

JAMES A. RHODES STATE COLLEGE
HUMAN RESOURCES POLICY STATEMENT

This policy and/or procedure provides operating principles for Human Resources issues at James A. Rhodes State College. It supersedes any prior policy covering the specific subject. This policy and/or procedure may be suspended, modified or cancelled as determined by the College. This policy and/or procedure does not create a contract of employment, nor is it a condition of employment between the College and its employees.

This policy and/or procedure is provided on-line for the convenience of access for College employees. The original policy will be the governing copy and is on file in Human Resources.

(Specific Policy Follows on Next Page)

SEXUAL HARASSMENT

Policy 5.2
BOT 3-16-93

Applies to: Faculty, Staff and Students

Policy

The College Administration, faculty, staff and students are responsible for assuring that the College maintains an environment for work and study free from sexual harassment. Sexual harassment impedes the realization of the College's mission of distinction in education, scholarship, and service and will not be tolerated. The College's Administration seeks to eliminate sexual harassment through education and by encouraging faculty, staff and students to report concerns or complaints. Prompt corrective measures will be taken to stop sexual harassment whenever it occurs.

A. Definition

Sexual harassment is any unwelcome sexual advance, request for sexual favor, offensive reference to gender or sexual orientation, or other conduct of a sexual nature when:

1. Submission to or rejection of such conduct is used either explicitly or implicitly as a basis for any decision affecting terms or conditions of an individual's employment, participation in any program or activity, or status in an academic course;
2. Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or educational experience, or creates an intimidating, hostile or offensive environment for working or learning on campus.

Sexual harassment can occur between an employee and a supervisor, or co-worker or customer; or between a student and a faculty member or another student.

B. Regulations

1. Consensual Relationships

Consenting romantic and sexual relationships between supervisor and employee or between faculty and student are strongly discouraged. In the event of an allegation of sexual harassment, the College will be less sympathetic to a defense based upon consent when the facts establish that a professional power differential existed within the relationship. Consensual relationships are prohibited where the supervisor has direct responsibility for evaluation and direction of the employee or where the faculty member has primary responsibility for academic evaluation or direction of the student. These relationships may be subject to concerns about the validity of consent, conflicts of interest, and unfair treatment of other students or employees. Further, such relationships can undermine the atmosphere of trust essential to the educational process and the employment relationship.

2. Confidentiality and Non-Retaliation

College administrators will make every reasonable effort to conduct all proceedings in a manner which will protect the confidentiality of all parties. It is expected that parties to a complaint will observe the same standard of confidentiality. This practice is in the best interest of all parties.

Retaliation against an individual for reporting sexual harassment or for participating in an investigation is prohibited by College policy and state and federal law. Retaliation is a serious

violation which can subject the offender to sanctions independent of the merits of the sexual harassment allegation.

3. Sanctions

When it has been determined that sexual harassment has occurred, steps will be taken to ensure the harassment is stopped immediately. Corrective measures consistent with the severity of the offense will be imposed. Sanctions may range from a verbal reprimand up to and including dismissal from the College and, with prior notice to the harasser, a record of such sanctions will become part of the harasser's personnel records. Sanctions may also be imposed when an administrative official or supervisor fails to respond to a complaint of sexual harassment.

It is also a violation of this policy for anyone to make false accusations of sexual harassment.

C. Responsibilities

1. The Office of Human Resources is responsible for the administration of this Policy and the associated procedures as they apply to any employee of the College.
2. Each vice president, dean, chairperson, administrative official or supervisor is responsible for assuring compliance with this policy.
3. The Vice President, Student Services, will be responsible for the administration of this policy and the associated procedures as they apply to any student of the College.

Procedures for Addressing Complaints Under the Sexual Harassment Policy

I. Examples of Sexual Harassment

Sexual harassment encompasses any sexual attention that is unwanted. Verbal or physical conduct prohibited by the College's Sexual Harassment Policy include, but are not limited to:

- A. Physical assault;
- B. Direct or implied threats that submission to sexual advances will be a condition of employment, work status, promotion, grades, or letters of recommendation;
- C. Direct propositions of a sexual nature;
- D. Subtle pressure for sexual activity;
- E. A pattern of conduct (not legitimately related to the subject matter of a course) intended to cause discomfort or humiliate, that includes: (1) comments of a sexual nature; (2) sexually explicit statements, questions, jokes, or anecdotes; (3) touching, patting, hugging, brushing against a person's body, or repeated or unwanted staring; or (4) remarks about sexual activity, experience or orientation.

II. Parties

Under the College Sexual Harassment Policy, any student, staff or faculty member may bring a complaint against any member of the College community believed to have violated the Policy.

III. Persons Authorized to Receive Complaints

A complaint alleging a violation of the College's Sexual Harassment Policy may be brought to any of the following officials:

- A. Any academic or administrative official of the College (e.g. dean, chairperson, vice president, director, supervisor)
- B. the Office of Human Resources.

The Human Resources Director is available to assist any person with a sexual harassment complaint. Likewise, the Human Resources Director is available to assist any administrative officer in handling a complaint.

IV. Available Options

A person bringing a complaint will be apprised of all options under the Policy by the official taking the complaint. These options are described below.

- A. Informal resolution of the complaint
 - 1. by the complainant directly with the alleged harasser;
 - 2. with the assistance of the Human Resources Director.
- B. Filing a formal complaint with the Office of Human Resources.
- C. Filing an action outside the College; i.e., Equal Employment Opportunity Commission, Ohio Civil Rights Commission, Department of Education.

The complainant will be informed that:

- A decision to proceed informally does not preclude the filing of a formal complaint at some later time.
- The filing of an informal complaint is not a prerequisite to a formal complaint.
- A complainant should not simultaneously process complaints arising from the same occurrence with more than one office or agency.
- Internal actions do not extend filing deadlines relating to actions outside the College.

V. Procedures for Initial Intake of Complaints

- A. Discussion of relevant considerations.

The official to whom the complaint is initially brought will discuss with the complainant the following relevant considerations:

- 1. The complaint process to include the available options (described in Part IV above);
- 2. The issues involved in the complaint;
- 3. Possible resolutions;

4. Protection of the complainant's interest (e.g., confidentiality; need for truthfulness by both parties; keeping complainant fully informed of steps taken during the process; protection of complainant and witnesses against retaliatory action); and
5. Protection of the interests of the alleged harasser (e.g., confidentiality; need for truthfulness by both parties; right to be notified of existence of any formal complaint; opportunity to respond to the complainant's allegations).
6. The complainant shall be given a copy of the Sexual Harassment Policy and these procedures.

B. Determination as to further action.

Once all of the above information has been discussed, the complainant determines which process to use to resolve the complaint.

VI. Informal Complaints

A. Referral

If the complainant wishes to pursue informal resolution of the complaint, he or she may do so either with the assistance of the official to whom the complaint was initially brought or with another official as authorized in Part IV. The official selected by the complainant to process the complaint will follow the procedures below.

If the complainant elects to file a formal complaint, the official to whom the complaint was initially brought will refer the complainant to the Office of Human Resources for that purpose.

B. Procedures for informal complaints.

1. Notice of complaint to Office of Human Resources

Upon receiving an informal complaint, the official handling the complaint will notify the Office of Human Resources in writing of the complaint and will provide a summary of the allegations. If the complainant has requested anonymity, or that no action be taken or that the alleged harasser not be informed of the complaint, such complaints should be reported without disclosing information which would identify the parties. The information reported will be treated confidentially by the Office of Human Resources.

This information is for data collection purposes and will be used to monitor complaints to assure claims are adequately addressed.

2. Investigation of complaint

The official handling the informal complaint should follow the procedures for investigation of complaints set forth in Section VII(B).

3. Notice to the alleged harasser

In the context of an informal complaint, the complainant's consent for informing the alleged harasser of that complaint should be obtained. In situations when the alleged harasser is not apprised of the complaint, the complainant should be informed that the ability to impose formal sanctions is limited.

4. Time period for investigating complaint

Informal complaints should be concluded within thirty (30) calendar days of their inception. Where this is not reasonably possible, the official processing the complaint should notify the complainant in writing of the delay and the reasons for such delay.

5. Notice of conclusion of investigation

Within ten (10) work days of concluding the investigation of an informal complaint, the official will notify the Office of Human Resources in writing that the complaint has been concluded and the resulting outcome for resolution.

6. Other options

If the complainant is not satisfied with the informal resolution, she/he again should be advised of the option of filing a formal complaint with the Office of Human Resources and the existence of options outside the College.

VII. Formal Complaints

A. Referral to the Office of Human Resources

When the complainant elects to file a formal complaint, the complainant should file the complaint in writing with the Office of Human Resources.

B. Procedures for formal complaints

1. Method of formal investigation

The Office of Human Resources will be responsible for the investigation of the complaint, with the cooperation of the department involved, and will keep the appropriate administrative officials informed.

2. Notice to the alleged harasser

The alleged harasser will be informed of the allegations and identity of the complainant at the commencement of the process.

3. Investigation of formal complaint

a. Purpose of investigation

The purpose of the investigation is to determine whether a reasonable basis exists for the alleged violation(s) of the Sexual Harassment Policy.

b. Persons to be interviewed

The official (usually the Director, Human Resources) conducting the investigation will interview the complainant, the alleged harasser, and any other persons believed to have knowledge of the allegations. The alleged harasser will be afforded full opportunity to respond to the allegations. Throughout the investigation, steps to preserve the confidentiality of all persons involved will be taken by the investigating official.

c. Matters to be investigated include:

- (1) Whether the specific conduct constitutes sexual harassment, including

the type(s) of conduct; frequency of occurrence; date(s) of time period over which the conduct occurred; location of alleged occurrence(s); whether similar complaints have been made by others; and all factual circumstances upon which the complaint is based.

- (2) The specific relationship of the alleged harasser to the complainant (e.g., professor-student, supervisor-employee, etc.).
- (3) The effect of the alleged harasser's conduct on the complainant, including any consequences that may be attributed to the conduct and whether the alleged harasser was aware of the complainant's concern.
- (4) Whether the department head or supervisor was aware of the complainant's concern, and if so, how he/she became aware of the concern.
- (5) Whether any prior steps were taken to resolve the complaint.

4. Possible outcomes of investigation

a. The possible outcomes of the investigation are:

- (1) a finding that there is a reasonable basis supporting the alleged violation;
- (2) a finding that there is no reasonable basis supporting the alleged violation; or
- (3) a negotiated settlement of the complaint.

5. Time period for investigating complaint

Investigations of formal complaints should be concluded within thirty (30) calendar days of their inception. Where it is not reasonably possible to conclude the complaint within that amount of time, the Office of Human Resources will notify the complainant in writing of the delay and reasons therefore.

6. Notice to parties

At the conclusion of the investigation, the Office of Human Resources will promptly inform both the complainant and the alleged harasser of the outcome and the factual findings. If the investigation reveals no reasonable basis for supporting sexual harassment, the investigator will advise the complainant of options outside the College and the time limits for filing such actions.

7. Written report of findings

Upon conclusion of the investigation of a formal complaint, the Office of Human Resources will prepare a written summary of the findings. If the investigation supports a claim of harassment, recommendations will be made to take prompt and effective action, consistent with the severity of the offense. This report will be provided to the appropriate administrative official (as described in Subsection 8(b) below) for implementation.

8. Formal sanctions/resolutions

a. Sanctions

When there is a finding of sexual harassment, if negotiated settlement of the complaint has not occurred, formal sanctions will be imposed by the appropriate administrative official.

Where sexual harassment is found, steps will be taken to ensure the harassment is stopped immediately. Appropriate corrective measures may range from verbal reprimand up to and including dismissal, in accordance with established College Rules and Procedures. The Office of Human Resources will monitor sanctions to ensure compliance with the Policy.

b. Persons responsible

Formal sanctions will be imposed by the following administrators in consultation with Human Resources:

- (1) In cases involving a faculty member or other instructional personnel as the alleged harasser, by the Dean/Chairperson in consultation with the Vice President for Instruction;
- (2) In cases involving a staff person as the alleged harasser, by the department administrator in consultation with the Vice President responsible for the unit; and
- (3) In cases involving a student, the Vice President for Student Services.

c. Governing provisions

Sanctions for violations of the Sexual Harassment Policy imposed are governed by the following procedures:

- (1) In cases involving faculty members, appeals from any formal disciplinary action taken are governed by College Policy 5.6, Grievance Policy - Faculty and College Policy 8.2, Due Process.
- (2) In cases involving staff members, appeals from any formal disciplinary action taken are governed by College Policy 5.7, Grievance Policy - Staff and College Policy 8.2, Due Process.
- (3) In cases involving students, by The Student Code of Conduct.

VIII. Presence of Support Persons

The complainant or alleged harasser may be accompanied at the initial interview (and subsequently as appropriate) by a friend, family member, or other individual of the complainant's or alleged harasser's choice whose presence is necessary to provide support and/or clarification of the facts related to the complaint.

IX. Confidentiality

The Office of Human Resources treats as confidential all information received in connection with the filing, investigation, and resolution of complaints except to the extent it is necessary to disclose particulars in the course of the investigation. Parties to a complaint will observe the same standard of strict confidentiality. This practice is in the best interest of all parties. Failure to respect confidentiality may result in sanctions.

X. Record Keeping

Any person conducting an investigation, whether formal or informal, shall maintain a written record of all witness interviews, consent provided, evidence gathered, and the outcome of the investigation.