LIVE OPEN
Hello. I’m Renee Dunman, Assistant Vice President for Institutional Equity and Diversity. Old Dominion University is committed to equal opportunity, affirmative action, and diversity. I’m here today to talk to you about one of the functions of my office, and that’s to monitor compliance with relevant university policies, state and federal regulations and laws. Over the years, we’ve discovered that there’s only one real way to assure compliance, and that is to make sure that every member of the university community is aware of the university’s commitment and the role each of us plays in carrying out this commitment. I can’t possibly tell you everything you need to know in 15 minutes, but I’ll give you extremely valuable highlights.

Slide 2
Here’s how you can reach our office.

Slide 3
As you many of you may already know, Old Dominion is a multicultural institution. In addition to the ethnic diversity, our student body composition is 54% female and 46% male. Last year, there were over 1100 international students enrolled from 107 different countries. The average age of undergraduate students is 24 and graduate students is 34. There are over 500 students registered with the Office of Educational Accessibility. Why should these demographics be important to you? Because each of these statistics can be tied to factors that are protected by law. With this in mind, there are several things that you may encounter in the classroom that may have equal opportunity or affirmative-action applications.

Slide 4
Here are a few things to consider. When you are scheduling exams or major assignments, be mindful of religious holidays. There is a calendar located on our website. It’s not all-inclusive, but we certainly invite to add any types of holidays that you can share with us. Some of your students may be older than their classmates and possibly even older than you. Consider this when using examples in class and making assignments that require use of modern technology. Don’t assume
that everybody is computer-literate. Please provide resources. Also be creative when assigning group projects. Naturally, students will select others who are similar to them in age, race, and even other characteristics. Try asking them to count off by number to get maximum diversity. If you course will cover subject matter that is of a sexual nature, be sure it’s appropriate and carefully selected so as not to create an intimidating or hostile learning environment. Office hours: it’s a good practice to keep the door open unless absolutely necessary.

Slide 5
Now I’ll give you a brief overview of the law and University policies. Federal and state law prohibit discrimination on the basis of the items listed on this slide.

Slide 6
Note that genetic information is a new addition. This prohibition applies to every phase of the educational experience and employment relationship. All decisions must be made without regard to these protected factors.

Slide 7
You will find each of these policies and procedures on our website. There are four that we will cover specifically today: the accommodations for persons with disabilities, the discrimination complaint policy, the sexual harassment policy, and finally the general harassment policy, which is a new addition.

Slide 8
First, accommodations for persons with disabilities. The American Disabilities Act prohibits discrimination on the basis of disability and prescribes that we must provide a reasonable accommodation to qualify persons with disabilities absent undue hardship. As an institution, we are willing to do everything possible to increase the chances of success for persons with disabilities. So this requires extreme cooperation between faculty and Educational Accessibility in establishing and administering accommodations. It is also a confidential matter and may not be discussed with other students unless required for note sharing purposes.

Slide 9
The discrimination policy and procedure. This policy can be used by any member of the University community who believes he has been discriminated against on the basis of any of the protected areas. The complainant can file an informal or formal complaint. The informal procedure allows the parties to resolve the issues without the necessity of formal disciplinary action. Most often, informal complaints are resolved through mediation. The formal procedure requires a written statement describing the nature of the complaint and the type of relief sought. A formal complaint is resolved by either investigation or a panel hearing. Please note that a complainant can have up to 300 days if filed with an external agency.

Slide 10
A new policy, the general harassment policy, was effective March 2011. The purpose of this policy is to prohibit bullying and harassment, whether verbal, physical, visual, or electronic in nature, against any member of the ODU community on any basis and to prohibit retaliation against any party for participating in a protected activity. It is very similar in scope to the discrimination complaint policy in terms of timing. However, the exception is that you should file 90 days from the date of the alleged act of harassment.

Complaints involving work or academic related evaluations must be advanced through the appropriate policy and procedures that provide for such a remedy; for example the student grade appeal procedure or the faculty/staff grievance policies).

This policy does not apply in any situation involving the legitimate engagement in established processes for evaluating work or academic performance. Should engaging in these processes result in issuing a negative evaluation, the result shall not be construed as evidence of general harassment.

Slide 11
This is the definition that Old Dominion has adopted. The general harassment policy specifically addresses conduct not expressly prohibited by any other university policy. For example, sexual harassment, discrimination, or standards of conduct for employees and students.

Slide 12
Some examples of harassing behaviors include derogatory, hostile, intimidating, threatening, bullying, humiliating, or violent behaviors.

Slide 13
Now for the sexual harassment policy and procedure. Sexual harassment is illegal and is in violation of University policy. I strongly encourage you to familiarize yourself with this policy. It also can be used by any member of the University community. It also extends to students, employees, alumni, and volunteers. We also have the informal and formal process. The difference here is that students may have two years to file a complaint, where non-students have 120 days.

Slide 14
So what is sexual harassment? Although courts have not clearly defined sexual harassment, it is clear that sexual harassment is recognized as a form of sexual discrimination prohibited by federal law. Specifically, Title VII of the Civil Rights Act of 1964 and Title IX of the Educational Amendments of 1972.

Slide 15
The Equal Employment Opportunity Commission defines sexual harassment as unwelcome sexual advances, request for sexual favors, and/or other verbal or physical conduct of a sexual nature that interferes with the academic performance of a student or the work performance of an employee. Courts and federal agencies apply this definition to educational environments.

Slide 16
The forms of sexual harassment range from the easy-to-identify to the more subtle behaviors. Some common forms are listed here.

Slide 17
We might note, with the more subtle forms, that not one of these alone could rise to the standard of sexual-harassment but repetitive and coupled acts that have a negative impact on academic or work performance can.

Slide 18
One word of caution: be aware of consensual relationships. Our policy specifically states that:
Employees, whether faculty or staff, shall not engage in a consensual relationship with students when the employee has a “position of authority” with respect to the student in such matters as teaching or otherwise evaluating, supervising, advising, or coaching a student as part of a school program or employment situation. Likewise, a supervisor and an employee shall not engage in a consensual relationship. The University views such relationships as a conflict of interest. Employees have a duty to comply with the University’s Conflicts of Interests policy.

A faculty member who enters into a consensual relationship with a student or a supervisor who enters into a consensual relationship with an employee where a “position of authority” exists should be aware that, if a charge of sexual harassment is subsequently lodged, it will be exceedingly difficult to prove a defense on grounds of mutual consent.

Let me translate and put this in perspective. When a power differential exists (as in the case of faculty or student or graduate teaching assistant and a student), a consensual relationship puts you at high risk for a complaint of sexual harassment. For example, as instructor, you have the power to affect the student’s greater academic performance. If you enter into a sexual relationship and a sexual-harassment complaint is subsequently filed, the burden will be on you to disprove the claim. The fact that the relationship was at one time consensual is not a defense.

Slide 19
So what you do if you're in a consensual relationship? First, you should determine whether there is an ethical conflict of interests. And if so, you should know that if you are in a position to determine the person's grade, give or withhold credit or even recommend them for a job, this is a direct conflict of interest.

Slide 20
You may also have an indirect conflict of interest, particularly if you're in the position to influence colleagues on behalf or against a person. For example, if you sit on a promotion or tenure committee or on the thesis committee for a graduate student.
Slide 21
I am a licensed attorney in the Commonwealth of Virginia, and at least twice a year I feel compelled to give a free piece of legal advice, so today I will not deviate from that practice. In all seriousness, when you become a part of the Old Dominion University community, you commit to complying with all University policies and relative procedures. Therefore, it is your responsibility to know them. Each of these policies can be found in the University student and faculty handbooks. Get to know the handbook. It is your friend! For quick references on the sexual harassment policy, you’ll find the brochures in your package explaining key points. Shortly after the semester begins, you will receive an e-mail notification with a link to complete the online module on sexual-harassment prevention. You’ll receive a certificate of completion that is good for two years.

CLOSE:
Lastly, one of the services my office provides to the university is training and guest lecturing. Upon request, we’ll come to your classroom or your area to discuss any equal opportunity, affirmative action, or diversity-related issue. You’re also welcome to visit our office in Room 121A, Spong Hall. We are at your disposal to provide expert advice for you. Please call on us. Welcome to Old Dominion University.