

POLICY ON SEXUAL HARASSMENT AND GUIDELINES AND PROCEDURES FOR REPORTING AND RESOLVING COMPLAINTS

Judson College is committed to the policy that no employee or student shall be subjected to sexual harassment. Inherent in this policy is the commitment to maintaining a positive and productive environment in which the dignity and worth of all members are respected. Sexual harassment is damaging to this environment and will not be tolerated.

Guidelines have been established for defining sexual harassment in the workplace and in the educational setting. Based upon these guidelines, sexual harassment, for the purpose of this policy, is defined as unwelcome sexual advances, request for sexual favors, and other verbal or physical conduct of a sexual nature when:

- Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or education;
- Submission to or rejection of such conduct by an individual is used as a basis for academic or employment decisions affecting that individual;
- Such conduct has the purpose or effect of substantially interfering with an individual's academic or work performance or creating an intimidating, hostile, or offensive learning or employment environment.

Sexual harassment is conduct unacceptable to the College and shall subject the offender to disciplinary action that may include suspension or dismissal.

Guidelines for Reporting Complaints of Sexual Harassment

All administration, faculty and staff are expected to be knowledgeable of the College's policy on sexual harassment. Any employee who is consulted concerning an incident of sexual harassment should be able to assist in determining an appropriate channel for reporting the incident and should encourage the complainant to report the incident.

Reporting Channels

All College employees should know appropriate reporting channels for complaints of sexual harassment. Any College employee or student who believes that he or she is being sexually harassed is encouraged to report the problem to an appropriate administrative official. Reporting channels may differ for students and employees.

Students

Students with complaints of sexual harassment against faculty or staff members or other students should contact the Vice President and Dean of Students. Any student who experiences sexual harassment on campus from a person who is not enrolled as a student and not a college employee should contact the Vice President and Dean of Students.

Employees

Employees should report complaints of sexual harassment to their immediate supervisor or, if necessary, to the next level of supervision. When employees believe they cannot communicate effectively through these reporting channels, the complaint may be reported to the appropriate vice president.

Responsibilities

All members of the Judson College community are expected to conduct themselves in a manner that maintains a positive learning and working environment and respects the rights and dignity of others. Sexual harassment is strictly prohibited, and any individual who engages in sexual harassment may be

personally liable for such conduct. Each vice president, division chairman, department head, director and supervisor is responsible for maintaining a work and educational environment free of sexual harassment.

Administrative officials who serve as reporting channels for sexual harassment have several responsibilities. When a complaint of sexual harassment is received, the administrative official shall:

- Listen to the complaint and assist the complainant in assessing his/her experiences and concerns.
- Advise the complainant of possible options, both formal and informal, for resolving problems.
- Assist the complainant to resolve the problem informally if an appropriate informal resolution, satisfactory to the complainant, can be identified.

In all cases, complaints of sexual harassment will be investigated thoroughly and appropriate action will be taken promptly.

Procedures for Informal and Formal Resolution of Sexual Harassment Complaints

When an investigation of a sexual harassment complaint gives reasonable cause to believe sexually offensive or inappropriate behavior on the part of the employee or student has occurred, resolution of the complaint may be achieved through informal or formal procedures. The nature, frequency, and severity of the behaviors involved in sexual harassment complaints are factors which may determine appropriate procedures for resolution of complaints. The Senior Vice President and Dean of the College and the Vice President and Dean of Students, in conjunction with the supervisor, will determine the appropriate procedures for resolution of complaints based on a review of the degree or repetition of the harassment.

Informal Complaint Resolution

Informal resolution of sexual harassment complaints is designed primarily to address personal conduct of employees or students that creates an offensive working or learning environment. The primary purpose of informal resolution is to end the alleged harassment as quickly as possible. The option to seek resolution of a complaint by informal means is provided in the interest of protecting the privacy of both the complainant and the accused and to encourage the reporting of problems involving sexual harassment. No formal investigation and decision is required in informal resolution of a complaint.

Resolution of informal complaints of sexual harassment may be achieved by instructing the alleged offender to cease the offending behavior when the fact of offending behavior is not in question. When an individual is engaged in verbal or physical conduct without realizing that his/her conduct offends the complainant, such notice either by the complainant or by the administrative official, should be sufficient to cause the conduct to cease. Reassignment, agreed to by both parties to eliminate further contact between the parties, may be warranted in certain cases.

If a complaint is resolved informally, no record of the complaint will be entered in the alleged offender's personnel or student file. However, the administrative official receiving the complaint will record the fact of the complaint and the resolution achieved in a file memorandum. A copy of this memorandum will be forwarded to where it will be retained in confidential files.

Formal Complaints of Sexual Harassment

When attempts at informal resolution of complaints are unsuccessful or the conduct precipitating a sexual harassment complaint is of sufficient concern, a formal complaint of sexual harassment may be necessary. Formal complaints require a written, signed statement from the complainant indicating (1) the name of the person(s) involved in harassing the complainant; (2) a description of the harassment, including date(s) and location(s); (3) names of witnesses, if any; (4) actions taken by the complainant, and (5) the resolution sought by the complainant. Administrative officials who serve as reporting channels for sexual harassment complaints may assist complainants in filing formal complaints of sexual harassment or may act as the complainant.

All formal complaints of sexual harassment are submitted to the Vice President and Dean of Students, who is responsible for reviewing the formal complaint and contacting the Senior Vice President and Dean of the College in cases involving academic departments. Responsibilities and procedures for investigating the formal complaint will be determined by the appropriate vice presidents.

The purpose of the investigation is to determine if a reasonable basis exists for the allegation(s) of sexual harassment. The investigation will afford the respondent a full opportunity to address all allegations. Possible outcomes of the investigation are (1) determination that the allegation is unwarranted; (2) determination that the available evidence is inconclusive; (3) an informal resolution; or (4) initiation of formal disciplinary action. Both complainant and the respondent will be informed of the outcome.

Formal Disciplinary Action and other Policy Provisions

Disciplinary actions taken against individuals who violate the policy on sexual harassment will be consistent with published grievance complaint policies outlined in the *Faculty Handbook*, *Personnel Manual*, and *Student Handbook*. Possible disciplinary action includes but is not limited to oral or written reprimand, demotion, transfer, suspension, or termination of employment.

Retaliation Prohibited

This policy of sexual harassment and procedures for the resolution of sexual harassment complaints intends that students, staff and faculty should express their concerns or complaints freely, responsibly, and in an orderly way. Any restraint, retaliation, harassment, or discrimination against a student or employee for responsibly using the policy and related procedures interferes with this purpose and is a violation of the policy.

Intentionally False or Frivolous Complaints

An intentionally false or frivolous complaint of sexual harassment also interferes with the purpose of this policy and shall be a basis for disciplinary action.

Confidentiality

The right to confidentiality of all parties involved will be respected insofar as it does not interfere with the College's legal obligation to investigate and take appropriate action on allegations of sexual harassment brought to its attention. Information about individual complaints and their disposition is considered confidential.

Dissemination of Information

This statement on sexual harassment will be included in appropriate campus offices, posted on appropriate campus bulletin boards, and included in new student and employee orientation materials. Vice Presidents, division chairmen, department heads, directors and supervisors will receive annually a copy of the policy statement and associated guidelines and procedures for discussion and/or distribution within their areas.

Education and Training

The Academic and Student Life Divisions are responsible for providing educational programs to increase awareness and to promote sensitivity to the problem of sexual harassment. Educational programs also provide information about the procedures for addressing sexual harassment complaints for (a) individuals designated to receive complaints; (b) individuals likely to encounter questions or concerns about sexual harassment, such as residence life staff, counselors, and supervisors; and (c) members of the College community.