

Rationale for Proposed Removal of Section 2.2.11.1 and Appendix A from the Rules and Procedures of the Faculty

Unlike any other University policy that applies to all University faculty and staff members, the Policy on Harassment and Non-Discrimination has been specifically cited in the Rules & Procedures of the Faculty (R&P) for the past twenty years. These citations occur in Section 2.2.11.1 and Appendix A of R&P. Section 2.2.11.1 states:

2.2.11.1 Policy on Harassment and Non-Discrimination

The policy on harassment is specified in Appendix A.

In addition, Appendix A states:

Appendix A: Policy on Harassment and Non-Discrimination

This policy can be found on the Lehigh University website:

https://www.lehigh.edu/~policy/https://www.lehigh.edu/~policy/documents/2015-10-26_Policy_on_Harassment_a11y.pdf

About twenty years ago, these two provisions were included in R&P at the end of lengthy negotiations with the faculty about revisions to the Policy on Harassment and Non-Discrimination (Policy). Some faculty felt that the Policy should be included in R&P, although the exclusion of the Policy from R&P had no practical consequences. Since there were no consequences to including the Policy, the committee revising the Policy decided to include it in R&P in order to finalize the revisions to the Policy.

University policies, such as the Conflict of Interest policy, Nonsmoking policy, Drugs and Alcohol policy, and many others cited at <https://www.lehigh.edu/~policy/>, apply to all employees. None of these other University policies are cited in R&P. And, there is no question that they apply to all University faculty members.

In addition, Appendix A and Section 2.2.11.1 have not been regularly updated as they are not logical locations for the Policy to reside. Furthermore, electronic issues have also caused failures in the updates to save properly, which has resulted in at least one faculty member arguing that the Policy applicable to their situation was a previous version of the Policy, and not the revised Policy in place at the time of the incident or at the time of the investigation into the incident. This had led to preventable complications in the handling of investigations, appeals, and litigation.

Removing Section 2.2.11.1 and Appendix A from R&P in no way affects the applicability of the Policy to the faculty, nor does it alter in any way the faculty's right to review and approve the Policy in the future. The [Lehigh Policy Structure](#), which governs the manner in which policies are reviewed and approved, codifies the faculty's right to review the Policy. The Lehigh Policy Structure itself would have to be revised in order for any changes to be made in the way in which the Policy is reviewed and approved. The modifications to R&P requested here do not affect in any way (either procedurally or substantively) the Lehigh Policy Structure or the Policy on Harassment and Non-Discrimination. The requested modification is simply to remove Section 2.2.11.1 and Appendix A from R&P. These changes to R&P in no way effect the language of the Policy or the ability of the faculty to review any future proposed changes to the Policy. In other words, the fact that the Policy would not be specifically cited in R&P in

no way impacts future consultation with the faculty regarding the Policy. The contributions of the faculty to policy revisions and review remain valuable and appreciated. Such consultation will continue, in accordance with the Lehigh Policy Structure, to ensure that the faculty voice continues to be considered when reviewing and revising the Policy.