

SALEM STATE UNIVERSITY

POLICY AGAINST SEXUAL HARASSMENT

EFFECTIVE: JULY 1, 2007

IDENTIFICATION OF INSTITUTIONAL OFFICERS

**MR. KEVIN S. DOUGWILLO, DIRECTOR OF HUMAN RESOURCES & EQUAL
OPPORTUNITY**

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INTRODUCTION

Salem State University prohibits any member of the University Community, male or female, from sexually harassing another employee, student or other person having dealings with the University. The University is committed to providing a working, living and learning environment that is free from all forms of sexually abusive, harassing or coercive conduct. This policy seeks to protect the rights of all members of the University Community (faculty, librarians, administrators, staff, and students) and other persons having dealings with the University, to be treated with respect and dignity.

Sexual harassment is a form of behavior that fundamentally undermines the integrity of academic and employment relationships. It is of particular concern within educational institutions where all members of the community, including students, faculty, librarians, staff and administrators, are connected by strong bonds of intellectual interdependence and trust. Both the federal courts and the Equal Employment Opportunity Commission have ruled that sexual harassment constitutes sex discrimination as defined by Title VII of the Civil Rights Act of 1964. Sexual harassment has also been judged to be prohibited sex discrimination under Title IX of the Higher Education Amendments of 1972 as amended, and under Chapters 151B and 151C of the Massachusetts General Laws.

DEFINITION

Salem State University, in response to the issue of sexual harassment, provides the following definition, which applies to any individual of either sex who participates in the University Community as a student, faculty member, teaching assistant, resident assistant, librarian, administrator, staff member, vendor, contractor, patron, visitor or other person having dealings with the institution:

Sexual harassment consists of unwelcome verbal, non-verbal and/or physical behavior of a sexual nature that has the effect of interfering with a person's academic, employment or other status, or of creating a sexually intimidating, hostile or offensive environment. Sexual harassment incidents can involve a male harasser and a female victim, a female harasser and a male victim, and also same gender same sex harassment and harassment because of gender identity or orientation.

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 term or condition of an individual's employment or education;

2. submission to, or rejection of, such conduct by an individual is used as a basis for academic or employment decisions affecting that individual;
3. such conduct has the purpose or effect of substantially interfering with an individual's academic or professional performance or creating a sexually intimidating, hostile or offensive employment, educational or living environment.

EXAMPLES OF SEXUAL HARASSMENT

Behaviors that, either alone or in combination, may constitute sexual harassment under this Policy include, but are not limited to, the following:

1. verbal harassment or abuse on the basis of sex;
2. direct or indirect propositions of a sexual nature;
3. repeated unsolicited propositions for dates and/or sexual intercourse;
4. demands for sexual favors accompanied by implied or overt threats or that submission to sexual advances may favorably affect employment, work status, promotion, grades, or letters of recommendation, or that rejection of sexual advances may produce a negative effect;
5. subtle pressure for sexual activity, one element of which may be conduct such as repeated or unwanted staring;
6. sexual slurs, sexual innuendos, and other comments about an individual or group's clothing, body, weight, body shape, size or figure;
7. continuous idle chatter of a sexual nature and graphic sexual descriptions;
8. discussing one's sexual activities, practices or experiences;
9. asking another person about their sexual activities, practices or experiences;
10. offensive and persistent "risqué" jokes or jesting and kidding about sex or gender-specific traits;
11. suggestive or insulting sounds such as whistling, wolf-calls, or kissing sounds;
12. sexually provocative compliments about a person's clothes or the way their clothes fit;
13. comments or questions about the sensuality, sexuality, gender identity or sexual orientation of a person, or his or her spouse or significant other;

14. pseudo-medical advice such as “you might be feeling bad because you didn’t get enough”;
15. telephone calls of a sexual nature;
16. “staged whispers” or mimicking of a sexual nature about the way a person walks, talks, sits, etc.;
17. distribution or display of objects, written or graphic materials that are of a sexual nature, such as cartoons, pictorial erotica, nude photographs or posters (such as a nude magazine centerfolds) for no legitimate academic purpose;
18. invading another’s “personal space”;
19. sexual looks such as leering and ogling with suggestive overtones;
20. lewd gestures, such as hand or sign language to denote sexual activity, licking lips or teeth, or holding or eating food provocatively;
21. continuous “pet” name calling, such as “baby,” “sweetie” or “honey”;
22. referring to men in general as “dogs” or “swine” or to women as “bitches” or “chicks”;
23. persistent and unwelcome flirting;
24. attempted or actual kissing or fondling;
25. unnecessary touching, patting, pinching or physical touching of any kind that is sexual in nature; and/or
26. physical sexual assault, coerced sexual intercourse, attempted rape or rape.

A pattern of any of the above-listed behaviors that would tend to bring discomfort or humiliation to a reasonable person at whom the behaviors were directed may constitute sexual harassment.

Members of the academic community should not assume that any of the forms of speech described above are protected by the principles of academic freedom or the First Amendment to the United States Constitution.

CONSENSUAL RELATIONSHIPS

Under this Policy, consenting romantic and sexual relationships between faculty and student, librarian and student, administrator and student, classified staff member and student or supervisor and employee are deemed unprofessional. Because such relationships interfere with or impair required professional responsibilities and relationships, they are looked upon with disfavor and are strongly discouraged under this Policy.

Codes of Ethics for most professional associations forbid professional-client sexual relationships. In this context, and for purposes of this Policy, the professor-student relationship is properly regarded as one of professional and client. The respect and trust accorded a professor by a student, as well as the power exercised by the professor in giving praise or blame, grades, recommendations for further study and employment, and other benefits or opportunities diminish the student's actual freedom of choice such that relationships thought to be consensual may in fact be the product of implicit coercion. Many elements of the administrator-student, librarian-student, classified staff member-student and the supervisor-employee relationship are similar to those of the professor-student relationship because of a similar imbalance of power and a similar need for trust. For purposes of this Policy, therefore, these relationships are also discouraged and looked upon with disfavor.

Faculty, librarians, administrators, classified staff members and supervisors are warned against the dangers of apparently consensual relationships. A faculty member, librarian, administrator, or classified staff member who enters into a romantic or sexual relationship with a student, or a supervisor who enters into such a relationship with an employee, where a power differential exists, must realize that, if a charge of sexual harassment is subsequently lodged, it will be exceedingly difficult to disprove the claim on the grounds of mutual consent. Because that is so, it should be understood that relationships of this kind pose serious professional risks to any who enter into them.

INSTITUTIONAL MEASURES TO CONFRONT SEXUAL HARASSMENT

Whenever it has been properly determined that sexual harassment has occurred, Salem State University will take prompt and corrective action, including appropriate disciplinary action. In determining whether the alleged conduct constitutes sexual harassment, the University will look at the entire record and the circumstances, such as the nature of the sexual conduct and the context in which the alleged incidents occurred, and will make a decision on a case-by-case basis.

The University is committed to promoting, to the greatest degree possible, an environment free from sexual harassment. To this end, the University will take the following steps:

1. Distribute this Policy against sexual harassment to all segments of the University Community on an annual basis;
2. Post this Policy against sexual harassment; and

3. Conduct educational programs for the University Community regarding the causes, character and consequences of sexual harassment as well as the steps available to stop such practices on the campus.

INSTITUTIONAL COMPLAINT PROCEDURES

Salem State University has established specific internal complaint procedures to help resolve claims and complaints of discrimination on its campus and within the University Community. These procedures will also specifically address claims and complaints of sexual harassment. The Discrimination Complaint Procedures serve as a system of review and resolution for both informal claims and formal complaints of sexual harassment in hiring, employment and education. Any applicant for admission or employment, or any other member of the University Community who believes that he or she has been a victim of sexual harassment may initiate an informal claim or formal complaint as outlined in the Discrimination Complaint Procedures. Further advice or information may be obtained by contacting the Director of Human Resources & Equal Opportunity.

DUTY TO REPORT

Federal and state laws and regulations place certain requirements on the Salem State University regarding the reporting of sexual harassment. No member of the University Community who receives a complaint of sexual harassment can ignore it; he or she should give to the person making the complaint as much assistance in bringing it to the attention of the Director of Human Resources & Equal Opportunity as is reasonably appropriate given his or her position at the University and relationship with the person making the complaint. Any trustee, administrator, department chair, program coordinator, manager or supervisor who receives a complaint of sexual harassment from a student or other member of the University Community has a legal duty to report the complaint to the Director of Human Resources & Equal Opportunity as soon as he or she becomes aware of it.

Similarly, all students, faculty, staff, administrators, and others having dealings with the institution are encouraged to report to the Director of Human Resources & Equal Opportunity any conduct of which they have direct knowledge and which they in good faith believe constitutes sexual harassment in violation of this Policy.

Any member of the University Community who has a question about his or her responsibilities under this policy should contact the Director of Human Resources & Equal Opportunity.