



## **SEXUAL HARRASSMENT**

University of Saint Katherine is committed to providing and maintaining a healthy learning and working environment for all students, staff, faculty and other members of the University's community, free of discrimination and all forms of sexual and gender harassment, which diminish the dignity or impede the academic freedom of any member of the University of Saint Katherine community.

In accordance with University of Saint Katherine's values, its role as an educational institution, and both federal and state law, the University condemns any form of sexual [or gender] harassment [or assault] and is committed to taking action to prevent and eliminate all forms of them, including coercive sexual behavior. Although not rising to the legal definition of sexual harassment, the University is committed to prevent and eliminate unethical and/or inappropriate conduct as defined by Christian values.

Any employee or student found to have engaged in such conduct is subject to disciplinary action, up to and including discharge and/or expulsion.

Further, the University condemns any acts in violation of this policy involving any third parties, including visitors, guests and agents, representatives and employees of suppliers or contractors, and will take violations of this policy by such parties into consideration in the awarding of contracts and the future conduct of business.

Sexual and gender harassment are not only repugnant to the University of Saint Katherine community and a violation of this policy, but may be criminal offenses according to California or federal law. Members of the University's community who have been found in violation of statutes related to sexual harassment and/or assault may be subject to additional University disciplinary action.

**NOTE: IF A STUDENT WISHES TO FILE A COMPLAINT AGAINST ANOTHER STUDENT, THAT STUDENT SHOULD CONTACT THE DIRECTOR OF STUDENT AFFAIRS. ALL OTHER COMPLAINTS SHOULD BE FILED WITH THE DIRECTOR OF HUMAN RESOURCES OR SOMEONE OPERATING IN A SUPERVISORY CAPACITY.**

### **Definition of Sexual Harassment**

1. Sexual harassment includes, but is not limited to, any unwelcome sexual advances, direct or indirect, requests for sexual favors and other verbal or physical conduct of a sexual nature when:

- submission to or rejection of such conduct is made or is threatened to be made, either explicitly or implicitly, a term or condition of instruction, employment or participation in other University activity;
  - submission to or rejection of such conduct by an individual is used or is threatened to be used as a basis for evaluation in making financial, academic or employment decisions affecting that individual; or
  - such conduct has the intent, purpose or can reasonably be expected to have the effect of interfering with an individual's academic or professional performance or advancement, or creating an intimidating, hostile or offensive educational, living or working environment.
2. The University's Sexual Harassment Policy and Procedures also apply to gender harassment. Gender harassment includes verbal or physical harassment that is based on the person's gender but that is not sexual in nature.
  3. It may be a violation of this policy for any employee of the University to offer or request sexual favors, make sexual advances or engage in sexual conduct, consensual or otherwise, while the other individual involved is enrolled in class or is working under the supervision of, or subject to evaluation of the employee.

In such circumstances, consent may not be considered a defense against a charge of sexual harassment in any proceeding conducted under the University's Sexual Harassment Policy. The determination of what constitutes sexual harassment depends upon the specific facts and the context in which the conduct occurs.

## **Consensual Relationships**

Amorous relationships that might be appropriate in other circumstances present serious difficulties within the University community. Relationships between individuals in inherently unequal positions (such as teacher and student, coach or player, supervisor and employee) may undermine the real or perceived integrity of the supervision and evaluation process, as well as affect the trust inherent in the educational environment.

Consensual romantic or sexual relationships in which one party is in a position to review the work or influence the career of the other may provide grounds for complaint when that relationship gives undue access or advantage to, restricts opportunities of, or creates a hostile and unacceptable environment for one of the parties to the relationship, or for others.

## **Glossary**

In addition to "Sexual Harassment" and "Gender Harassment," which have been defined above, this policy uses the following terms:

1. **Complaint:** An assertion that a named individual has violated this policy.
2. **Complainant:** Any individual(s) making a complaint.
3. **Student:** Any person who is enrolled in the University, either on a full or part-time basis.
4. **Employee:** Anyone who is classified and working in one of the following "employee classes"
  - **Faculty:** All members of the University community who teach on a full or part-time basis at any campus or other facility.

- Staff: All employees of the University community, including support personnel, counselors, University ministers, resident advisors, graduate students, teaching fellows, tutors and undergraduate course assistants.
- Administration: All employees defined as professional personnel empowered to carry out the various administrative functions of the University including the authority to hire, transfer, suspend, lay-off, recall, promote, discharge, assign, reward or discipline other employees or having the authority to recommend such actions.
- Student: All employees who are currently students working on a part-time basis.
- Adjunct: All employees who are contracted to teach specific courses on an infrequent basis.

## **Examples of Sexual/Gender Harassment**

Examples of behavior that may constitute sexual harassment include, but are not limited to, the following:

1. Unwelcome verbal or physical advances of a sexual nature;
  - requests or subtle pressure, overt or implied, for sexual favors;
  - abusive or threatening behavior directed at a person;
  - remarks, jokes, comments or observations of a sexual nature that demean or offend individuals on the basis of their sex, provided, however, that such expressions will not be considered sexual harassment if uttered for a valid academic purpose;
  - gestures or other nonverbal behavior of a sexual nature provided, however, that such expressions will not be considered sexual harassment if based upon a valid academic purpose; and
  - display or distribution of offensive materials of a sexual nature provided, however, that such expressions will not be considered sexual harassment if used for a valid academic purpose.
2. Examples of gender harassment may include, but are not limited to, the following:
  - language or physical conduct that demeans another person because of his/her gender; and
  - abusive or threatening behavior directed at a person on the basis of his/her gender.
3. Sexual and gender harassment may occur regardless of sexual orientation.
4. Sexual and gender harassment under this policy may be communicated in a variety of ways including, but not limited to, oral pronouncements, notes, letters, faxes, electronic messages and displays on public workstations.

## **Sexual Harassment Complaint Procedure**

### **1. Introduction**

The following procedures are designed to provide flexibility in reporting for the person complaining of the harassment, while balancing the interests of the accused party and the University's need to obtain the information necessary to resolve these harassment issues in its community.

If you have any questions regarding the policy or procedures, please contact the office of

the Director of Student Affairs and Chief Academic Officer or the Chief Financial Officer/Director of Human Resources.

## **2. Reporting and Resolution**

All incidents of sexual harassment or gender harassment should be reported by the complainant to either a person in a supervisory capacity or the Director of Human Resources. The reporting of a sexual or gender harassment incident constitutes a complaint.

In addition, all members of the community who serve in a supervisory capacity, such as deans, directors, managers, and chairs are responsible for reporting all complaints of sexual harassment to the Director of Human Resources. Complaints will be treated with discretion and will be promptly and thoroughly investigated. The Director of Human Resources may ask the complainant to put the complaint into writing.

Sexual or Gender Harassment can be a grievous action, having serious and far-reaching effects on the lives and careers of individuals. False complaints, that is, allegations made knowing that they are not true, can have similar impact. Intentionally false charges are grounds for discipline, up to and including termination and/or expulsion.

Disciplinary proceedings shall follow applicable procedures as set forth in the University of Saint Katherine Student Handbook and the Employee Handbook.

If a student under the age of 18 reports an incident of sexual harassment to any faculty or staff member, that faculty or staff member is obligated to report the incident to the Director of Human Resources.

## **3. Confidentiality**

University of Saint Katherine is committed to balancing the interests of all parties involved in sexual and gender harassment complaints and will attempt to keep the name of the complainant confidential and to respect the rights of the accused harasser.

However, the University recognizes that there are certain situations which may require disclosure of information. Further, when credible information received through an investigation shows that there may be violations of other University policies, then the appropriate officials will be notified.

## **4. Investigation Process**

The Director of Human Resources shall be informed of all reported complaints of sexual or gender harassment. In cases where the person complaining of the harassment (the complainant) and the person complained about (the respondent) are both students, the Director of Student Affairs and CAO, in consultation with the Director of Human Resources, will assume primary responsibility for overseeing the investigation process. In all other cases, the Director of Human Resources shall assume primary responsibility for overseeing the investigation process. The Director of Human Resources shall consult with the Director of Student Affairs and CAO if the complainant or the respondent is a student. The University recognizes that many issues relating to sexual and gender harassment are resolved through discussions with and advice from the Director of Human Resources. For example, the complainant may decide to deal with the situation directly by speaking

to the respondent, or the complainant may request that another member of the University community, to be chosen by the Director of Human Resources in consultation with the complainant, speak with the respondent. As another example, the complainant and respondent may choose to meet and resolve the matter with the help of the Director of Human Resources.

A complaint may be resolved when there is agreement among the complainant, the respondent and the Director of Human Resources. This resolution may include, but is not limited to: an apology by the respondent; a commitment by the respondent not to repeat the offending behavior and/or to take steps to achieve that goal by, for example, seeking counseling; or, acceptance that no further action is warranted.

#### **5. Further Investigation**

The Director of Human Resources will conduct further investigations if the complaint is not resolved in the above manner.

When a student is accused of sexual or gender harassment, the nonacademic disciplinary procedures set forth in the Student Handbook shall apply.

The Director of Human Resources will promptly inform the respondent of the identity of the person who will conduct the investigation and the respondent will be provided with ample opportunity to respond to the complaint.

Every reasonable attempt shall be made to resolve all harassment complaints in a timely manner. The investigation will be conducted with discretion; only individuals who may have substantial information directly relevant to the complaint will be interviewed as witnesses.

Only University employees who have a need to know the circumstances surrounding the complaint, i.e., those involved in the investigation and resolution of the complaint, will be informed.

If the complaint is found to have no merit or if the facts cannot be established, the complainant and the respondent will be informed, no further action will be taken, and nothing will be placed in the respondent's file.

If, after a full and fair investigation, the Director of Human Resources, together with the appropriate University officials, determines that a member of the University community violated the Sexual Harassment Policy, appropriate action will be recommended, including but not limited to reprimand, disciplinary sanctions, termination or expulsion, or training/education.

No recommendation for action will be made without providing the respondent with an opportunity to respond to all complaints raised against him/her. The respondent will receive timely written notification of the recommendation.

Applicable procedures set forth in the University of Saint Katherine Student Handbook and the University of Saint Katherine Employee Handbook will apply.

The Director of Human Resources shall keep a separate record of each investigation.

## **6. Retaliation**

No person, including parties and witnesses, exercising his or her rights and/or responsibilities under the Sexual Harassment Policy and Procedures shall be subject to retaliation or threat of retaliation in any form.

Retaliation shall include, but is not limited to, those actions directed against an individual on the basis of or in reaction to the exercise of rights accorded and/or defined by this policy which affect a person's employment, advancement, scholarship, performance, habitation, and/or property.

A finding of retaliation or a threat of retaliation shall constitute a separate violation of this policy, subject to separate or consolidated disciplinary procedures, and is not dependent upon a finding of a violation of any other section of the policy. Complaints of retaliation shall be made to the Director of Human Resources.