



Sexual Harassment Policy

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Introduction

Anderson University affirms its commitment to Christian higher education and a work/learning environment that encourages and enables individuals to strive for excellence. Behaviors which inappropriately assert personal characteristics (i.e., gender or physical attributes) as relevant to staff, faculty or student performance are damaging to this environment and are a violation of law and university policy. Sexual harassment in any form will not be tolerated and will be dealt with promptly by the university. The university reserves the right to refuse employment or re-employment, and to dismiss or suspend from employment any student, staff or faculty member who violates this policy.

All alleged incidents of sexual harassment, sexual misconduct, and/or sexual violence will be considered as a potential violation of both Title IX of the Education Amendments (US Department of Education Office for Civil Rights) and Title VII of the Civil Rights Act (US Department of Labor Equal Employment Opportunity Commission).

Definition of Sexual Harassment

Sexual harassment is any unwelcome sexual advance, request for sexual favors, and/or other verbal or physical conduct of a sexual nature when:

- submission to or rejection of such conduct is 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 as a basis for evaluation in making academic or personnel decisions affecting an individual; or
- such conduct has the purpose or effect of unreasonably interfering with an individual's performance or creating an intimidating, hostile or offensive university environment
- Sexual harassment can take many forms. Some of these are overt and unambiguous while others may be more subtle and indirect. Direct forms of sexual harassment include sexual assault and sexual advances accompanied by an offer of reward or threats of reprisal. Such behavior constitutes serious harassment, and a single incident establishes grounds for complaint. Other forms of sexual harassment include sexual conduct, physical or verbal (in person, via e-mail, mobile phone text or social media), that is repeated and unwanted such as, but not limited to:
 - sexual innuendoes, suggestive comments, repeated sexually oriented kidding, teasing, joking, or flirting, or offensive crude language;
 - derogatory or demeaning gender-based comments and/or conduct including verbal abuse of a sexual nature;
 - leering, whistling, touching, pinching, touching, grabbing or brushing against another person's body, making obscene gestures, or giving or displaying objects or pictures which are sexual in nature that would create hostile or offensive work, learning, or living environments.

Procedures for reporting a sexual harassment complaint are found in faculty, staff and student handbooks. Procedures are available online at <http://www.anderson.edu/hr/forms/policies>.

Sexual Harassment Complaint Procedures

Reporting a Complaint. Any person who believes that he or she has been sexually harassed (the complainant) is encouraged to bring the matter to the attention of the appropriate university official. The complainant should present the complaint as promptly as possible after the alleged harassment occurs, normally within 30 days.

- By a faculty member toward any student, staff or other faculty member: The complaint should be reported to the Provost and will be handled by the Provost's office. If a formal charge is filed, the investigation and disciplinary action, if any, will be resolved in a manner similar to other violations of university rules and regulations as outlined in the Faculty Handbook.
- By a staff member toward any student, faculty or other staff member: The complaint should be reported to the Director of Human Resources and will be handled by the Office of Human Resources in the same manner as other violations of university rules and regulations as outlined in the Staff Handbook.
- By a student toward any other student, staff or faculty member: The complaint should be reported to the Dean of Students and will be handled by the Department of Student Life in the same manner as other violations of university rules and regulations as outlined in the Student Handbook.
- By an individual not currently enrolled as a student or not employed as a faculty or staff member: The complaint should be reported to the immediate supervisor if involving an employee, or to the Department of Student Life if involving a student. These persons will determine the appropriate response.
- Any individual wishing to report a complaint but uncertain how to proceed is encouraged to contact the Office of Counseling Services or the Office of Human Resources for assistance.
- The Office of Human Resources will be informed of all informal and formal complaints of sexual harassment. Human Resources will retain the records of investigation and resolution with the exception of complaints involving students only.

Resolution of a Complaint

- The initial discussion between the complainant and the university official will occur without formal written record; notes may be taken. The discussion will be handled in a professional and confidential manner. No formal action on the alleged charge will be taken at this time unless initiated by the complainant.
- The university official will notify the alleged offender of the complaint and provide an opportunity for the alleged offender to respond.
- Promptly after the initial conversations with the complainant and the alleged offender, the university official may initiate whatever steps deemed appropriate to affect an informal resolution of the complaint acceptable to both parties.
- If the complainant or the alleged offender is dissatisfied with the informal resolution, either party may pursue formal procedures, normally within 90 days of the alleged incident. Formal procedures are as follows:

- A written statement must be submitted by the complainant, or taken by the university official and signed by the complainant.
- An investigation of the complaint will be conducted in an expeditious manner and at a minimum will include the following:
 - a fact finding interview with the complainant;
 - an interview with the alleged offender in which he/she has an opportunity to respond to all allegations;
 - interviews with witnesses or others believed to have knowledge of the alleged incident;
 - a written record of all interviews maintained in a confidential file
- The investigating university official will review all the findings of the investigation and determine if the complaint is valid.
- If the complaint is determined to be valid, university actions may include, but are not limited to: 1) reprimand; 2) disciplinary sanction; and/or 3) termination/expulsion. When determining appropriate disciplinary action consideration will be given to the harassment complaint as a whole, the record of the accused individual(s), and the totality of the circumstances, including the nature of the conduct and the context in which it occurred. If possible, the university official will seek the agreement of concerned parties in the resolution of a sexual harassment complaint.

Confidentiality

Any form of sexual harassment is a sensitive issue that may potentially affect any member of the university community. Every attempt will be made to maintain the confidentiality of the parties involved in an allegation and the nature of the allegation. Decisions to release information will be made on a need-to-know basis and include consideration for the university's legal obligation to investigate allegations when such allegations are brought to the university's attention and/or to take corrective action. Once a complaint has been resolved, the record will be maintained as confidential.

Non-Retaliation

Any attempt by a faculty, staff or student to penalize or retaliate in any way against a person bringing a sexual harassment allegation is prohibited. Retaliation may be any behavior, attitude or conduct which is believed to be the result of filing a complaint and adversely affects an individual's employment or creates an intimidating, hostile or offensive environment. A complaint of retaliation will be treated as a separate incident and investigated as such.

Protection of the Accused

During the investigation of a formal complaint, the accused will be informed of the allegations, the identity of the complainant, the facts surrounding the allegations, and will be given the opportunity to respond. Persons interviewed during the investigation process will be advised that the investigation is confidential and they may be personally liable for the unauthorized

release of any information. In the event the allegation is not substantiated all reasonable steps will be taken to restore the reputation of the accused if damaged by the investigation process. A complainant found to have been intentionally dishonest in making an allegation, or to have made an allegation maliciously, is subject to the full range of the university's disciplinary procedures from official reprimand to dismissal. The university reserves the right, however, to report a complaint to the police and/or prosecutor if the complaint involves possible commission of a misdemeanor or felony.

Consensual Relationships and Charges of Sexual Harassment

There exists a unique relationship between students and faculty/staff members, with the faculty/staff member serving as educator, counselor, employer and/or evaluator. Because this relationship has the possibility of being abused or may have the appearance of being abused, the university views it as inappropriate and inadvisable for a faculty/staff member to engage in romantic relations with students enrolled in their classes or subject to their supervision, even when both parties appear to have consented to the relationship. In keeping with this position of the university, if charges of sexual harassment are made, it will not be a defense to allege that the relationship was consensual.

General

It is clear in the EEOC rules that the employer, its agents, or supervisory employees are responsible for acts of harassment in the workplace/school where the employer, its agents, or supervisory employees knew or should have known of the conduct, unless the employer can show that it took immediate and appropriate corrective action. All forms of harassment are a serious matter; it is the responsibility of each administrator to assure that this policy and the consequences for harassing behavior are communicated to all students and staff and faculty members in their respective areas.

Distribution

The university shall communicate this policy to faculty and staff by including it in their respective handbooks which are available online. The university shall communicate this policy to students by inclusion in the student handbook that is available online. This policy is also available on the university policy page found at <http://www.anderson.edu/hr/forms/policies>.