

# Harassment Free Environment

The following policies address three different aspects of inappropriate conduct or behavior: **Discriminatory Harassment, Sexual Harassment/Sexual Assault and Consensual Sexual or Romantic Relationships in the Workplace and Educational Setting.** Collectively, the policies apply to all students, faculty, staff and others who participate in Saint Mary-of-the-Woods College's programs and activities.

## General Policy Statement for Sexual and Discriminatory Harassment

It is the policy of Saint Mary-of-the-Woods College to provide an educational and workplace environment free from Sexual and Discriminatory Harassment. It is our goal to promote respectful behavior and interactions across our campus. No type of Sexual or Discriminatory Harassment will be tolerated and all incidents of intolerant or discriminatory behavior will be addressed. Individuals who violate this policy are subject to discipline up to and including termination of employment, dismissal from the College and/ or other appropriate sanction or action.

The College encourages a workplace and learning environment free of discrimination, harassment and/or inappropriate treatment of any student, employee or guest because of any person's race, sex, color, creed, religion, age, national origin, sexual orientation, veteran status, gender identity, gender expression, disability or any category protected under federal, state or local law. This policy applies to all students, faculty and staff of the College, as well as to persons employed by contractors or vendors who provide routine daily services to the college.

This policy encompasses all college activities including all academic, educational, extracurricular, athletic and other programs of the College. These activities may take place in a college facility, during college-sponsored trips or at a class, training program or event sponsored by the College at another location.

The College is committed to reviewing any and all sexual and discriminatory harassment charges and to handle such matters in a professional and timely manner. The College is obligated to communicate this policy to all members of the community and to provide educational programming and resources to ensure awareness and compliance with this policy.

## General Information

### Responsibility of the Community

It is the responsibility of each employee of the College to report any suspected violation of this policy.

Every suspected violation of Sexual Harassment including sexual assault or misconduct, must be reported directly to the **Title IX Coordinator, Judy**

**Tribble, 812-535-5255.** The “responsible employee” is required to convey all pertinent information to the coordinator.

All other suspected violations of Discriminatory Harassment involving campus students should be reported to the **Dean of Students, 812-535-5219**, violations involving all other students should be reported to the **Vice President for Operations, 812-535-5216** and incidents involving employee-employee violations should be reported directly to the **Director of Human Resources, 812-535-5284.**

Any student, campus visitor or person participating in a College activity, whether on or off campus, who has experienced or witnessed discrimination and/or harassment is required to report the incident(s) promptly. Prompt reporting of complaints is vital to the College's ability to resolve the matter.

### **Confidentiality**

The College will make a reasonable effort to conduct all investigations and proceedings related to Sexual or Discriminatory Harassment allegations in a manner that will protect the confidentiality and privacy interests of all parties. Examples of situations where confidentiality cannot be maintained include circumstances where the College is required by law to disclose information, when disclosure is warranted by the College in order to protect the rights of others or in order to conduct a complete and thorough investigation. In addition to these efforts by the College, all parties to the alleged complaint should treat the matter under investigation with discretion and respect for the reputation of all parties involved.

### **Retaliation**

Retaliation and/or reprisals against an individual who in good faith reports or provides information about behavior that may violate this policy will not be tolerated and may result in disciplinary action, up to and including termination of employment or dismissal from the institution.

### **Required Training and Educational Programming**

All employees of the College, including student employees, are required to complete the online course from Workplace Answers once every two years. New employees will complete the online course during the first two weeks of employment. The College is required to identify and train a Title IX Coordinator and designate other qualified individuals as resources for all members of the community. Students must be offered educational programs and/or resources that promote personal safety, procedures for filing harassment complaints and specific information regarding sexual violence.

## **Discriminatory Harassment**

Discriminatory Harassment is any unwelcome interpersonal conduct or comments, written, spoken or transmitted electronically, which would threaten a reasonable person, for reasons including but not limited to their race, color, sex, creed, religion, national origin, age, disability, gender identity, gender expression, disability, veteran status or sexual orientation. Similarly, any behavior that creates an offensive, demeaning, intimidating or hostile environment for a reasonable person constitutes harassment.

A “hostile work environment” is defined as any setting in which another’s (others’) behavior is sufficiently severe or pervasive that creates a work environment that is abusive. The level of “sufficient discomfort” must meet the legal test for “reasonableness” behavior that would cause any “reasonable” similarly employed person to be adversely impaired in performing assigned duties and responsibilities.

A “hostile educational environment” is defined as any educational setting in which another’s (others’) behavior causes or interferes with or limits a student’s ability to participate in or benefit from the educational program.

Reports or complaints of Discriminatory Harassment should be filed with the Director of Human Resources as soon as possible after the alleged offense has occurred and should be brought within 120 days of the incident of the discrimination.

## **Complaint Procedures for Discriminatory Harassment**

### **Reporting**

Inquiries and complaints about discriminatory harassment involving employees may be brought to the **Director of Human Resources, 812-535-5284**, Guerin Hall, Room 110. Complaints involving employee-campus student will be addressed by the Director of Human Resources and the **Dean of Students, 812-535-5219, LeFer Hall, Room 018**, or the **Vice President for Academic Affairs, 812-535-5181**. Complaints involving employee-WOL/Graduate student will be addressed by the **Vice President for Operations, 812-535-5216, LeFer Hall 139**. The management of all complaints of harassment and the implementation of these procedures is the responsibility of the Director of Human Resources. In the instance that a Vice President is the subject of a discriminatory harassment charge the President will be requested to designate another individual to fulfill responsibilities normally filled by an appropriate Vice President.

The complainant or the person reporting the alleged violation will complete a written report containing all pertinent information of date, time, location, persons involved and description of incident. There are both informal and formal processes for resolving complaints of discrimination and harassment. A Complainant may elect to invoke either the informal or formal resolution process.

If the Complainant finds that initial informal efforts are unsatisfactory, the Complainant may then seek formal resolution.

The College may initiate an investigation of circumstances that may involve discrimination and/or harassment even where no complaint, formal or informal, has been filed. In such situations, the College may elect to investigate and, if warranted, impose disciplinary sanctions pursuant to these or other established College procedures.

## **Privacy**

To protect both the Complainant and the Respondent, every effort will be made to protect the privacy interests of the persons involved in a manner consistent with the need for a thorough review of a report or complaint.

If the Complainant requests that his or her name or other identifiable information not be shared with the Respondent, or requests that the College take no formal action in response to a report, the Director of Human Resources in consultation with the appropriate Vice President(s) shall evaluate such request and notify the individual of the College's response to the request. The College will honor the Complainant's request to the extent possible based on a careful balancing of such requests with any legal reporting requirements, the risk of harm to any individual and the College's duty to maintain a safe and non-discriminatory environment for all.

If the College honors the request for confidentiality, the College's ability to meaningfully investigate the incident and pursue disciplinary action against a Respondent may be limited. Complainants are advised, however, that the College may be obligated to move forward with a College - Initiated Investigation and potential disciplinary action if there is an individual or public safety concern and sufficient independent information exists to establish that the Discriminatory Harassment Policy has been violated.

## **Interim Measures**

Upon receipt of a complaint, the College will take interim measures to address concerns regarding safety and well-being. If necessary, the College will assist the Complainant in making reasonable efforts to avoid contact with the Respondent(s). Interim measures may include no contact directives, changes in class or work schedules, changes in College-owned living arrangements, interim suspension, College-imposed leave or any other measures that the College deems appropriate. Interim measures are available under both Informal and Formal Resolution Processes, although the ability to impose certain protective measures against a Respondent may require that the report be resolved through the Formal Resolution Process.

## **Time Frame**

The College encourages prompt reporting. Persons who have experienced or witnessed discriminatory harassment are encouraged to report the incident involving employees to the Director of Human Resources or incidents involving students, to the Dean of Students or the Vice President for Operations as outlined above. Complaints must be filed within 120 days of the incident of discriminatory harassment or, where the discrimination or harassment is of an ongoing nature, within 120 days from the most recent incident. To file an Informal or Formal Complaint, a Complainant must complete a Complaint Information Form online, in person, or via electronic mail. The 120-day deadline to file a complaint does not apply to College-Initiated Investigations.

The resolution of the informal or formal complaint must be reached within thirty (30) days with the initial steps of the processes beginning within five (5) days of the filing of a complaint.

## **Expectations Regarding Participation by the Parties**

All employees and students have an obligation to cooperate in the conduct of these Procedures. Failure to do so may result in disciplinary action. In the event that a Complainant chooses not to participate in an interview or declines to provide information requested by the Director of Human Resources, the appropriate Vice President(s) and the Director of Human Resources may dismiss the Complaint. The Director of Human Resources and the appropriate Vice President shall provide written notice of such dismissal to the Complainant(s) and the Respondent(s). In the event that a Respondent chooses not to participate in an interview or declines to provide information requested by the Director of Human Resources or the Vice President, it may be determined that such information or interview, if provided or conducted, would be adverse to the Respondent. Where the Complaint or the circumstances involve potential criminal conduct, however, a party may choose to remain silent during the process, and such silence will not be held as an admission or considered to be adverse to the party.

## **Informal Resolution Process**

The Informal Resolution Process is designed to empower the parties to an Informal Complaint to reach a mutually satisfactory agreement. For employee related incidents, the Director of Human Resources in consultation with the appropriate Vice President may take steps to resolve the Informal Complaint. For incidents involving students the Vice President for Operations will confer with the Director of Human Resources. Possible resolutions by agreement of the parties may include, but are not limited to, the following: an apology to the Complainant, assisting the Respondent to better understand the effects of his or her conduct and ways in which this behavior could be changed, participation in educational programs about equal opportunity or harassment, verbal or written reprimands, or

other interventions or actions aimed at ending the discrimination or harassment, preventing its recurrence and addressing its effects.

*Mediation may not be used, even with the agreement of the parties, in Complaints involving Sexual Violence or Relationship Violence. Similarly, a Complainant will not be required to resolve the matter directly with the Respondent.*

The Informal Resolution Process will be concluded by one of the following: 1) a decision to stop further action on the Informal Complaint, 2) a resolution of the Informal Complaint by agreement of the parties or 3) initiation of the Formal Resolution Process.

### **Formal Resolution Process**

A Formal Complaint may be filed as the first course of action or following an Informal Complaint if there is no mutually acceptable resolution during the Informal Resolution Process. The College may also initiate an Investigation in the absence of a Formal Complaint by a Complainant.

To file a Formal Complaint, a Complainant must complete a written statement in person, or via electronic mail. The Complaint must be dated by the Complainant and describe the alleged incident(s) with the relevant date(s), name(s) of the Respondent(s) and name(s) of witness(es). For incidents involving employees, The Director of Human Resources can provide assistance in completing the Complaint Information Form.

Formal Complaints or College-Initiated Investigations in which a student or recognized student organization is named as a Respondent will be adjudicated by the Vice President for Academic Affairs upon the recommendation of the Dean of Students.

Formal Complaints or College-Initiated Investigations against employees, including faculty and staff, will be adjudicated by the Director of Human Resources and the appropriate Vice President.

### **Investigations of Formal Complaints**

As soon as practicable, the Director of Human Resources/Dean of Students/Vice President for Operations will interview the Complainant. Following the completion of his or her interview with the Complainant, the appropriate Vice President will be notified in writing as to whether or not the allegations set forth in the Complaint, if substantiated, would constitute a violation of College policy.

In the event that this notification indicates that the allegations set forth in the Complaint, if substantiated, would constitute a violation of College policy, or if the appropriate Vice President determines that the matter should be investigated,

the Director of Human Resources will conduct a thorough fact-finding investigation and will meet separately with both the Complainant and the Respondent(s), interview pertinent witnesses and review relevant documents regarding the Formal Complaint. The Director of Human Resources may consider all relevant information, including evidence of pattern or prior misconduct by the Respondent, credibility of the parties and witnesses, and in very limited circumstances, the prior history of the Complainant with the Respondent. Both parties will be provided the opportunity to provide information and names of witnesses to the Director of Human Resources.

### **Determination**

Within five (5) days following the conclusion of the investigation, the Director of Human Resources will prepare and deliver a report to the appropriate Vice President. The report will include a finding based upon a preponderance of the evidence that 1) the allegations cannot be substantiated, 2) some or all of the allegations are substantiated or 3) the Formal Complaint was knowingly false or malicious. No violation of College policy will be presumed unless a preponderance of the evidence standard supports the finding of a violation. This preponderance of the evidence standard requires that the facts and information supporting each finding are more convincing than the facts and information offered in opposition to such finding. The report will include the basis upon which the Director of Human Resources reached his or her conclusions. The report will also include the determination of whether a violation of any College policy has occurred and a recommendation of the sanctions to be imposed, if any.

### **Sanctions and Remedial Measures**

Sanctions will be decided by the Director of Human Resources and the appropriate Vice President. Sanctions will be decided on a case-by-case basis and will be in accordance with College policy. Possible sanctions for employees include, but are not limited to, the following: a letter of reprimand, suspension or leave of absence without pay, reassignment of teaching or other responsibilities, denial of a pay increase, demotion, probation or termination. Sanctions for students are listed in Regulations Governing Student Conduct and may include without limitation verbal or written warnings, restrictions, probation, probated suspension, suspension or dismissal.

Remedial measures for students, faculty and staff will be decided on a case-by-case basis. Such measures may include providing an escort to ensure safe movement on campus, ensuring that the Complainant and Respondent do not share classes or extracurricular activities, reassignment in the residence hall, tutoring or other academic support, arranging for extra time to complete or re-take a class or withdraw from a class without academic or financial penalty, job reassignment, targeted training for a group of students, faculty or staff and other remedies that can be tailored to the needs of the parties.

The appropriate Vice President will communicate in writing the final sanctions and/or remedial measures for the complainant/respondent employee(s) and/or complainant/respondent student.

## **Appeal**

The Complainant and the Respondent each have the right to appeal the decision of the appropriate Vice President and imposition of any sanction to the President of the College. The appeal must be in writing and filed in person, via courier, or via postal or electronic mail within ten (10) days of the issuance of notification of the decision with all supporting materials attached. Decisions not appealed within such time are deemed final.

## **Policy Statement**

### **Sexual Harassment/Sexual Assault/Sexual Violence**

Saint Mary of the Woods College defines Sexual Harassment as any unwelcome and inappropriate conduct of a sexual nature. Sexual Harassment is any act of sexual violence and sexual exploitation. It may include sexual advances, requests for sexual favors and other verbal, nonverbal or physical conduct resulting in the interference with an individual's employment or academic performance or creating an intimidating, offensive or hostile environment for that individual's employment, education or participation in a College activity.

#### **Responsibility of the Title IX Coordinator**

Responsible for oversight of the investigation and resolution of all reports of Sexual Harassment, Sexual Violence, Sexual Exploitation, Domestic Violence, Stalking and Relationship Violence involving students, staff and faculty.

#### **Responsibility of the Community**

It is the **responsibility of each employee** of the College to report any suspected violation of this policy.

Any student, campus visitor or person participating in a College activity, whether on or off campus, who has experienced or witnessed an incident of sexual harassment is encouraged to report the incident(s) promptly. Prompt reporting of complaints is vital to the College's ability to resolve the matter.

Every suspected violation of Sexual Harassment including sexual assault or sexual misconduct, must be reported directly to the **Title IX Coordinator, Judy**



**Tribble, 812-535-5255.** The “responsible employee” is required to convey on all pertinent information to the coordinator.

## **Definitions**

- **What is Sexual Violence?**
  - Any non-Consensual sexual act, including but not limited to rape, sexual assault, sexual battery and sexual coercion. Sexual Violence also includes Relationship Violence.
- **What is Sexual Assault/Sexual Misconduct?**
  - Any act of sexual violence, including but not limited to rape, sexual assault, sexual battery, stalking, and sexual coercion.
- **What is stalking?**
  - Any knowing or intentional course of conduct involving repeated or continued following, threatening or intimidating another by telephone, mail, electronic communication, social media, in person or any other action, device or method that 1) would cause a reasonable person to suffer substantial emotional distress or fear of bodily injury or death and 2) actually causes such person substantial emotional distress or fear of bodily injury or death.
- **What is Relationship Violence?**
  - Any physical, sexual and/or psychological harm against an individual by a current or former intimate or romantic partner. Intimate or romantic partners may be dating, cohabitating, married, separated or divorced, and may be of the same or opposite sex.
- **What is Domestic Violence?**
  - Any act of violence or coercion committed by a current or former spouse of an individual, current or former cohabitant, person similarly situated under domestic or family violence law, or anyone else protected under domestic or family violence law.
- **What is Sexual Consent?**
  - Sexual activity requires consent, which is defined as clear, unambiguous and voluntary agreement between the participants to engage in a specific sexual activity. **Consent cannot be inferred simply from the absence of a "no"; a clear yes, verbal or otherwise is necessary.**
  - Consent cannot be obtained from someone who is asleep or otherwise mentally or physically incapacitated, whether due to alcohol, drugs or some other condition. Consent cannot be obtained by threat, coercion or force. Agreement given under such conditions does not constitute consent.
  - Consent can be revoked at any time.

## **Procedures for Reporting a Sexual Harassment/Sexual Violence Incident**

A first step for any complainant or third party witness may be choosing how to proceed following an incident of Sexual Harassment, Sexual Violence, Sexual Exploitation, Domestic Violence, Stalking and/or Dating Violence. The College recognizes that deciding whether to make a report and choosing how to proceed can be difficult decisions. The College encourages any individual who has questions or concerns to seek the support of campus and community resources listed in the appendix of this policy.

The College is committed to treating all members of the community with dignity, care, and respect. Any individual affected by Sexual Harassment, Sexual Violence, Sexual Exploitation, Stalking, Domestic Violence or Dating Violence, whether as a complainant, a respondent, or a third party, will have equal access to support consistent with their needs and available College resources.

The College encourages complainants to pursue criminal action for incidents of Sexual Harassment, Sexual Violence, Sexual Exploitation Stalking, Domestic Violence and Dating Violence that may also be crimes under state criminal statutes. The College will assist a complainant, at the complainant's request, in contacting local law enforcement and will cooperate with law enforcement agencies if a complainant decides to pursue the criminal process.

Further, while a criminal investigation is initiated at the request of the complainant or at the discretion of law enforcement authorities, a Title IX investigation is not discretionary; a school has a duty under Title IX to resolve complaints promptly and equitably and to provide a safe and nondiscriminatory environment for all students, free from sexual harassment and sexual violence. Because the standards for pursuing and completing criminal investigations are different from those used for Title IX investigations, the termination of a criminal investigation without an arrest or conviction does not affect the school's Title IX obligations.

Of course, criminal investigations conducted by local or campus law enforcement may be useful for fact gathering if the criminal investigation occurs within the recommended timeframe for Title IX investigations; but, even if a criminal investigation is ongoing, a school must still conduct its own Title IX investigation.

### **Confidential Reporting Resources**

Confidentiality means that information shared by an individual with designated campus or community professionals cannot be revealed to any other individual without express permission of the individual. These "confidential resources" include medical providers, mental health providers, ordained clergy and rape crisis counselors, all of whom have privileged confidentiality that has been recognized by the law. These individuals are prohibited from breaking confidentiality unless there is an imminent threat of harm to self or others, or the conduct involves suspected abuse of a minor under the age of 18.

## **Privacy and Release of Information**

The privacy of the parties will be respected and safeguarded at all times. If a report of misconduct discloses a serious and immediate threat to the campus community, the College will issue a timely notification to the community to protect the health or safety of the community. The College may also share non-identifying information about reports received in aggregate form, including data about outcomes and sanctions. At no time will the College release the name of the complainant to the general public without the express consent of the complainant or as otherwise permitted or required by law.

## **Complaint Procedure for Sexual Harassment**

The Title IX Coordinator will meet within five (5) days after a complaint is filed with the complainant to discuss options, resources available, and conduct an initial assessment of the incident or behavior at issue. This assessment based on the complainant's desired course of action, and the necessity for any interim remedies or accommodations to protect the safety of the complainant or the community, will determine Title IX Coordinator's immediate course of action which may include contacting appropriate officials of the College to address specific needs and issues.

After the initial assessment the Title IX Coordinator shall conduct an interview with the complainant for the purpose of determining the complaint/type of alleged harassment, the facts pertaining to time, date, and the name of the alleged perpetrator. Complainants will be informed that in severe instances such as sexual assault, the College is obligated by law to pursue a formal investigation.

If the alleged harassment is not sexual assault and instead is a lesser form of sexual harassment, the Coordinator shall offer the complainant two methods for addressing the complaint- one informal and the other formal. The Title IX Coordinator will also explore with the complainant the resolution the complainant is seeking.

### **Informal Procedure**

The **informal procedure** shall consist of the Title IX Coordinator working with the complainant to seek a quick and satisfactory resolution with emphasis on advising, problem solving, and actions to get the harasser (respondent) to stop the offensive behavior. Every effort will be made through conversation, investigation, reports from witnesses and mediation to provide an opportunity for prompt resolution of the complaint via interaction with the complainant and the respondent. The Title IX Coordinator will maintain a written log of all conversations and investigative information. The complainant may request to end the informal process at any time or in the event that no resolution is achieved the complainant has the right to request a formal investigation.

### **Formal Procedure**

The **formal procedure** is implemented within five (5) days upon receipt of a written statement submitted to the Title IX Coordinator by a complainant. The coordinator will contact the complainant and set up an interview with the intent of clarifying the identification of the alleged harasser(s) and the actions complained of, including relevant background facts and circumstances and names of witnesses.

The Title IX Coordinator will provide prompt notification to the respondent(s) of the Formal Complaint or notice of allegations through certified or express mail, electronic mail or hand delivery. The notification to the Respondent(s) will include a copy of the Formal Complaint, or, in College-Initiated Investigations, a statement of allegations, and a copy of any relevant College Policy and Procedures.

### **College Initiated Investigation**

In a College-Initiated Investigation, a Respondent will be provided with written notice of the allegations forming the basis of the College-Initiated Investigation. A complainant who may have been subject to sexual harassment that forms the basis of a College-Initiated Investigation shall 1) be provided with written notice that the College has commenced a College-Initiated Investigation; 2) upon request, be afforded an opportunity to meet with the Title IX Coordinator; 3) be provided with written notice of the determination of whether a violation of College policy occurred and any sanction or remedial measures imposed in connection with the violation; and 4) be afforded the right to appeal such determination, sanctions or remedial measures in accordance with stated procedures.

### **Investigation of Formal Complaints**

As soon as practicable, the Title IX Coordinator will interview the Complainant. Within three (3) days following the completion of his or her interview with the Complainant, the Title IX Coordinator will notify the appropriate Vice President in writing as to whether or not the allegations set forth in the Complaint, if substantiated, would constitute a violation of College policy. If the Title IX Coordinator's notification indicates that such allegations, if substantiated, would not constitute a violation of College policy, the appropriate Vice President may dismiss the Complaint, and that decision shall be final. The Title IX Coordinator shall provide the Complainant and Respondent(s) with written notice of such dismissal.

In the event that the Title IX Coordinator's notification indicates that the allegations set forth in the Complaint, if substantiated, would constitute a violation of College policy, or if the appropriate Vice President determines that the matter should be investigated, the Title IX Coordinator will conduct a thorough fact-finding investigation and will meet separately with both the

Complainant and the Respondent(s), interview pertinent witnesses and review relevant documents regarding the Formal Complaint. The Title IX Coordinator may consider all relevant information, including evidence of pattern or prior misconduct by the Respondent, credibility of the parties and witnesses, and in very limited circumstances, the prior sexual history of the Complainant with the Respondent. Both parties will be provided the opportunity to provide information and names of witnesses to the Title IX Coordinator.

The investigation shall be completed within thirty (30) days following the assignment of the Formal Complaint to the Title IX Coordinator, unless an extension of time is approved by the appropriate Vice President.

Within five (5) days following the conclusion of the investigation, the Title IX Coordinator will prepare and deliver a report to the appropriate Vice President. The report will include a finding based upon a preponderance of the evidence that 1) the allegations cannot be substantiated, 2) some or all of the allegations are substantiated or 3) the Formal Complaint was knowingly false or malicious. No violation of College policy will be presumed unless a preponderance of the evidence standard supports the finding of a violation. This preponderance of the evidence standard requires that the facts and information supporting each finding are more convincing than the facts and information offered in opposition to such finding. The report will include the basis upon which the Title IX Coordinator reached his or her conclusions. The report will also include the Title IX Coordinator's determination of whether a violation of any College policy has occurred and a recommendation of the sanctions to be imposed, if any.

### **Determination**

Within ten (10) days of receipt of the Title IX Coordinator's report, the appropriate Vice President will convene a meeting with and seek advice from a review panel comprised of the Director of Human Resources, the Title IX Coordinator, and if a student is either the complainant or respondent, the Dean of Students. Prior to the meeting, members of the panel shall be furnished with a copy of the Title IX Coordinator's report and copies of any Complaint or response of the parties. At the meeting, the panel will be afforded the opportunity to ask questions of the Title IX Coordinator. Upon request, the Complainant and the Respondent will be afforded an opportunity to meet with the appropriate Vice President and the panel.

Within five (5) days following the meeting with the panel the appropriate Vice President shall make a written determination whether a violation of College policy has occurred.

In the event the charge of discrimination and/or harassment is not substantiated following the written determination of the appropriate Vice President, reasonable efforts may be taken to restore the Respondent(s) to their prior status.

## **Sanctions and Remedial Measures**

Sanctions will be determined by the appropriate Vice President in consultation with the Director of Human Resources. In the case of a student or recognized student organization, sanctions will be determined and imposed by the Vice President for Academic Affairs in consultation with the Dean of Students.

The appropriate Vice President will send the Complainant and the Respondent the written determination and final outcome of the matter, including sanctions, if any, by certified or express mail, electronic mail or hand delivery. The determination will include the rationale, a description of the parties' appeal rights, and any changes in the outcome before it becomes final. The appropriate Vice President is responsible for imposing the sanction.

Sanctions will be decided on a case-by-case basis and will be in accordance with College policy. Possible sanctions for employees include, but are not limited to, the following: a letter of reprimand, suspension or leave of absence without pay, reassignment of teaching or other responsibilities, denial of a pay increase, demotion, probation or termination. Sanctions for students are listed in Regulations Governing Student Conduct and may include without limitation verbal or written warnings, restrictions, probation, probated suspension, suspension or dismissal.

Remedial measures for students, faculty and staff will be decided on a case-by-case basis. Such measures may include providing an escort to ensure safe movement on campus; ensuring that the Complainant and Respondent do not share classes or extracurricular activities; reassignment within the residence hall; tutoring or other academic support; arranging for extra time to complete or re-take a class or withdraw from a class without academic or financial penalty; job reassignment; targeted training for a group of students, faculty or staff; and other remedies that can be tailored to the needs of the parties.

## **Appeal**

Either party may request a review of the findings or recommendations/sanctions of the appropriate Vice President by submitting a written request to the President. The individual sanctioned for harassment will be afforded a reasonable opportunity to meet with the President to present any defense against the charge and/or against the severity of the sanction imposed. The President will make the final determination and will distribute the written response to all relevant parties.

## **Policy Statement:**

### **Consensual Sexual or Romantic Relationships in the Workplace and Educational Setting**

Saint Mary of the Woods College has a detailed policy regarding consensual sexual and romantic relationships between people in inherently unequal positions. If you are in such a relationship—or thinking about becoming involved in one—there are important risks, prohibitions and requirements that you should understand.

This policy highlights the risks in sexual or romantic relationships in the SMWC workplace or academic setting between individuals in inherently unequal positions; prohibits certain relationships between teachers and students; and requires recusal (from supervision and evaluation) and notification in other relationships.

There are special risks in any sexual or romantic relationship between individuals in inherently unequal positions, and parties in such a relationship assume those risks. In the College context, such positions include, but are not limited to, teacher and student, supervisor and employee, senior faculty and junior faculty, adviser and advisee, coach and athlete and individuals who supervise the day-to-day student living environment and their students.

Because of the potential for conflict of interest, exploitation, favoritism and bias, such relationships may undermine the real or perceived integrity of the supervision and evaluation provided. Further, these relationships are often less consensual than the individual whose position confers power or authority believes. In addition, circumstances may change, and conduct that was previously welcome may become unwelcome. Even when both parties have consented at the outset to a sexual or romantic involvement, this past consent does not remove grounds for a charge based upon subsequent unwelcome conduct.

Such relationships may also have unintended, adverse effects on the climate of an academic program or work unit, thereby impairing the learning or working environment for others – both during such a relationship and after any break-up. Relationships in which one party is in a position to evaluate the work or influence the career of the other may provide grounds for complaint by third parties when that relationship gives undue access or advantage, restricts opportunities or simply creates a perception of these problems.

**For all of these reasons, sexual or romantic relationships--whether regarded as consensual or otherwise--between individuals in inherently unequal positions should in general be avoided and in many circumstances are strictly prohibited by this policy.** Since these relationships can occur in multiple contexts on campus, this policy addresses certain contexts specifically. However, the policy covers all sexual and romantic relationships involving individuals in unequal positions, even if not addressed explicitly in what follows.

## With Students

At a College, the role of the teacher is multifaceted, including serving as intellectual guide, mentor, role model and advisor. This role is at the heart of the College's educational mission and its integrity must be maintained. The teacher's influence and authority can extend far beyond the classroom and into the future, affecting the academic progress and careers of our students.

Accordingly, the College expects teachers to maintain interactions with students free from influences that may interfere with the learning and personal development experiences to which students are entitled. In this context, teachers include those who are entrusted by SMWC to teach, supervise, mentor and coach students, including faculty and academic advisors.

As a general proposition, the College believes that a sexual or romantic relationship between a teacher and a student – even where consensual and whether or not the student is subject to supervision or evaluation by the teacher – is inconsistent with the proper role of the teacher. Not only can these relationships harm the educational environment for the individual student involved, they also undermine the educational environment for other students. Furthermore, such relationships may expose the teacher to charges of misconduct and create a potential liability, not only for the teacher, but also for the College if it is determined that laws against sexual harassment or discrimination have been violated.

Consequently, the College has established the following parameters regarding sexual or romantic relationships with SMWC students:

***First, sexual or romantic relationships between teachers and undergraduate students are prohibited*** – regardless of current or future academic or supervisory responsibilities for that student.

***Second, whenever a teacher has had, or in the future might reasonably be expected to have, academic responsibility over any student, such relationships are prohibited.*** This includes, for example, any faculty member who teaches in a graduate program. Conversely, no teacher shall exercise academic responsibility over a student with whom he or she has previously had a sexual or romantic relationship. "Academic responsibility" includes (but is not limited to) teaching, grading, mentoring, advising on or evaluating research or other academic activity, participating in decisions regarding funding or other resources, clinical supervision, and recommending for admissions, employment, fellowships or awards. In this context, students include graduate and professional school students.



*Third*, certain staff roles (including deans and senior administrators, coaches, supervisors of student employees, student life staff, as well as others who mentor, advise or have authority over students) also have broad influence on or authority over students and their experience at SMWC. For this reason, **sexual or romantic relationships between such staff members and undergraduate students are prohibited**. Similarly, relationships between staff members and other students over whom the staff member has had or is likely in the future to have such influence or authority are prohibited.

When a preexisting sexual or romantic relationship between a College employee and a student is prohibited by this policy – or if a relationship not previously prohibited becomes prohibited due to a change in circumstances – the employee must both **recuse** himself or herself from any supervisory or academic responsibility over the student, and **notify** his or her supervisor, department chair or administrator about the situation so that adequate alternative supervisory or evaluative arrangements can be put in place. Failure to disclose the relationship in a timely fashion will itself be considered a violation of policy.

## **In Other Contexts**

Consensual sexual or romantic relationships between adult employees (including faculty) are not in general prohibited by this policy. However, relationships between employees in which one has direct or indirect authority over the other are always potentially problematic. This includes not only relationships between supervisors and their staff, but also between senior faculty and junior faculty, faculty and both academic and non-academic staff, and so forth.

Where such a relationship develops, the person in the position of greater authority or power must **recuse** him/herself to ensure that he/she does not exercise any supervisory or evaluative function over the other person in the relationship. Where such recusal is required, the recusing party must also **notify** his/her supervisor, department chair, dean or human resources manager, so that person can ensure adequate alternative supervisory or evaluative arrangements are put in place. Such notification is always required where recusal is required. Failure to disclose the relationship in a timely fashion will itself be considered a violation of policy.

The College has the option to take any action necessary to insure compliance with the spirit of this policy, including transferring either or both employees to minimize disruption of the work group.

## **Additional Matters**

The College does recognize that the compensation benefit of tuition remission for spouses and/or dependent children of faculty and staff may create instances where the student/spouse/child and the teacher/spouse/parent are confronted with the issue of the exercise of academic authority over the spouse/child and the potential of impairing the learning or working environment for the spouse/child and others. Every effort will be exercised by the College to limit the academic and work related interactions thereby minimizing the potential for actual or perceived bias, favoritism or undue advantage.

If there is any doubt whether a relationship falls within this policy, individuals should disclose the facts and seek guidance rather than fail to disclose. Questions may be addressed to your supervisor or the appropriate Vice President or to the Title IX Coordinator. In those rare situations where it is programmatically unfeasible to provide alternative supervision or evaluation, the appropriate Vice President or supervisor must approve all evaluative and compensation actions.

Employees who engage in sexual or romantic relationships with a student or other employee contrary to the guidance, prohibitions and requirements provided in the policy are subject to disciplinary action up to and including dismissal, depending on the nature of and context for the violation. They will also be held accountable for any adverse consequences that result from those relationships.

*Employment by a related person in any position (e.g. regular staff or faculty, temporary, casual, third party, etc.) within a department can occur only with the approval of the appropriate Vice President or his/her designee. Under no circumstances may a supervisor hire or approve any compensation action for any employee to whom the supervisor is related. An individual may not supervise, evaluate the job performance, or approve compensation for any individual with whom the supervisor is related.*

All College proceedings are conducted in compliance with the requirements of Title IX, the Clery Act, the Campus SaVE Act, Violence Against Women Act, FERPA, state and local law, and College policy. No information shall be released from proceedings under the Policies, the Procedures or this Standard except as required or permitted by law and College policy. The College reserves the right to notify the parents/guardians of dependent students regarding any conduct situation, particularly probation, suspension and dismissal.