

SEXUAL HARASSMENT POLICY (1990)

In keeping with its mission statement and in compliance with the requirements of Title VII of the Civil Rights Act of 1964 as amended, and of Title IX of the Education Amendments of 1972 as amended, Capital University explicitly forbids and will not tolerate any conduct by employed personnel or by its students that is culpable under the generic legal term "sexual harassment."

SECTION I. RATIONALE

A. Sexual harassment is a form of sexual discrimination and, as such, is a violation of the law. Quite apart from its illegality, sexual harassment subverts the mission of the university and threatens the careers, educational experience and well-being of students, faculty and staff. Relationships involving sexual harassment or discrimination have no place within the university. In both obvious and subtle ways, the very possibility of sexual harassment is destructive to individual students, faculty, staff and the academic community as a whole. When, through fear of reprisal, a student, faculty member or staff member submits or is pressured to submit to unwanted sexual attention, the university's ability to carry out its mission is undermined.

B. Sexual harassment is especially serious when it threatens relationships between teacher and student or between supervisor and subordinate. In such situations, sexual harassment exploits unfairly the power inherent in a faculty member's or supervisor's position. Through grades, wage increases, recommendations for graduate study, promotions 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 university and beyond.

C. While sexual harassment most often takes place in situations of a power differential between the persons involved, the university also recognizes that sexual harassment may occur between persons of the same university status.

SECTION II. PROHIBITED ACTS

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

A. submission to such conduct is made explicitly or implicitly a term or condition of an individual's employment or status in a course, program or activity; or

B. submission to or rejection of such conduct is used as a basis for an employment or educational decision affecting an individual; or

C . such conduct has the purpose or reasonably foreseeable effect of unreasonably interfering with an individual's work or educational performance or of creating an intimidating, hostile or offensive environment for work or learning.

SECTION III. EXAMPLES OF SEXUAL HARASSMENT

Sexual harassment encompasses any sexual attention that is unwanted. Examples of verbal, visual, or physical conduct prohibited by this policy may include, but are not limited to:

- A. physical assault;
- B. direct or implied threats that submission to sexual advances will be a condition of employment, work status, promotion, grades, or letters of recommendation;
- C. direct propositions of a sexual nature;
- D. repeated unwanted staring;
- E. sexually suggestive or insulting sounds or gestures (e.g., whistling or leering);
- F. subtle pressure for sexual activity;
- G. a pattern of conduct (not legitimately related to the subject matter of a course, if one is involved) that is intended to discomfort or humiliate, or both, that includes one or more of the following: (1) comments of a sexual nature, or (2) sexually explicit statements, questions, jokes or anecdotes;
- H. a pattern of conduct that would discomfort or humiliate, or both, a reasonable person at whom the conduct was directed that includes, but is not limited to, one or more of the following: (1) unwanted touching, patting, hugging, or brushing against a person's clothing or body; (2) remarks of a sexual nature about a person's clothing or body; (3) disparaging remarks about one's gender; or (4) remarks about sexual activity or speculations about previous sexual experience.

SECTION IV. INVESTIGATION AND ENFORCEMENT

Anyone believing that a provision of this policy has been violated is encouraged to report the violation to the appropriate authority. Complaints regarding sexual harassment will be received, promptly investigated and vigorously pursued. A determination that this policy has been violated will result in appropriate disciplinary action up to and including dismissal.