SEXUAL HARASSMENT

POLICY

Sherman College strives to provide an educational and working environment for 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.

As defined in Sherman College's Harassment and Non-Discrimination Policy, sexual harassment is any unwelcome conduct of a sexual nature and can include unwelcome sexual advances, requests for sexual favors, and other verbal, non-verbal, or physical conduct of a sexual nature, such as sexual assault or acts of sexual violence. Behavior can constitute sexual harassment in the following circumstances:

(1) Submission or consent to the behavior is reasonably believed to carry consequences for or be an implicit or explicit term or condition of the education, employment, or participation in a college activity. Examples of this type of sexual harassment include:

   (a) Pressuring one to engage in sexual behavior for some educational or employment benefit, or

   (b) Making a real or perceiving threat that rejecting sexual behavior will carry a negative consequence.

(2) The behavior is severe or pervasive and has the purpose or effect of substantially interfering with work or educational performance by creating an intimidating, hostile, or demeaning environment for employment, education, on-campus living, or participating in a college activity. Examples of this type of sexual harassment include:

   (a) Persistent unwelcome efforts to develop a romantic or sexual relationship;

   (b) Unwelcome sexual advances or requests for sexual favors;

   (c) Unwelcome commentary about an individual's body or sexual activities;

   (d) Repeated and unwelcome sexually-oriented teasing, joking, or flirting; and

   (e) Verbal abuse of a sexual nature.

Comments or communications may be verbal, written, or electronic. Behavior does not need to be directed at or to a specific person in order to constitute sexual harassment, but may consist of generalized unwelcome and inappropriate comments based on sex or gender stereotypes.

Determination of whether alleged conduct constitutes sexual harassment requires consideration of all the circumstances, subjective and objective factors, including the context in which the alleged incidents occurred.

A single instance of sexual assault is sufficiently severe to create a hostile environment.

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 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.

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

Chief Operating Officer/Chief Financial Officer, Chair
Provost
Vice President for 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.

COMPLAINT REPORTING

Initiating a Complaint

Any member of the college community, whether faculty member or staff member, who believes she or he has been subjected to harassment or sexual harassment or knows of the occurrence of probable harassment or sexual harassment is strongly urged to immediately contact the college as outlined below.

Investigation

Complaints of harassment will be promptly investigated with reasonable steps taken to protect the confidentiality of the parties to the extent possible. Complaints of sexual harassment will be investigated in a manner consistent with that described in the Sexual Misconduct Policy.

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

Sexual Harassment Involving Employee, Faculty, or Staff:

Any faculty member or staff member 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 Involving Students:

Any student who believes she/he has been subjected to harassment, and in particular sexual harassment, is strongly encouraged to promptly report the violation and is referred to Sherman College's Sexual Misconduct Policy for details on how to make a report.

Disciplinary Sanctions

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 totality of the circumstances, the context in which the alleged incident occurred, 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.

Responsibility of Supervisors
It is the responsibility of supervisors, deans, and department heads to promptly notify the Human Resource Department, the Title IX Coordinator, or another member of the EOC when they receive reports or complaints of sexual harassment involving faculty or staff members. Reports or complaints of sexual harassment involving students should be directed to the Title IX Coordinator in accordance with Sexual Misconduct Policy.

Retaliation
College policy prohibits any form of retaliation against a person who, in good faith, files a discrimination complaint, including a charge of sexual harassment or presents evidence in any investigation. 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.