

## SEXUAL HARASSMENT AND VIOLENCE POLICY

Policy as established by Administrative Council, Alfred Adler Graduate School.

As members of an education community, students, faculty, staff and administrators must be able to operate in mutual trust and respect. Any violation of trust, whether by physical attack, intimidation or exploitation, is disruptively harmful and will not be tolerated. Students, faculty, staff, and administrators must be assured that the Administrative Council will take action to prevent such misconduct and, if it occurs, persons responsible will be subject to disciplinary action. Incidents of sexual violence will be treated as violations of the code of criminal sexual conduct and dealt with by the law. It is against institutional policy for any member of the school community to take action against any individual for reporting an incident of sexual violence.

In the enrollment and employment process, students and employees will be informed of the Graduate School's policy, and signatures attesting to same will be gathered.

The Graduate School will inform victims of sexual harassment or violence of their rights under the Crime Victim's Bill of Rights, including the right to assistance from the Crime Victim's Reparations Board and the office of Crime Victim's Ombudsman. Institutional policy and procedure will be posted at appropriate locations at all times.

Victims' Rights at a minimum:

1. Filing criminal charges with local law enforcement officials in sexual assault cases.
2. The prompt assistance of school authorities, at the request of the victim, in notifying the appropriate law enforcement officials and disciplinary authorities of a sexual assault incident.
3. An investigation and resolution of sexual assault complaints by institutional authorities.
4. A sexual assault victim's participation in and the presence of the victim's attorney or other support person at any disciplinary proceeding concerning a sexual assault charge.
5. Notice to a sexual assault victim of the outcome of any institutional disciplinary proceedings concerning a sexual assault complaint, consistent with laws relating to dating practices.
6. The complete and prompt assistance of institutional authorities, at the direction of law enforcement authorities, in obtaining, securing, and maintaining evidence in connection with a sexual assault incident.
7. The assistance of institutional authorities in preserving for a sexual assault victim materials relevant to institutional disciplinary proceedings.
8. The assistance of institutional personnel, in cooperation with the appropriate law enforcement authorities, at a sexual assault victim's request, in shielding the victim from unwanted contact with the alleged assailant, including transfer of the victim to alternative classes or employment station if such changes are feasible.

The Office of Civil Rights of the U.S. Department of Education has issued the following statement on sexual harassment:

*Sexual harassment of students is a real and increasingly visible problem of serious consequence in higher education. A sexual harassment experience can affect all aspects of a student's life; it can threaten a student's emotional well-being, impair academic progress, and even inhibit the attainment of career goals.*

*Most sexual harassment incidents involve a male harasser and a female victim although there have been several reported cases involving female harassers and male victims, as well as same-sex harassment. Other forms of discrimination, such as that based on race, may be combined with an incident of sexual*

*harassment and further compound the severity of its effect and the difficulty of its resolution. Whatever the circumstances, academic institutions must address the problem in order to ensure all students a just and equal learning opportunity.*

*Sexual harassment in educational institutions is not simply inappropriate behavior; it is against the law. Sexual harassment of students is a violation of Title IX of the 1972 Education Amendments in that it constitutes a differential treatment on the basis of sex.*

## DEFINITIONS

Using the definition contained in the Equal Employment Opportunity Commission guidelines, the 1984 *Policy Statement on Sexual Harassment* defines sexual harassment as follows:

*Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitutes sexual harassment when: (1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or academic advancement, (2) submission to or rejection of such conduct by an individual is used as the basis for employment decisions or academic decisions affecting such individual, (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 or academic environment.*

Sexual harassment can occur in situations where one person has power over another, but it can also occur between equals. Both men and women can be sexually harassed. Sexual harassment can be as blatant as rape or as subtle as a look. Harassment under the third part of the definition often consists of callous insensitivity to the experience of others.

*Sexual assault:* *Under Minnesota law, sexual activity, including sexual penetration or sexual conduct carried out under coercion, with the threat of a weapon, through the threat of bodily harm, through a position of authority, or when the victim/survivor is mentally handicapped or physically helpless constitutes criminal sexual conduct.*

*By Minnesota law, having a previous relationship of any nature, including prior sexual contact with the victim/survivor is not an accepted defense for sexual assault. The victim/survivor does not need to prove that she/he resisted and another witness is not needed to prosecute the case. The relative age of the persons involved, the victim's/survivor's fear of bodily harm to self or another, the use of threat to use a weapon by the perpetrator, and the infliction of either physical or emotional anguish upon the victim/survivor are among the criteria taken into account by Minnesota State Law on Criminal Sexual Conduct.*

## PROCEDURES:

Members of the Graduate School's community who believe themselves to have been sexually harassed or assaulted may properly seek assistance from institutional officials listed hereto. Whether or not a person consults an institutional official, there are options of making an informal or formal complaint as outlined below. No retaliatory action may be taken against any person who makes a complaint or any member of the Graduate School's community who serves as an advisor or advocate or is an object of a complaint.

**INFORMAL COMPLAINT:** The object is to resolve the difference in a way satisfactory to the complainant and the person complained against. Suggested early steps:

1. Tell the person that you are not comfortable with his/her behavior and wish it to stop.
2. Write to the person (retaining a copy).
3. Discuss with one of the institutional officials listed hereto (hereafter referred to as "advisors"). Such discussions will be kept confidential, with no formal complaint necessary. No specific circumstances, including name of persons involved, will be reported to anyone else without written permission of the person making the complaint. Incidents should be reported within 30 days of occurrence.

#### RESOLUTION:

1. Should the person discussing the informal complaint with the advisor be willing to be identified to other institutional representatives (advisors), a panel may be formed with the complainant's written permission.
2. If the person making the complaint identifies the person against whom the complaint is made and wishes to attempt an informal resolution, the panel will make a confidential record of the circumstances (signed by the complainant) and make suggestions as to resolution.
3. If a number of people report incidents of sexual harassment which have occurred in public, or when the panel receives complaints from a number of people, the panel may inform the person informed against without identifying the complainants.

#### FORMAL COMPLAINT:

1. A formal complaint must include a written statement directed to the Graduate School's president, signed by the complainant, specifying the incident of sexual harassment. The president will direct a panel to investigate the complaint and present its findings and recommendations.
2. With the complainant's written consent specifying the individual(s) involved, the panel will decide whether circumstances reported warrant an investigation.
3. If investigation is deemed to be warranted, the panel will inform the person complained against of the name of the complainant and the circumstances of the complaint. The investigation will be limited to what is necessary to resolve the complaint or to make recommendations. If it appears to be necessary to speak to any people other than those involved in the complaint, it will be done only after informing the complainant and the person complained against.
4. The panel's first priority will be to arrive at an agreement acceptable to both the complainant and the person complained against.
5. The panel will remain in communication with the complainant until the complaint is resolved and will be informed of procedures followed, although not of specific conversations with the person complained against.
6. The panel will resolve complaints expeditiously. To the extent possible, this is to be interpreted as to be within 60 days.
7. If the person making the complaint asks to be unidentified until some later time, the panel will decide whether to withhold further action until date requested.
8. The panel will be aware of the right of the person complained against to confidentiality.

#### RESOLUTION: After the investigation, the panel will:

1. Resolve the complaint to the satisfaction of the complainant and the person complained against and report its findings and resolution to the president, or
2. Report its findings and recommendations to the president, or
3. Report to the president that there is insufficient evidence to support the complaint.
4. Following receipt of a written report from the panel, the president will determine if further investigation is needed.
5. After conducting its investigation, the panel will make a written report to the president. If it is determined that there has been sexual harassment and corrective action is recommended, the panel will specify the circumstances and the action recommended.

#### RECOMMENDED CORRECTIVE ACTION:

The purpose of any recommended corrective action to resolve a complaint will be to correct or remedy the injury, if any, to the complainant and to prevent further harassment. Such recommendations may include verbal reprimand, suspension, or dismissal. The panel has no authority to take any action beyond making a recommendation. Any action to dismiss, transfer, or suspend is solely within the purview of the president.

**FALSE CHARGES:**

If the panel determined that a false complaint was made by any member of the Graduate School's education community, the panel will notify the president and recommend appropriate disciplinary action.

**SEXUAL VIOLENCE:**

All persons in the Graduate School's education community are subject to and must abide by U.S., Minnesota and local statutes and ordinances relating to criminal sexual assault. The Graduate School will do whatever possible to offer safety, privacy and support to the victim/survivor of sexual assault. Assisting the victim is the Graduate School's primary concern. The Graduate School will assist the victim to contact the appropriate agency (listing attached). If the assault takes place on school premises, the victim should immediately report to the administrative office for assistance. Graduate School representatives may not reveal the name of the victim unless he/she chooses to be identified. The administrative office will at all times have readily available names and numbers of local law enforcement agencies and sexual assault centers that are to be called for immediate help. If the assault takes place at other than school premises, the victim should immediately make contact with the local law enforcement agency and sexual assault center. The Alfred Adler Graduate School's administration should be notified for support and assistance.