

Drake University Policy on Sexual Harassment

I. INTRODUCTION. Drake University strives to foster respect for the dignity and worth of all members of the University community by providing an educational and professional environment free of unwanted sexual advances, requests for sexual favors, and other verbal or physical conduct or intimidation.

II. STATEMENT OF POLICY. Sexual harassment of students, faculty or staff is not tolerated at Drake University. Sexual harassment undermines the mission of the University through its insidious and detrimental impact on individual students, faculty, staff, and on the University community as a whole. Sexual harassment stifles the realization of the victim's full potential as a student, faculty or staff member. Sexual harassment is especially serious when it threatens relations between teacher and student or supervisor and subordinate by unfairly exploiting the power differential between the parties in the relationship. Likewise, Drake University does not tolerate sexual harassment between people of equal University status. It is the policy of Drake University to provide education on the subject of sexual harassment. A variety of measures are recommended to offset potential problems:

1. Sensitize faculty, staff and students to the issue and ramifications of sexual harassment.
2. Express intolerance of sexual harassment.
3. Inform faculty, staff and students of the procedures in filing a sexual harassment complaint and encourage that all questions of sexual harassment be resolved informally or formally via the University sexual harassment complaint process.
4. Assure that all supervisors are aware of their responsibilities, the University's policy, the laws and potential liabilities when violations occur.
5. Provide in the case of consensual relationships between a supervisor and supervisee that either party may confidentially request to the appropriate department head or dean a change of supervisor.
6. Regard each claim of sexual harassment as being serious and investigate immediately as outlined in "Procedures."

III. DEFINITION OF SEXUAL HARASSMENT

1.0 Definition

Sexual harassment is defined as unwelcome advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature when:

1. 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;

2. Submission to or rejection of such conduct is used as a basis for an employment or educational decision affecting an individual, or;
3. Such conduct has the purpose or 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.

These definitions are in accordance with federal and state civil rights acts including Title IX of the Education Amendments of 1972, Title VII of the Civil Rights Act of 1964 as amended and the Iowa Code Section 601A.9.

2.0 Examples

Sexual harassment occurs in a variety of circumstances that tend to share a common element: the inappropriate introduction of sexual conduct or comments in the work or educational setting. Often, sexual harassment involves relationships of unequal power, and contains elements of coercion as when compliance with requests for sexual favors becomes a condition of employment, work, education, study or benefits. Sexual harassment may also involve relationships among equals, as when repeated sexual advances or demeaning verbal or physical behavior have a harmful effect on a person's ability to study or work at the University. Examples of sexual harassment include, but are not limited to:

1. physical assault, indecent exposure, physical contact of a sexual nature, or realized sexual encounters;
2. direct or implied threats that submission to sexual advances will be a condition of employment, work status, promotion, grades or letters of recommendation;
3. direct propositions of a sexual nature;
4. a subtle pressure for sexual activity or a pattern of conduct (not legitimately related to the subject matter of a course, if one is involved) intended to disconcert, distress or humiliate through sexual comments or sexually explicit statements, questions, jokes or anecdotes;
5. a pattern of conduct that would disconcert, distress or humiliate a reasonable person of the same sex as the person at whom the conduct was directed. The pattern of conduct includes one or more of the following: unnecessary touching, unwanted staring, patting, hugging or brushing against a person's body; remarks of a sexual nature about a person's clothing or body; or remarks about sexual activity or speculations about previous sexual experience.

IV. PROCEDURES

Any member of the Drake faculty, staff or student body who believes he/she has been subjected to unlawful discrimination, as defined in the University's sexual harassment policy, may initiate the following informal and formal actions for complaint resolution.

All complaints of discrimination related to sexual harassment will be handled promptly and treated with as much discretion as practicable. Access of information provided by the complainant will be available only to those persons on a reasonable need-to-know basis.

1.0 Informal Procedure

The purpose of the informal procedure is to provide an opportunity to mediate a mutually acceptable resolution between the parties. A complainant is encouraged to use the informal procedure prior to a formal complaint process.

1. A complainant may initiate an informal procedure for resolution of a sexual harassment complaint by contacting any appropriate member of the University community including any academic or administrative official of the University such as human resources, dean of students, any dean, department head, or supervisor or Cabinet level officer for counseling and assistance.

2. In an informal procedure, the University official will counsel the complainant concerning the options available under the sexual harassment policy and, at the complainant's request, may help the complainant mediate the complaint informally.

3. If the complainant chooses to proceed with an informal complaint, the University official will inform the accused person(s) of the nature of the complaint, identity of the complainant and actions available under the sexual harassment policy. If the complainant chooses not to proceed with an informal or formal complaint, no written record of the complaint will be kept.

4. A written summary of the informal mediation proceedings will be made and retained by the University official. A copy of the summary shall be sent to Human Resources.

5. An informal complaint must be made within 180 days of the alleged sexual harassment incident.

2.0 Formal Procedure

1. If a complaint can not be resolved informally or if the complainant chooses to take the complaint through the formal procedure, the complainant may elect to initiate the formal complaint procedure.

2. A sexual harassment complaint must be made, in writing, to Human Resources, 1331 27th Street (or other person designated by the President), and should be sent in an envelope marked "Personal and Confidential" within 180 days of the alleged sexual harassment incident, or if an informal complaint has been filed, within 30 days of the final action on that complaint. The written complaint must include the following information: name, address, and telephone number of the complainant; nature of the complaint; date(s) and location of the occurrence; evidence on which the complaint is based and redress sought by the complainant.

3. In cases not involving students, the Human Resources (or other person designated by the President) will normally begin an investigation of the alleged sexual harassment complaint within twenty (20) days of receipt of the written complaint. The Director may request assistance

in investigating a complaint of sexual harassment from an ad hoc group selected by the University EEO Committee, as appropriate.

4. When a formal sexual harassment complaint is made against a student (who is not also an administrator, staff member or faculty member), the procedures established in the Code of Student Conduct will be followed.

5. The investigation will provide an opportunity for both the complainant and the accused person(s) to submit facts and to identify witnesses to be interviewed. Human Resources shall be authorized to interview witnesses identified by any party. Upon completion of the investigation, Human Resources will provide a written report of the formal investigation which details the findings and any recommended actions to the appropriate department head, dean and provost/vice president. If the facts are so disputed that the Director cannot make fact findings, the Director shall issue a finding of probable cause to institute further proceedings. The Director will also provide a quarterly report to the University EEO Committee on the nature and action of each complaint related to sexual harassment without identifying details of the complaint or the names of the parties involved.

6. If the report recommends action against a faculty member that could lead to severe sanctions, including possible dismissal, Human Resources shall recommend that the dean of the school or college of the faculty member initiate the process leading to official hearings in accordance with the principles and procedures specified in the Academic Charter and in its appendices and in the Statements on Policy and Procedure for the Dismissal of Tenured or Nontenured Faculty applicable to the Standing Committee of the Faculty Senate on Academic Freedom and Tenure (April 1991).

7. If the report recommends action against a person who is not a faculty member, Human Resources shall recommend that the designated University official initiate official hearings and the appropriate grievance procedures as detailed in the student handbook, staff handbook and bargaining unit contract.

8. If no probable cause is shown from the investigation, the complainant may appeal, in writing, to the President of the University within ten (10) days of the no probable cause finding. The complainant will be notified from the President's Office, in writing of his/her decision.

V. SANCTIONS.

Remedial actions will depend upon the severity of the incident. Because of the private nature of sexual harassment incidents, and the emotional and moral complexities surrounding such issues, every effort will be made to resolve problems on an informal basis if possible. A confidential record of the investigation and settlement will be kept on file in the office Human Resources. If formal charges are pursued, sanctions will be applied in accordance with disciplinary procedures applicable to the person charged. As a result of the investigation process, the Director may recommend that the designated university official initiate official hearings and the appropriate grievance procedures as detailed in the student handbook, staff handbook, faculty manual and bargaining union contract.

Examples of possible sanctions include, but are not limited to, participation in developmental educational programs related to sexual harassment; warning letters; poor job performance ratings impacting upon salary, work assignment, promotion and contract renewal; and suspension, expulsion or termination. The sanction or penalty administered under this policy will depend upon all circumstances, including, but not limited to, the offending party's prior record and the specifics regarding the nature of the violation.

VI. ANTI-RETALIATION STATEMENT.

Retaliation of any kind against anyone filing a complaint of sexual harassment is prohibited.

Initiating a complaint of sexual harassment will not affect the complainant's employment, compensation or work assignments, or, in the case of students, grades, class selection or any other matter pertaining to student status.

Distinguishing between sexually harassing conduct and conduct that is purely personal or social without a discriminatory work or educational effect requires a determination based on all of the facts pertaining to the situation. False accusations of sexual harassment can seriously injure innocent people. Initiating a false sexual harassment complaint or initiating a sexual harassment complaint in bad faith may result in disciplinary action. A finding for the accused does not constitute a finding that the complaint was in bad faith.

VII. IMPLEMENTATION.

To assure that all faculty, staff and students of the University are aware of this Policy and the University's commitment to the establishment and maintenance of a working and academic environment free from sexual harassment, copies of this Policy will be placed permanently on designated bulletin boards and included in faculty, staff and student handbooks.

Faculty Senate, December 11, 1991, revised April 1996
Board of Trustees, January 12, 1992, revised April 1996