

## Harassment Policy

### PURPOSE

This policy explains The School's position and responsibilities with regard to harassment.

### POLICY

The School is committed to maintaining an educational and working environment free of discrimination. Discrimination or harassment of any employee or student based on sex, race, color, religion, national origin, sexual orientation, age, or disability will not be tolerated. Individuals found to be in violation of this policy will be subject to disciplinary action which may include written warning, demotion, transfer, suspension, expulsion, or dismissal. Individuals who, in good faith, report harassment or present evidence in a harassment investigation are protected from retaliatory personnel or academic action. Acts of retaliation are a violation of this policy and are prohibited by law, even if a claim of discrimination later proves unfounded.

### SEXUAL/GENDER HARASSMENT

Sexual and gender harassment are forms of sex discrimination. They are illegal under state and federal law and a violation of school policy.

For purposes of this policy, sexual harassment is defined as unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature (whether between members of the same or opposite genders) when:

- submission to the conduct is made either directly or indirectly a term or condition of an individual's employment or academic success,
- submission to or rejection of the conduct by an individual is used as a basis for employment or academic decisions affecting the individual, or
- the conduct has the purpose or effect of interfering with an individual's work or academic performance or creating an intimidating, hostile, or offensive work or academic environment.

Examples of acts that may constitute sexual harassment include unwelcome sexual flirtations, advances, propositions, sexually explicit statements, questions, or jokes, offensive e-mails, displays of sexually explicit printed or visual material, or electronic pornography, physical contact or touching or other conduct of a sexual nature that is unwelcome and makes a reasonable person feel uncomfortable.

In addition, harassment based on an individual's gender that would make a reasonable person experiencing such harassment uncomfortable in the work or academic environment or that interferes with an individual's work or academic performance also constitutes unlawful discrimination. Examples of acts that may constitute gender harassment include verbal, graphic, or physical conduct that threatens, ridicules, or demeans an individual because of gender.

### OTHER HARASSMENT IN THE WORK OR ACADEMIC ENVIRONMENT

Harassment on the basis of race, color, religion, or national origin is a form of unlawful discrimination and is prohibited under Title VII of the Civil Rights Act of 1964. When harassment based on race, color, religion, or national origin has the "purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment," it rises to the level of unlawful discrimination. In addition, these principles apply to harassment on the basis of age and disability under the Age Discrimination in Employment Act and the Americans with Disabilities Act, respectively. Finally, this policy also applies to harassment on the basis of sexual orientation.

Examples of conduct that may rise to the level of discrimination include jokes that refer to race, color, religion, national origin, sexual orientation, or disability or that portray age in a negative light; the posting or distribution of cartoons, drawings, or any other material that adversely reflects on a person's race, religion, national origin, disability, or age; the use of "slurs" or other offensive language; practical jokes, horseplay, or teasing that tends to demean or ridicule a person's race, religion, national origin, or disability or that reflects negatively on a person's age.

### **POLICY**

Any staff member who believes that he or she has been harassed or has observed or been subject to a violation of this policy should promptly bring the matter to the attention of a supervisor, the vice president for human resources, or the director of employee relations. Faculty members should report harassment to their chairs, the associate dean for faculty services, or the dean of the school; students should report harassment to the associate dean for student services or the dean of the school. Any member of management who receives a complaint or observes conduct that may constitute a violation of this harassment policy is obligated to notify the vice president for human resources or the director of employee relations or, if students are involved, their faculty advisor, the associate dean for student services, or the dean of the school.

Complaints of harassment will be treated seriously and will be promptly investigated with reasonable steps being taken to protect the confidentiality of all parties. Information regarding the complaint procedure and supervisory responsibilities may be obtained from the office of the director of employee relations, who is available to provide guidance and assistance in the proper handling of any allegation.

In determining whether conduct constitutes a violation of this harassment policy, those entrusted with carrying out this policy will look at the record as a whole and at the totality of the circumstances, such as the nature of the offensive conduct and the context in which the alleged incidents occurred. The determination of the suitability of a particular action will be made from the facts, on a case-by-case basis. Following an objective evaluation of the information gathered, the parties will be notified of the outcome of the investigation. Employees and students utilizing this process will be protected from retaliation.

This policy is intended as a guideline to assist in the consistent application of school policies and programs. The policy does not create an express or implied contract, and the school may modify this policy as it deems necessary.