



SEXUAL HARASSMENT

POLICY

Sherman College strives to provide an educational and working environment for all faculty, staff, and students that is free from harassment of any kind. Harassment in any form is unacceptable behavior and will not be tolerated. Harassment consists of unwelcome conduct which is based upon an individual's protected status such as sex, race, religion, citizenship, national origin, citizenship, handicap, age or disability. While all forms of unlawful harassment are prohibited, sexual harassment deserves special mention.

Prohibited Conduct: Sexual Harassment Defined

Unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct or written communication of a sexual nature is sexual harassment when any of the following occurs:

- submission to such conduct is made either explicitly or implicitly a term or condition of employment or academic standing; or
- submission to or rejection of such conduct is used as the basis for employment or academic decisions affecting that individual; or
- such conduct has the purpose or effect of significantly interfering with an individual's work, academic performance, or participation in extracurricular activities; or creating an intimidating, hostile, or offensive working or learning environment.

Examples of Sexual Harassment

Sexual harassment can take different forms and the determination of what constitutes sexual harassment will vary according to the particular circumstances and can include, but is not limited to, unwanted sexual flirtations; advances, propositions; or graphic verbal comments about an individual's body; sexually degrading words used to describe an individual; the display in the workplace of sexually suggestive objects, pictures, writing, language or drawings; or unwelcome touching or physical contact. Such conduct, whether committed by persons of the same or opposite sex, is prohibited, even if it does not rise to the level necessary to be categorized as sexual harassment.

Examples of 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;
- conditioning an employment-related action (such as hiring, promotion, salary increase, or performance appraisal) on a sexual favor or relationship; or
- intentional and undesired physical contact, sexually explicit language or explicit writing, lewd pictures or notes, and other forms of sexually offensive conduct by individuals in positions of authority or co-workers that unreasonably interfere with the ability of a person to perform his or her employment or academic responsibilities.

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Caution: Speech occurring in an instructional or research context is generally protected by academic freedom principles. Consequently, such speech, even if some listeners find it objectionable, will not be considered to constitute "hostile environment" discrimination, unless it is targeted at a specific person and is abusive, severely humiliating, or persists despite the objection of the person(s) targeted by the speech.

Inappropriate Relationships

When one party has a professional relationship with, or assumes a position of authority over, another individual, even an apparently consensual sexual relationship may lead to sexual harassment or other breaches of professional and/or ethical obligations and conduct. The College prohibits all faculty from pursuing intimate personal relationships with students. Any staff involved in an intimate personal relationship with a student over whom he or she has supervisory power or may, in the future, have supervisory power will be considered in violation of this section of the sexual harassment policy.

PROCEDURES

These procedures are designed to inform members of the college community about the procedures available within the college for addressing and resolving sexual harassment complaints.

These procedures are college-wide. They supersede and replace any other campus or school-based conduct code, policy, or administrative practice with respect to reports or complaints charging a student, faculty member, staff employee or others of the college with sexual harassment.

INTRODUCTORY PROVISIONS

For the purposes of implementing and monitoring the college's affirmative action/equal opportunity obligations under federal, state, and local law and to handle all associated complaints, the president has appointed an Equal Opportunity Committee (EOC). The members are designated as follows:

Equal Opportunity Committee

Vice President for Business & Finance, Chairperson

Vice President for Academic Affairs

Dean of Student Affairs

Director of Human Resources

Additionally, the president may appoint an additional member to assure that the committee is comprised of both male and female members at all times.

Disciplinary Sanctions

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Appropriate sanctions may be imposed for violation of this policy, regardless of whether or not a formal complaint has been filed. The sanctions will depend on the circumstances and the gravity of the violation

Educational Programs

It is the responsibility of the college to provide educational and training programs to: 1) assist members of the college community in understanding what sexual harassment is and is not; and 2) make clear that sexual harassment is illegal under federal and state law and will not be tolerated.

Caution: In addition to imposing certain responsibilities on the institution itself, individuals culpable of sexual harassment are subject to personal liability.

COMPLAINT REPORTING

Any faculty member, staff employee, or student who believes she/he has been subjected to harassment, and in particular sexual harassment, is strongly encouraged to promptly report the matter to the Director of Human Resources (Title IX Coordinator) or another member of the EOC.

Sexual Harassment by Students

Certain provisions of the Honor Code that is administered by the Office of Student Affairs cover complaints of sexually harassing or threatening behavior by students. However, student complaints related to the conduct of faculty or staff members will be processed in accordance with the procedures set forth in this document.

All investigations conducted will be designed to consider the privacy of all parties concerned and to minimize suspicion toward any of them.

Responsibility of Supervisors

It is the responsibility of supervisors, deans, and department heads to promptly notify the Human Resource Department or another member of the EOC when they receive reports or complaints of sexual harassment.

Initiating a Complaint

Any member of the college community, whether faculty member, student, or staff member, who believes she or he has been subjected to sexual harassment or knows of the occurrence of probable sexual harassment is strongly urged to immediately contact a committee member or their department head in person.

An investigation will then be conducted. All investigations conducted will be designed to consider the privacy of all parties concerned and to minimize suspicion toward any of them.

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The findings will be communicated to the complainant and to the accused.

Confidentiality

All individuals who are involved in the complaint reporting, mediation and/or investigation process are obliged to maintain confidentiality of the proceedings.

Caution: Notwithstanding these cautions, the college cannot and does not guarantee that confidentiality will be maintained by parties and witnesses.

Confidentiality does not mean that the details of the complaint will be withheld from the charged party, or that the college is constrained from divulging the outcome in appropriate circumstances, e.g., the college may publicly divulge details of the outcome if the charged party discloses selective or self-serving portions of the proceedings, or when a lawsuit emerges where the complaining or charged party contests the findings or results of the College's investigation.

Retaliation

College policy prohibits any form of retaliation against a person who files a discrimination complaint, including a charge of sexual harassment. It is the responsibility of the EOC to state clearly to the charged party that any form of retaliation against a person for having filed a complaint is expressly prohibited and will result in serious disciplinary sanctions. This protection from retaliation similarly applies to persons who participate as witnesses in discrimination investigative or adjudicatory proceedings.

RESPONSIBILITIES

The major responsibilities individuals, officers and representatives have in connection with these Sexual Harassment Procedures are as follows:

All Employees, Faculty Members and Students

Read and understand these procedures.

Deans, Administrators, Department Heads, and Supervisors

Notify the EOC or director of human resources when they receive reports or complaints of sexual harassment.

Implement any corrective actions that are imposed as a result of findings of sexual harassment.

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