

NUMBER: E-5

TITLE: SEXUAL HARASSMENT

POLICY:

To fulfill our commitment to providing equal opportunity in education and employment, Southern Nazarene University strives to maintain an environment in which individuals are evaluated solely on the basis of relevant factors such as ability, prior experience and accomplishments, effort, and performance. The environment also should be one in which all employees and students can pursue their work free from coercion, intimidation, and exploitation. Sexual harassment is a form of discriminatory misconduct that harms the environment we seek to maintain.

Sexual harassment, moreover, violates federal and state laws, including Title VII of the Civil Rights Act of 1964 and Title IX of the Education Amendment of 1972.

Therefore, conduct - on the part of any member of the university community - which inappropriately introduces sexuality into a teaching, learning, or working relationship will not be tolerated. Members of the community include administration, faculty, staff, and students. Sexual harassment, as defined below, or failure to carry out responsibilities specified below, may result in disciplinary action, up to and including separation from the university.

Outside contractors, vendors, and others who do business with the university or enter university premises are expected to comply with this policy, and ensure that their agents comply with this policy; the university will take appropriate action if they fail to do so. The university for example may suspend or terminate a contract if the contractor fails to correct a sexual harassment problem that appropriate university officials have brought to its attention. Furthermore, the university, if it determines that the contractor has failed to take appropriate action or has shown a tolerance for any activity which in the belief of the university constitutes sexual harassment, may be debarred from holding future contracts with the university.

PROCEDURE:

Any person enrolled in or employed by the university who believes (s)he has been a victim of some form of sexual harassment should present their complaint immediately to the appropriate person as follows: a student may report to the Vice-President of Student Development, a faculty member may report to the Vice-President of Academic Affairs, and a staff employee may report to his/her supervisor and/or the Vice-President of Business and Financial Affairs. Or, the student or employee may choose to present the complaint to any member of the Administrative Cabinet of the university with whom the employee feels comfortable.

The administrative office shall immediately report the complaint to the Director of Human Resources.

Individuals who believe they have been subject to sexual harassment should file

a complaint within thirty (30) days after the occurrence. All reports of harassment will be investigated promptly, impartially, and as confidentially as possible by an investigative team created for such purpose by the Human Resources Director.

The following elements are important in seeking resolution to the complaint:

1. Complaints shall be in writing. The complainant should specify as clearly and in as much detail as possible the nature of the incident(s) and the date(s) when the incident(s) occurred. Complaints will not be disclosed except to the extent necessary to conduct a thorough and complete investigation, and the existence or substance of complaints will not be disclosed except on a strict need to know basis. Every effort will be made to keep the complainant's identity confidential, and the complainant will be fully protected from retaliation of any kind for having filed a complaint.
2. The Human Resources director, on receiving a formal complaint and talking with the complainant, will notify the supervisor of the person who is alleged to have been harassed in an effort to achieve resolution at an informal level. Failing this, the Human Resources Director will take the steps necessary for a formal dispute resolution procedure.

DISCIPLINARY ACTION:

Sanctions may take different forms. Following a thorough investigation, in those situations where it is determined that a violation of this policy has occurred, disciplinary action will be taken. Appropriate disciplinary action will depend on the seriousness of the offense and may range from a verbal reprimand to separation from the university. Other intermediate steps, again depending on the offense, may include: written reprimands, monitoring for behavioral changes, written warning of potential separation, referral or counseling, suspension with pay, suspension without pay, or criminal prosecution. In those instances where a violation is found, reference to the violation as well as to the disciplinary action taken will be placed in the offender's official university personnel file.

FALSE CHARGES:

Because of the nature of the problems, complaints of sexual harassment cannot always be substantiated. Lack of corroborating evidence should not discourage complainants from seeking relief through the procedures outlined above. However, charges found to have been intentionally dishonest or made without regard for truth will subject complainants to disciplinary action.

DEFINITIONS:

The Equal Employment Opportunity Commission regulation defines sexual harassment as "unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature" and includes the following:

1. Seductive Behavior: Uninvited inappropriate and/or offensive physical or verbal advances of a sexual nature.
2. Sexual Bribery: Solicitation of sexual activity or other sex-linked behavior by promise of reward.
3. Sexual Coercion: Coercion of sexual activity or other sex-linked behavior by threat of punishment.
4. Peer Harassment: Sexual harassment by colleagues in a classroom, dormitory, work environment or social setting. Peer harassment, as well as harassment by

faculty or staff members, “creates an environment that makes education and work less equal for women and men.”

5. Sexual Assault: Assault and/or rape. This is the ultimate form of sexual harassment and is a criminal offense as well.

EXAMPLES OF PROHIBITED CONDUCT:

Examples of conduct prohibited by this policy include, but are not limited to:

1. Unwelcome flirtation, advances and/or propositions of a sexual nature
2. Insults, humor, jokes and/or anecdotes that belittle or demean an individual’s or a group’s sexuality or gender
3. Unwelcome comments of a sexual nature about an individual’s body or clothing
4. Unwarranted displays of sexually suggestive objects or pictures
5. Unwelcome touching, such as patting, pinching, hugging or brushing against an individual’s body.
6. Suggestions that submission to or rejection of sexual advances will affect decisions regarding such matters as an individual’s employment, work assignment or status, salary, academic standing, grades, receipt of financial aid, or letters of recommendation
7. Sexual assault

A note on consensual relationships: Where a supervisory differential exists, it may be exceedingly difficult to defend against a charge of sexual harassment on the grounds that the relationship was consensual. In internal proceedings, the university generally will be unsympathetic to a defense based on consent when the facts establish that the accused had the authority to affect the complainant’s academic or employment status or future prospects.