POLICY ON SEXUAL HARASSMENT AND CONSENSUAL RELATIONSHIPS

Policy on Sexual Harassment and Consensual Relationships

Sexual Harassment

Section 1. Rationale

Sexual harassment is illegal under federal and state law and will not be tolerated by Vernon College. It subverts the mission of the college and threatens the career, educational experience, and well-being of students, faculty, and staff. Relationships involving sexual harassment are destructive to individual students, faculty, staff and the academic community as a whole. When, through fear of reprisal, a student, staff member, or faculty member submits or is pressured to submit to unwanted sexual attention, the college’s ability to carry out its mission is undermined.

➤ Sexual harassment is especially serious when it threatens relationships between teacher and student or supervisor and subordinate. In such situations, sexual harassment unfairly exploits the power inherent in a faculty member’s or supervisor’s position. Through grades, wage increases, recommendations for promotion, and the like, a teacher or supervisor can have a decisive influence on a student’s, staff member’s, or faculty member’s career at the college.

➤ While sexual harassment most often takes place in situations of a power differential between the persons involved, the college also recognizes that sexual harassment may occur between persons of the same college status. The college will not tolerate behavior between or among members of the college community that creates an unacceptable working or educational environment.

Section 2. Prohibited Acts

No member of the college community shall engage in sexual harassment. The purpose of this policy, sexual harassment is defined as unwelcome advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature when:

➤ Submission to such conduct is made explicitly or implicitly as a term or condition of an individual’s employment or status in a course, program or activity:

➤ Submission to or rejection of such conduct is used as a basis for employment or educational decision affecting an individual; or

➤ Such conduct has the purpose or effect of unreasonable interference with an individual’s work, or educational performance, or of creating an intimidating, hostile, or offensive environment for work or learning.

Section 3. Examples of Sexual Harassment
Sexual Harassment encompasses any sexual attention that is **unwanted**. Examples of the verbal or physical conduct prohibited include, but are not limited to:

- Physical assault or physical contact;
- Direct or implied threats of a sexual nature;
- Direct propositions of a sexual nature;
- Subtle pressure of sexual activity, an element of which may be conduct such as repeated and unwanted staring;
- A pattern of conduct (not legitimately related to the subject matter of a course) intended to discomfort or humiliate, or both, that includes one or more of the following: (a) comments of a sexual nature; or (b) sexually explicit statements, questions, jokes, or anecdotes;
- A pattern of conduct that would discomfort or humiliate, or both a reasonable person at whom the conduct was directed that includes one or more of the following: (a) unnecessary touching, patting, hugging, or brushing against a person's body; (b) remarks of a sexual nature about a person's clothing or body, or remarks about sexual activity or speculations about previous sexual experiences.

**Consensual Relationships**

**Section 4. Rational**

- The College’s educational mission is promoted by professionalism in staff, faculty, and student relationships. Professionalism is fostered by an atmosphere of mutual trust and respect. Actions of faculty, staff members, and students that harm this atmosphere undermine professionalism and hinder fulfillment of the college educational mission. Trust and respect are diminished when those in positions of authority abuse or appear to abuse their power. Those who abuse or appear to abuse their power in such a context violate their duty to the college community.

- Faculty and staff members exercise power over students, whether in giving them praise or criticism, evaluating them, making recommendations for their future studies or their future employment, or conferring any other benefits on them. Amorous relationships between staff/faculty members and students are wrong when the member has professional responsibility for the student. Such situations greatly increase the chances that the member will abuse his/her power and sexually exploit the student. Voluntary consent by the student in such a relationship is suspect, given the fundamentally asymmetric nature of the relationship. Moreover, other students and staff may be affected by such unprofessional behavior because it places the staff member in a position to favor or advance one student’s interest at the expense of others and implicitly makes obtaining benefits contingent on amorous or sexual favors. Therefore, the college will view it
as unethical if staff members engage in amorous relations with students, even when both parties appear to have consented to the relationship.

Section 5. Consensual Relationships in the Instructional Context

No faculty member shall have an amorous relationship (consensual or otherwise) with a student who is enrolled in a course being taught by the faculty member or whose academic work (including work as a teaching assistant) is being supervised by the faculty member.

Section 6. Consensual Relationships Outside the Instructional Context

Amorous relationships between staff members and students occurring outside the instructional context may lead to difficulties. Particularly while the member and student are in the same academic unit or in units that are academically allied, relationships that the parties view as consensual may appear to others to be exploitative. Further, in such situations (and others that cannot be anticipated), the member may face serious conflicts of interest and should be careful to distance himself or herself from any decisions that may reward or penalize the student involved. A member who fails to withdraw from participation in activities or decisions that may reward or penalize a student with whom the member has or had an amorous relationship will be deemed to have violated his/her ethical duty to the student, to other students, to colleagues, and to the college.

Procedures

Section 7. Filing A Complaint

- A complaint may be filed by any person or the process may be initiated by any supervisor having knowledge of or a reasonable suspicion of inappropriate behavior.

- At the complainant’s option, a complaint that one or more provisions of this policy have been violated may be brought to any appropriate member of the college community, including any academic or administrative officer of the college such as the director of affirmative action, Dean of Student Services, Dean of Instructional Services, Director of Human Resources, supervisor, department head, advisor, or faculty.

- The person to whom the complaint is brought will counsel the complainant as to the options available under this policy and at the complainant’s request, (a) may help the complainant resolve the complaint informally and/or (b) help the complainant draft a formal complaint if the complainant decides to follow that route.

- The person to whom the complaint is brought will not inform the accused, or the supervisor of the accused, of the complainant’s action but will seek the advice of his/her own supervisor. The person should also seek the advice of the affirmative action representative.

Section 8. Investigation Prior to Formal Action
A complainant wishing to make a formal complaint and have it pursued should file it with the Office of Human Resources, which will consult with the appropriate administrative officer to determine the method by which the investigation will be conducted.

The purpose of the investigations is to establish whether there is a reasonable basis for believing that the alleged violation of this policy has occurred. In conducting the investigation, the appropriate administrator and the Director of Human Resources may interview the complainant, the accused, and other persons believed to have pertinent factual knowledge. At all times, the administrator conducting the investigation will take steps to ensure confidentiality.

The investigation will afford the accused a full opportunity to respond to the allegations.

Possible outcomes of the investigation are: (a) a judgment that allegations are not warranted; (b) a negotiated settlement of the complaint; or institution of formal action such as probation, leave with pay, or termination.

Section 9. Protecting Both Parties

To the extent possible, the proceedings will be conducted in a way calculated to protect the confidentiality interests of both parties.

After the investigation, the parties will be informed promptly about the outcome of the proceedings.

Supervisors of the parties directly involved may or may not be informed, based upon a “need to know”.