Preamble
Currently, there exist at Lehigh University informal models of undergraduate and
graduate certificates. These certificates represent a concentration of courses as specified
by either departments or interdisciplinary programs. Usually the completion of a set of
specific courses is recognized by a letter from the program or department. Any program
or department is free to develop certificates of this type. At the present, they do not
appear on a Lehigh transcript. The associate deans for graduate studies in CAS, CBE,
REAS, and a representative from the COE have been charged by the Graduate and
Research Committee with developing a proposal for a Graduate Certificate.

Proposal
The principal market for a Graduate Certificate would be working adults; it typically
would have an applied, career oriented focus, and it would be designed to enhance
existing skills or develop new levels of expertise in a given field. The Graduate
Certificate would recognize the completion of a set of graduate courses and would appear
on the Lehigh transcript. In contrast with the master's and doctoral degrees, a Graduate
Certificate would not be formally "awarded" at one of the two commencement exercises

A Graduate Certificate may be:
(a) An extension of an existing degree (i.e. bachelor's, master's, or doctorate);
(b) A free-standing post-baccalaureate academic experience;
(c) Added to or incorporated within a more comprehensive degree.

Over a period of time, more than one certificate could be earned.

Guidelines Proposed minimum guidelines are listed below. Certificates can consist of a
number of new courses, a repackaging of existing courses, or a combination of the two.
The suggested standards address such items as the number of credits, time limits for
completion, transferring credits, admissions and completion requirements. These criteria
follow examples of graduate certificates in existence at other institutions, incorporate
policies recommended by the Council of Graduate Schools, and reflect academic
standards in force at Lehigh.

A Graduate Certificate:
❖ Consists of a minimum of 12 credits;
❖ Consists of any combination of new and existing courses, subject to program
development;
❖ Has a maximum of 6 credits at the 300-level, with the remainder at the 400-level;
❖ Must be taken post-baccalaureate at Lehigh University (no transfer of non-Lehigh
courses accepted) and must be for credit (audits do not count);
❖ Must be completed in 3 years.
Admissions Criteria:
- Lehigh's minimum criteria for admission to a graduate program apply, unless a department or program sets higher standards;
- A minimum of a bachelor's degree or equivalent and a minimum GPA of 2.75 are required;
- GRE or other test scores are not required for admission to the certificate program (but may be required for continuing towards a master's or higher degree);
- International students must demonstrate English language proficiency consistent with university policies for graduate programs;
- Submission of a complete application and an official undergraduate transcript are required (some programs may require additional documentation);
- An application fee is required.

Student Status:
- Applicants will be admitted as non-degree certificate students;
- Certificate students must apply and be admitted with regular status before continuing towards master's, specialist or doctoral degree;
- Students may be distance education students or on-campus students.

Tuition and Fees:
- Tuition will be assessed according to current college policies;
- Students will not be eligible for Lehigh University financial support. (Please note: presidential scholarships cannot be used for certificates)

Requirements for Completion of Certificate:
- Completion of minimum number of credits, as specified by program;
- No more than one grade below B- is permitted;
- All other university requirements apply, such as deadlines and fees;
- All work must be completed in 3 years.

Transferrability:
- Credits earned towards a certificate may be accepted as part of a master's or higher program, as determined by the program;
- Normal time limits for completion of a degree program apply (i.e. a total of 6 years for the master's, 8 years for the specialist, or 10 years for the doctorate) beginning with date of enrollment into the certificate program.
Motion to be voted on at University faculty meeting, Feb. 4 2002

RATIONALE
The Faculty Steering Committee and its subcommittee on R&P have been working for over a year to oversee a review of R&P. This has been mandated by the need to update and clarify some sections of R&P that are either inapplicable or confusing as well as the need to reflect changing legal requirements nationally. It has been the committee's overriding goal to make this process open and consultative, and we have sought faculty input on the process at every stage.

The first of five task forces is now coming close to concluding its first set of recommendations, following very intensive months of study, discussion, and consultation across the campus. There will be four more such task forces presenting reports to the faculty in the future. Ultimately, any proposals for revision of R&P must go to the Board of Trustees for approval. At this point the Faculty Steering Committee has been considering how best to bring these reports to the full faculty for a vote.

There are several considerations that we have taken into account in seeking the best possible way to proceed on these committee recommendations:

1. In the same spirit of full consultation that has guided this process, all faculty members must have the opportunity to vote on these reports. There are a variety of conflicts that make it difficult or impossible for some faculty members to attend meetings at 4:00 P.M. on Monday.

2. We are also cognizant of the fact that, particularly when such reports have important legal ramifications, the vote must be on a document that has been written carefully so that it is understandable, explicit, and consistent with applicable laws. The final document should reflect the wisdom of the committee that has intensively studied the issue and the many people who have offered thoughtful suggestions for change.

3. Faculty members should also have an opportunity to read and reflect on the final version that they will be voting on; this, and #2, both militate against last minute changes of wording or intent.

With these considerations in mind, we propose the following motion:

MOTION
The Faculty Steering Committee moves that all five groups that are engaged in studying and revising sections of R&P carry on extensive consultation with the appropriate constituent groups as they write their reports;

that faculty and other affected constituencies will have a number of opportunities to review drafts of the reports and to make suggestions for changes, both electronically and in meetings designated for this purpose;

that after such opportunities for feedback and revision, the final report will be distributed to the faculty electronically. Any faculty member desiring to propose amendments to the committee's report must submit those in writing, for distribution to the faculty seven days in advance of a meeting where they will be discussed and voted on. In the case of policies that must conform to
legal standards, the university counsel will be asked to comment at the meeting on amendments that may present challenges to those standards;

that the final report, with the amendments approved by the faculty, will be submitted to the entire voting faculty for an electronic vote, with one week allowed for a response. The electronic votes will be submitted to a secure server that will tally the votes and reject any duplicates. The Personnel Committee, the Faculty Steering Committee, and the President or Provost will each designate one person to serve on a committee to oversee the voting procedure.
DRAFT 12/18/01  Note: Substantive changes from previous draft are in bold.

Lehigh University Policy on Harassment

1. PURPOSE AND SCOPE OF THIS POLICY

1.1 Lehigh University strives to provide an educational, working, social, or living environment for all students, staff, faculty, administrators, trustees, contract workers, and guests that is free from harassment on the basis of age, color, disability, gender, gender identity, national or ethnic origin, race, religion, sexual orientation or veteran status. Such harassment is unacceptable behavior and will not be tolerated.

This policy:
- defines prohibited conduct;
- sets procedures for addressing and resolving harassment complaints.

1.2. Education and Prevention. The University provides education about harassment through orientation and follow-up programs for students, staff, faculty, and administrators. All people in a supervisory capacity will inform people under their direction of this harassment policy and assume leadership in implementing the procedures.

1.3. Academic Freedom. Lehigh University continues to uphold principles of academic freedom and free speech.

2. DEFINITION OF HARASSMENT

This policy addresses two forms of harassment:
- a hostile work, learning, social, or living environment;
- quid pro quo sexual harassment

2.1. A Hostile Work, Learning, Social or Living Environment occurs when a member of the Lehigh University community or guest is subjected to offensive, demeaning, harassing, or intimidating statements, jokes, gestures, pictures, touching or other conduct that create a hostile work, educational, social or living environment. Harassment includes offensive verbal or physical conduct that has the purpose or effect of interfering with an individual's work or educational performance, or has the purpose or effect of creating an intimidating, hostile, or offensive environment. The violating conduct may involve as few as one or two very serious and offensive events, or may involve a series of harassing behaviors. A hostile environment can be created by supervisors, co-workers, faculty, students, alumni, or visitors to campus, such as vendors and contractors.

2.1.1. An isolated comment or incident usually does not create a hostile work or educational environment. The exception is if the incident is a serious act, such as 1) an intentional non-consensual touching of an intimate body area of another person; 2) an instructor humiliating a student in class by making a joke about the student's disability; or 3) a student marking Nazi swastikas on a fellow student's door.
What also constitutes a hostile work or educational environment is failure to honor requests to stop a behavior that a reasonable person would find hostile or abusive. Examples: 1) students in a class ask a teaching assistant not to tell offensive jokes, but she or he continues to do so; 2) an employee asks a supervisor not to touch him or her, but he or she continues to do so.

2.1.2 Stereotypes. Statements that demean people on the basis of age, color, disability, gender, gender identity, national or ethnic origin, race, religion, sexual orientation, or veteran status can also contribute to a hostile work or educational environment. For example, it would be a gender stereotype to ask a man or a woman why he or she is majoring in a discipline such as English, Engineering, or Finance because people of this gender can’t succeed in the area. Another stereotype would be to ask an older colleague why she or he hasn’t retired. Each of these isolated statements is not harassment by itself, but could be used as evidence of a hostile environment.

2.2. Quid Pro Quo Sexual Harassment occurs when a member of the Lehigh University community explicitly or implicitly promises or withholds job-related or education-related benefits based upon the employee’s or student’s acquiescence to sexual advances or behavior.

2.2.1. Quid pro quo sexual harassment includes unwelcome sexual advances and requests for sexual favors, where submission to the conduct or refusal to submit to or yield to such conduct is made, directly or indirectly, explicitly or implicitly, as a term or condition of employment or educational opportunity, or submission to or rejection of such conduct is used as a basis for employment or educational decisions. Such harassment may involve behavior by a person of either sex against a person of the same or opposite sex.

2.2.2. Examples of quid pro quo sexual harassment may include but are not limited to:
- seeking sexual favors or relationships in return for the promise of a favorable grade or other academic opportunity;
- basing an employment-related action (e.g., hiring, salary increase, performance appraisal, termination) on a sexual favor or relationship.

2.3. Supervisory Conflict of Interest
A supervisor and employee, or instructor (e.g., advisor, course instructor, teaching assistant) and student taught, advised, or supervised by that instructor, should avoid developing a romantic or sexual relationship. If such a relationship does develop, it is a conflict of interest for one party to continue in any type of supervisory role. In such a situation, it is expected that the supervisor or instructor will arrange for alternate supervision of the employee or student. For example, a doctoral advisor should confer with the student and the faculty of his or her department to identify and recruit an alternate doctoral advisor. A supervisor and employee should work with their department and Human Resources for reassignment of the employee or supervisor to another department or to institute a change in the supervisory relationship.

It is the responsibility of the person in the supervisory role to resolve the conflict of interest. Failure to resolve a conflict of interest puts the supervisor at risk for charges of sexual harassment.

3. WAYS TO DEAL WITH HARASSMENT

3.1. Individuals who feel that they are victims of harassment may take steps to resolve the situation (to stop the harassment) or provide evidence to support a complaint. Examples of actions that can be taken are:
• Confront the harasser honestly regarding the harassing behavior, stating clearly that you want the harassment to stop.
• If verbally confronting the harasser is not possible, write a letter to the harasser stating honestly and directly your disapproval of the actions, and that you want the harassment to stop. Always date and retain a copy of the letter.
• Keep clear and detailed accounts of the behavior and your feelings surrounding the events, including your efforts to stop the behavior. Make sure you include the date, time, setting, and any witnesses.
• Seek support from others. Conﬁde in trusted people when harassment occurs, as it is important for other people to know that these incidents are occurring.
• Seek counseling. You may face a crisis that can damage your health, career, and conﬁdence.
• If confronting the harasser is not an option or does not end the harassment, you should report the harassment (see below).

3.2. Whether or not these steps are taken, individuals have the right to ﬁle a complaint. (Please see the Lehigh University brochure on harassment for more information on how to deal with harassment.)

4. COMPLAINT REPORTING

4.1. Where to File Complaints within the University
A member of the Lehigh University community or guest who believes that he or she has been the victim of harassment is encouraged to contact promptly with one of the following people who will be knowledgeable about the University harassment policy and can offer guidance in obtaining further assistance: a staff member in the Dean of Students ofﬁce or Human Resources, a department chair, an administrator, or the equal opportunity ofﬁcer (a tenured faculty member).

This person may assist in informal resolution (see Section 5) or, in serious cases, contact the equal opportunity ofﬁcer, the Dean of Students ofﬁce, or the Manager of Employee Relations and Training (Human Resources) about ﬁling a formal complaint (see Section 6). The complainant may also contact the equal opportunity ofﬁcer, the Dean of Students ofﬁce, or the Manager of Employee Relations and Training directly about ﬁling a formal complaint.

4.2. Protection from Retaliation
This policy prohibits retaliation against anyone who reports or is believed to have reported harassment, or who is a witness or otherwise involved in a harassment proceeding. Such retaliation will be considered a serious violation of this policy, regardless of whether an informal or formal complaint is upheld. Encouraging others to retaliate is also prohibited.

4.3. Conﬁdentiality
All individuals who are involved in informal and formal resolution procedures, as a result of being consulted by either the complainant or the accused, are obliged to maintain conﬁdentiality of the proceedings. Notwithstanding these precautions, the University cannot and does not guarantee that conﬁdentiality will be maintained by all parties involved.
4.4. Filing Internally versus Externally
The complainant may elect to have a complaint handled internally (within the University) in accordance with the procedures described here, and/or may elect to file a formal charge with a federal or state agency authorized by law to investigate such claims.

4.5. Prompt Reporting
Prompt reporting of a complaint is strongly encouraged, as it allows for rapid response to and resolution of objectionable behavior. Complaints should normally be filed within two years after the last act occurred, unless extenuating circumstances precluded reporting a complaint within that time period. This timeframe is to prevent the passage of significant time between an incident and an investigation so that memory lapses, the departure of key witnesses, or other time-sensitive factors do not impair an investigation.

5. INFORMAL RESOLUTION

5.1. In many instances, harassment complaints can be resolved informally. The goal of this informal resolution process is to rectify the problem. This process involves having one of the following people mediate between the complainant and the accused: a staff member in the Dean of Students office or Human Resources, a department chair, an administrator, or the equal opportunity officer.

5.2. This informal resolution may result in solutions such as asking the accused to modify or stop the behavior, separating the complainant and accused, or reaching a mutually acceptable agreement. However, this informal resolution will not result in formal disciplinary action against the accused without a fair process as outlined under Section 6 Formal Complaint and Resolution.

5.2.1. Examples (not exhaustive) of paths for informal resolution include:
- A faculty member going to college dean with a complaint against department chair.
- An undergraduate student going to an Associate Dean of Students with a complaint against another student.
- A staff member going to supervisor with a complaint against another staff member, or to the Manager of Employee Relations and Training (Human Resources) if the supervisor is the accused.
- A graduate student going to department chair with a complaint against a faculty member.
- An undergraduate student going to department chair with a complaint against a teaching assistant.

5.3. Any member of the Lehigh community may take a complaint directly to the equal opportunity officer, or may seek further informal resolution with the equal opportunity officer if efforts to resolve the complaint informally with a department chair administrator, etc., are not successful.

5.4. Any administrator, staff member, or department chair who participates in an informal resolution will report the case and its resolution to the equal opportunity officer, who will keep a record of these reports. No record of cases that are successfully resolved through informal resolution will be placed in the accused’s personnel or student file.

5.5. If the informal resolution is unsuccessful, or if the complainant is dissatisfied with the informal process, he or she may file a formal complaint with the equal opportunity officer, the Dean of Students office, or the Manager of Employee Relations and Training.
6. **FORMAL COMPLAINT AND RESOLUTION**

6.1. To file a formal complaint, the complainant will meet with the equal opportunity officer, an Associate Dean of Students, or the Manager of Employee Relations and Training and describe the act or acts verbally or in writing, so that the equal opportunity officer, Associate Dean of Students, or Manager of Employee Relations and Training may produce a written complaint that the complainant signs. The charges must be described in detail and include the name of the accused. The equal opportunity officer, Associate Dean of Students, or Manager of Employee Relations and Training will give the accused a copy of this written complaint, and will refer the complaint as follows, depending upon whom the complaint is against.

6.1.1. **Formal Complaints Against Students:** Complaints against students are referred to the Dean of Students office and will be investigated and resolved through the University Student Judicial System Code of Conduct (Rules and Procedures of the Faculty, Section 4.2.) For complaints of harassment, students include all undergraduate and graduate students and those who are functioning as graduate assistants, research assistants, teaching assistants, and teaching fellows.

6.1.2. **Formal Complaints Against Faculty:** including all full-time, part-time, and adjunct faculty:

6.1.2.1. Complaints against faculty members are referred to the equal opportunity officer (a tenured faculty member) and one additional faculty investigator appointed by the Provost (selected according to Section 6.1.1.1 below)

6.1.2.1.1. The Provost will appoint three faculty investigators for staggered three-year terms. The faculty investigators will be tenured faculty members who have been or will be trained in harassment issues and investigation. When a formal complaint against a faculty member arises, the Provost will appoint one of the faculty investigators to work with the equal opportunity officer on that specific case. A faculty investigator will not accept the assignment if he or she is a member of the same department as the complainant or the accused or if there is another conflict of interest.

6.1.2.1.2. The equal opportunity officer will not investigate a complaint if he or she is a member of the same department as the complainant or the accused, or if there is another conflict of interest. In this situation, the Provost will assign another of the faculty investigators to the case.

6.1.2.2. The equal opportunity officer and the faculty investigator will promptly conduct a full investigation of the complaint, including interviews with the complainant, accused, and witnesses or references people requested by the complainant or the accused. The equal opportunity officer and faculty investigator reserve the right to determine whom to interview and will interview the complainant, the accused, and witnesses in separate, private sessions. The complainant and accused may each be accompanied in these meetings by an advisor who must be a full-time member of the Lehigh University community.

6.1.2.3. The equal opportunity officer and faculty investigator will submit a detailed written report to the Provost, including findings of fact and a judgment concerning the evidence and a recommended resolution of the complaint. The Provost determines the final actions to be taken and communicates these directly to the accused and the complainant together with a copy of the
detailed written report In the case of a finding of violation of this policy and disciplinary action, the faculty member’s chair, dean, and the President are also informed of the outcome. In no case shall any permanent disciplinary action be taken until all appeals, if any, have been exhausted. However, the Provost may, at his or her discretion, impose at any point in the proceedings temporary work restrictions or other measures designed to separate the accused and the complainant. See Section 8 for the right of appeal.

6.13. Formal Complaints Against Staff, including staff who are also enrolled as students or who work on research grants (for complaints against graduate assistants, research assistants, teaching assistants, and teaching fellows, see Section 6.11):

6.13.1. Complaints against staff are referred to the Equal Opportunity Officer and the Manager of Employee Relations and Training. The Equal Opportunity Officer will not investigate a complaint if he or she is a member of the same department as the complainant or the accused, or if there is another conflict of interest. In this situation, the Provost will assign one of the faculty investigators (see Section 6.1.2.1.1) to the case. The Manager of Employee Relations and Training will not investigate a complaint if he or she is a member of the same department as the complainant or the accused, or if there is another conflict of interest. In this situation, the President will assign an other staff member trained in harassment issues and investigation to the case.

6.13.2. The Equal Opportunity Officer and the Manager of Employee Relations and Training will conduct a full investigation of the complaint, including interviews with the complainant, accused and witnesses or reference people requested by the complainant or the accused. The Equal Opportunity Officer and the Manager of Employee Relations and Training reserve the right to determine whom to interview and will interview the complainant, the accused, and witnesses in separate, private sessions. The complainant and accused may each be accompanied in these meetings by an advisor who must be a full-time member of the Lehigh University community.

6.13.3. The Equal Opportunity Officer and the Manager of Employee Relations and Training will forward a detailed written report to the appropriate Vice President, including findings of fact and a judgment concerning the evidence and a recommended resolution of the complaint. The Vice President will determine the appropriate actions to be taken and communicate these directly to the accused and the complainant, together with a copy of the detailed written report. In the case of a finding of violation of this policy and disciplinary action, the employee’s supervisor and/or manager and the President are also informed of the outcome. In no case shall any permanent disciplinary action be taken until an appeal, if any, is completed. However, the Vice President may, at his or her discretion, impose at any point in the proceedings temporary work restrictions or other measures designed to separate the accused and the complainant. See Section 8 for the right of appeal.

6.14. Formal Complaints Against Provost, Vice Presidents, President, or member of the Board of Trustees. If the harassment complaint is against the Provost or other Vice President, it should be filed with the President. The President will select appropriate individuals to investigate and resolve such a complaint. A harassment complaint against the President or a member of the Board of Trustees should be filed with the Board of Trustees. The Board of Trustees will select appropriate individuals to investigate and resolve such a complaint.
6.2 Charged Party Protection from Bad Faith Complaints
If the equal opportunity officer, Manager of Employee Relations and Training, or student judicial system (in student cases) determines that the complaint is intentionally dishonest, such charges will be dismissed and appropriate disciplinary action will be taken against the complainant.

7. DISCIPLINARY ACTION

7.1. Harassment is a serious offense that will not be tolerated in a work, living, or learning environment. Disciplinary action may include, but is not limited to:

- Corrective action or restitution
- Written reprimand
- Requirement to attend training
- Work restrictions
- Suspension
- Demotion with reduction in pay
- Student expulsion¹
- Termination of employment of University employees²

8. RIGHT OF APPEAL

8.1. Process of written appeal:

<table>
<thead>
<tr>
<th>Accused Who Is Making Appeal</th>
<th>Appeal Is Made To:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Faculty</td>
<td>Personnel Committee</td>
</tr>
<tr>
<td>Students</td>
<td>Dean of Students</td>
</tr>
<tr>
<td>Staff</td>
<td>President</td>
</tr>
<tr>
<td>Adjunct Faculty</td>
<td>President</td>
</tr>
</tbody>
</table>

8.2. This written appeal must be made within 21 calendar days of receiving certified written notice of disciplinary action.

8.3. Grounds for appeal include: (1) information is available that was not available at the time of the investigation, (2) the University disciplinary procedures were violated in a way that may have adversely affected the outcome of the case; or (3) the sanction is unduly harsh and not justifiable.

¹Student expulsion requires a special procedure involving the Board of Trustees as described in the Rules and Procedures of the Faculty.

²A move for dismissal of a tenured member of the faculty requires a special procedure involving the Board of Trustees, as per the Rules and Procedures of the Faculty.
Equal Opportunity and Harassment Policy Committee
Comments and Responses on Lehigh University Policy on Harassment Draft (11/19/01)

The following responses do not address every comment we received, though the committee considered all feedback. In some cases we have simply made the changes in the new draft; in other cases we considered the recommendation but decided not to make the change, or decided to use an alternative recommendation.

The primary goal of the EOHP committee is to draft policies and make recommendations that will make Lehigh a more welcoming community to everyone. We must also consider the legal context in which we are drafting this new policy on harassment. Thus, it is useful to review documents of “guidance” of the Office of Civil Rights of the U.S. Department of Education and the Equal Employment Opportunity Commission. The OCR oversees compliance to 1) Title IX of the Education Amendments of 1972 and 2) Title VI of the Civil Rights Act of 1964. These laws prohipt 1) sexual discrimination (including harassment) in all educational institutions receiving federal funds; and 2) discrimination and harassment “on the basis of race, color, or national origin in any program or activity receiving Federal financial assistance.” The EEOC monitors compliance to Title VII of the Civil Rights Act of 1964, which “prohibits harassment of an employee based on race, color, sex, religion or national origin”; the Age Discrimination in Employment Act, which “prohibits harassment of employees who are 40 or older on the basis of age”; and the Americans with Disabilities Act which “prohibits harassment based on disability.”

The documents may be found at the following websites:

OCR (1), “Racial Incidents and Harassment against Students at Educational Institutions” (1994)
http://www.ed.gov/offices/OCR/docs/race394.html

OCR (2) “Revised Sexual Harassment Guidance” (2001)

EEOC (1), “Q&A for Small Employers” (1999)
http://ceoc.gov/docs/harassment-facts.html

http://www.eeoc.gov/docs/harassment.html
1. Academic freedom

In the latest draft (12/20) of the Policy on Harassment, Section 1.3 includes the first sentence of the present Sexual Harassment policy provision regarding academic freedom. It turns out that Lehigh has no policy on academic freedom, beyond the reference in R&P 2.3. Academic freedom is a right of faculty, staff, and students at the university. Thus we have requested the R&P Committee to draft a policy on academic freedom that incorporates the AAUP's "1940 Statement of Principles on Academic Freedom and Tenure With 1970 Interpretive Comments," which can be found on pp. 3-7 of the AAUP's Policy Documents & Reports, 5th edition (2001). We believe that, despite Lehigh's clear commitment to academic freedom with the R&P 2.3 reference, a more comprehensive, positive statement is called for. Regarding academic freedom in the classroom, OCR (2), listed above, pp. 33-34, includes a useful discussion of protected speech and expression.

2. Time limit for complaints

An institution should not create an absolute time limit for the reporting of harassment. Nevertheless, there are preventive and practical reasons for encouraging prompt complaints, including the likelihood that the memories of witnesses will fade, etc. We have changed Section 4.5 to include a time limit of two years after the last act occurred, except under extenuating circumstances.

3. A statement concerning the presumption of innocence

This raises the important question of what kind of process this policy sets forth. The policy we draft is not "law" and is not meant to create a legal institution or legal proceedings. If a legal analogy were appropriate, it would be to a civil court proceeding, not a criminal one. There is no "beyond a reasonable doubt" standard of proof or "presumption of innocence" in this policy because that is the language of criminal trials. Thus, the policy asks that reasonable, unbiased people gather facts and resolve problems in an informal way if possible. If the problem is egregious, then the fact finders will follow a formal process. The emphasis of the policy is on informal resolution.

4. Procedures for formal resolution

We have changed the draft policy in the following ways:

1) The complainant and accused (when the accused is a faculty or staff member) may be accompanied by an advisor who must be a full-time member of the Lehigh University community (6.1.2.2, 6.1.3.2).

2) In cases in which the accused is a faculty or staff member, the complainant and accused will receive a copy of the detailed written report (6.1.2.3, 6.1.3.3).

3) We have included provisions for cases in which the equal opportunity officer or Manager of Employee Relations has a conflict of interest (6.1.2.1.2, 6.1.3.1).
4) Adjunct faculty who are accused may appeal to the President (8 1).

We have not changed the draft policy in the following ways:

1) We have retained the two investigators in formal resolution of complaints against faculty and staff for the following reasons:

- The policy must not discourage the reporting of harassment. In the case of a student complaint against a staff or faculty member, a process that requires the student to meet with three faculty members could be daunting and discourage valid complaints.

- The investigation process must be effective and prompt. With multiple investigators, it can be complicated, with follow-up phone calls from the accused and/or complainant as well as face-to-face meetings. The committee believes that two investigators can communicate effectively and move the process along, while such communication among three investigators would be cumbersome and involve scheduling delays.

- The formal investigation is not a trial, where the complainant, accused, and a series of witnesses provide testimony are cross-examined, and hear the jury verdict. Rather the investigators gather facts by meeting with the complainant, accused, and witnesses, then write a detailed report given to the Provost or Vice President the complainant and accused.

- A faculty member who is found in violation of the policy and receives a sanction that she or he believes is too harsh may appeal to the Faculty personnel committee. In this case, the Faculty personnel committee may review the matter under the standards stated in the policy and in the Rules and Procedures of the Faculty (see R&P Section 1.2.2.6, which states: “In considering any appeal, the personnel committee is empowered to examine all letters and other documents and to question members of the faculty and the administration for the purpose of establishing facts in the case”).

2) We have not required the two investigators to record meetings and telephone conversations with the complainant, accused, and witnesses. Like the Faculty personnel committee, they will take detailed notes. They will also produce a detailed report that the Provost or Vice President, accused, and complainant will receive.

5. Teaching assistants: students or employees?

Since a teaching assistantship position is dependent upon the person being an enrolled student, these individuals are included in the student process, for the purpose of this policy. This is also true for teaching fellows, graduate assistants, and research assistants.