

APPENDIX H: SEXUAL HARASSMENT POLICY

May 6, 1998

Members of the Centre Community,

On March 10th, the College Council approved a new sexual harassment policy which applies to all Centre Faculty, staff, and students. The definition of harassment has not changed. However, there is now a clearly delineated procedure to follow if you feel you have been sexually harassed. Please review this policy and keep it for future reference. If you have any questions, feel free to contact any member of the Sexual Harassment Committee.

Sincerely,

College Council Sexual Harassment Committee

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I. Policy and Definition

No member of the Centre College community may engage in sexual harassment of another. Any employee or student of Centre College will be subject to disciplinary action by the College for violation of this policy.

Centre College's definition of sexual harassment is based on the Equal Employment Opportunity Commission guidelines, modified by the underlined phrases below:

Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when 1) submission to such conduct is made either explicitly or implicitly a requirement of employment or participation in an academic program or activity, 2) submission to or rejection of such conduct by an individual is used as the basis for employment or academic decisions affecting the individual or 3) such conduct has the purpose or

effect of unreasonably interfering with an individual's work or academic performance or creating an intimidating, hostile, or offensive working, academic, or campus environment. (29 C.F.R. 1604.11 (a) 1988; underlined parts are modifications.)

The College recognizes two types of sexual harassment. The first type is quid pro quo ("something for something") harassment, where sexual activity is demanded in exchange for an actual, tangible job or academic benefit; the second type is hostile environment harassment, where there is not necessarily a loss or gain to a tangible job or an academic benefit, but where the conduct creates an environment that may impair another individual's academic or professional performance, or hinder his or her ability to function within the community.

Examples of unacceptable verbal expression or physical conduct which may constitute sexual harassment include, but are not limited to:

1. direct or implied threats that submission to sexual advances will be a condition of employment, work status, promotion, grades, or letters of recommendation; intimidating conduct which exerts pressure for sexual favors, including inappropriate behavior or offensive advances (e.g., sexual propositions when the other person has made it clear that he or she is not interested) without threat of punishment for non-compliance and without promise of reward for compliance; a pattern of conduct in class, in the workplace, or in the general campus environment that a reasonable person would identify as creating a sexist atmosphere, that is, an atmosphere that demeans or oppresses people simply by virtue of their sex. Examples of such patterns of conduct might include persistent denigration of women or men through sexist humor or remarks, assignment according to gender of tasks that are not gender-specific, or other activities that by alienating or discouraging members of one sex tend to impair their academic or professional performance or their ability to function within the community (e.g., hanging of signs in Cowan which depict women/men in a derogatory manner, yelling sexist remarks from windows as men/women walk by);
2. behavior that would discomfort or humiliate a reasonable person through one or more of the following: i) inappropriate touching, patting, hugging, or brushing against a person's body, ii) remarks of a sexual nature about a person's clothing or body, iii) remarks about sexual activity or speculation about previous sexual experience or sexual orientation, or iv) other sexually suggestive remarks or insults.

The purpose of this policy is to reaffirm the College's commitment to respect the individual and to enhance the College community's level of consciousness regarding gender issues. This policy is not intended to limit claims of academic freedom. In particular, the policy does not limit classroom teaching concerning sexual topics legitimately related to the content or purposes of a course, even though such topics may elicit discomfort in some class member. Nor is this policy intended to limit scholarly research, publication, or public speaking on gender-related topics.

This policy applies to all College-related activities, both on campus and off.

II. PROCEDURES

Complaints of sexual harassment may be pursued as formal grievances according to the established procedures of the College. A Sexual Harassment Advisory Committee has been formed.

The Sexual Harassment Advisory Committee consists of seven members representing the following three groups: two students, appointed by the President in consultation with the Dean of Student Life; two Faculty members, appointed by the President in consultation with the Dean of the College; one member of the professional staff; one member of the hourly staff; and one member of the Student Life Office staff, all appointed by the President.

There will be at least one male and one female from each of these groups (students, Faculty, staff). Members of the committee will be appointed for a minimum term of two years and should be appointed in such a manner that the continuity of the membership is ensured. The Director of Human Resources serves as a consultant to the committee.

The Sexual Harassment Committee's primary purpose will be to educate the College community about sexual harassment and the sexual harassment policy and procedures. Should a person seek a committee member's assistance, the member may serve as an advocate for that individual, for example during the reporting process, if the complainant so desires. The committee will also periodically review and recommend any changes to the policy, based on new or changing interpretations of the laws.

The members of the Sexual Harassment Committee, along with those individuals identified to accept formal complaints, will receive training in the College's policy and procedures regarding sexual harassment. The Human Resources Department will provide training on an annual basis.

This policy seeks to encourage students, staff, and Faculty to express freely, responsibly, and in an orderly manner, their concerns regarding sexual harassment. Any act of retaliation by a College employee, student or representative of the College which interferes with or penalizes an individual for exercising his/her rights to file a complaint, will result in appropriate and prompt disciplinary action, including possible termination or expulsion.

Students seeking to discuss incidents or situations on a totally confidential basis may speak with the counselors at Comprehensive Care ("Comp Care") and Faculty and staff may consult with

similar counselors at Professional Consultation Associates, the College's provider for the Employee Assistance Program.

Comprehensive Care and Professional Consultation Associates are independent organizations not bound by Centre College's policies on reporting and investigating sexual harassment. No report of a sexual harassment incident, which is made to either organization, will be communicated to the College, nor shall any such report constitute notice to the College of any such incident.

Phone Number for Comprehensive Care: (606) 236-2726

Phone Number for Professional Consultation Associates: (606) 236-4245

In an effort to provide clear and specific reporting procedures, and to ensure fairness and consistency to all parties, the Sexual Harassment Committee has outlined the following steps for addressing sexual harassment complaints:

1. Individuals may contact any member of the Sexual Harassment Committee for general information, for further explanation of the Sexual Harassment Policy, or to discuss the possibility of filing a complaint.

Once a College representative (including any member of the Sexual Harassment Committee) receives allegations of sexual harassment containing sufficient details to identify the accused, a formal investigation must ensue. Because the College is required by law to investigate these matters, the representative must report that information to an appropriate College official. The Committee member will assist the complainant in contacting Human Resources or the appropriate designated College representative as outlined in section three (3) below.

Once a formal investigation has begun, complete confidentiality may not be possible. Complete confidentiality could handicap the investigator's ability to conduct a thorough investigation of the allegations and could also damage the rights of the accused to respond to the allegations. Attempts will be made to preserve confidentiality and only those in the administration with a legitimate need to know shall be kept apprised of the details of an investigation. In addition, the complainant, the accused, and any third-party interviewees shall be advised of the need to preserve confidentiality.

2. As an alternative to contacting a Committee member, the complainant may go directly to the designated College representatives listed below. An individual may contact a designated College representative to gain information about the process and/or to file a formal complaint with the College.

Students should report all formal complaints to the Dean of Student Life. Professional and Support staff should report formal complaints to the Director of Human Resources and Administrative Services. Faculty members should report formal complaints to the Vice President for Academic Affairs or Associate Dean.

Alternatively, the complainant has the option of contacting any of the designated College representatives listed above with whom he/she feels most comfortable.

When the designated College representative receives an allegation of sexual harassment, written or unwritten, he/she shall discuss the matter with the Director of Human Resources to determine the appropriate action and to ensure that the allegation is properly investigated since the College is required by law to take action consistent with its policy and procedures.

3. Those individuals designated to accept a formal complaint shall request the complainant to submit a detailed written statement of the alleged incident(s). The formal statement must be signed and dated.
4. The Director of Human Resources and a designated College representative will initiate an investigation upon receipt of a complaint. The investigators shall strive to maintain a neutral, objective, and unbiased investigation in obtaining all pertinent facts.

Should either the Director of Human Resources or a designated College representative be either the complainant or the accused party, the College legal counsel may serve as an alternate.

5. Withdrawal of a complaint will not necessarily result in the termination of the College's investigation into the allegations.
6. False and malicious charges may result in sanctions being imposed against the complainant by the College, and may lead to charges being filed against the complainant by the accused.
7. At the conclusion of an investigation, both the complainant and the accused will be apprised of the results. If there is a finding of inappropriate behavior, prompt disciplinary action, including possible termination or expulsion, will be taken.

8. Should disciplinary action be taken, the following guidelines should be followed:

Student disciplinary action will be taken by the Dean of Student Life; Professional and Support Staff disciplinary action will be taken by the immediate supervisor and the Director of Human Resources; Faculty disciplinary action will be taken by the Vice President for Academic Affairs

9. After a judgment has been rendered, either party may choose to avail himself/herself of the established grievance procedures:

Procedures for Judicial Action for students are fully described in the Student Handbook under the Sexual Assault policy -- On-Campus Judicial Process. Grievance procedures for Professional and Support Staff are fully described in the staff handbooks. Grievances involving Faculty members are fully describe under the Review Board section in the Faculty Handbook.

10. Final appeals should follow the grievance procedures outlined above.

11. When any investigation of a complaint of sexual harassment is completed, the file containing all documentation relating to the complaint will be maintained in the Human Resources Department in a separate confidential file.

Documentation on any disciplinary action will be maintained in accordance with the following guidelines:

- (a) Documentation will be maintained in the student's file, which resides with the Dean of Student Life.
- (b) Documentation will be maintained in the Professional and Support Staff's personnel file, which is maintained in the Human Resources Department.
- (c) Documentation will be maintained in the Faculty's personnel file in the Human Resources Department and within the office of the Vice President for Academic Affairs.