

Acts of Intolerance and Harassment GOV 1.0

Human Resources/Academic Affairs/Student Affairs

Policy type: Institutional (institutional, administrative, operational)
Applies to: faculty, staff, student employees, students, and volunteers

POLICY DATES (required)

Issued: 7/1/2016

Last Revised:

Reviewed:

The University of Mount Union will not tolerate behavior that in any way undermines the emotional, physical or ethical integrity of any member of its community.

Definitions

Term	Definition
Harassment	Includes, but is not limited to, any unwelcome verbal or non-verbal conduct directed at an individual or group of individuals due to their race, religion, ethnic origin, gender, sexual orientation, or disability, when 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 environment for working, learning, or living on campus.
Sexual Harassment	Sexual harassment includes unwelcome sexual advances, requests for sexual favors and other physical or verbal conduct of a sexual nature when it meets any of the following: <ol style="list-style-type: none">1. Submission to such conduct is either explicitly or implicitly made a condition of employment or academic standing or where there is an implied or expressed promise of reward or threat of negative consequence for refusal;2. Submission to or rejection of such conduct by an individual is used as the basis for employment or academic decisions affecting such individual; or3. 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 environment for working learning or living on campus

Policy Details (required)

As an educational community, Mount Union has made a commitment to work toward a campus that is free from discrimination and that celebrates the diversity of its various community members.

Mount Union seeks to protect and enhance the personal safety, dignity, and self-respect of each member of the campus community. Moreover, the University will use its influence to encourage the entire community to treat its students, faculty, staff and affiliated visitors in a manner consistent with the principles of this statement. Academic freedom can only exist when all are free to pursue ideas in a non-threatening, non-coercive atmosphere of mutual respect.

It is imperative that campus community members report acts of intolerance. If these acts go unreported, then the opportunity for assistance and education is lost. Silence perpetuates the idea that there are no problems stemming from intolerant behavior at Mount Union. Any incident of discrimination or

harassment that involves race, gender, sexual orientation, religion, disability, age, economic status or national origin should be reported.

Nothing in this document shall be construed to limit an individual's rights to freedom of political or artistic expression, or other expressions of an academic nature. In particular, the expression of political opinions about issues both on campus and in the wider national and international community explicitly does not constitute harassment. Works of art created or presented by students, faculty and other members of the community are similarly protected.

PROCEDURE (required)

- I. Grievance Procedure for Acts of Intolerance or Harassment
 - a. Informal Grievance Procedure
 - i. Any campus community member with a complaint of harassment against a student should discuss this complaint with the associate dean of students*. If appropriate and desired by the complainant, the associate dean of students will arrange a meeting between the two parties and assist in the discussion of the complaint. The complainant has the right to end this informal grievance process at any time and proceed to the formal grievance procedure. If the complainant does not desire an informal meeting, the associate dean of students will assist him/her in the completion of the formal grievance procedure outlined below. The informal grievance procedure will not be used to address complaints that involve sexual assault.
 - b. Formal Grievance Procedure
 - i. Any campus community member who wishes to make a formal complaint of harassment against a student should submit a detailed written report about the allegations to the associate dean of students*. The report should include information about the dates, time, place, participants' names and the harassing behavior. The associate dean of students will discuss the report with the complainant to ensure clear and thorough understanding of the allegations. Every effort will be made to maintain the confidentiality of information regarding the complaint.
 - ii. The associate dean of students, with the knowledge of the complainant, will contact the accused student to discuss the accusation. Investigation of a harassment complaint may include interviewing other persons necessary to obtain sufficient information on which to make a determination of the situation. The accused student will receive written notice of the allegations and the specific violations of the Student Code of Conduct with which the student is being charged.
 - iii. A hearing will be scheduled before an administrative hearing officer or Student Conduct Board, as assigned by the dean of students or his/her designee. The accused student and the complainant will be afforded all rights outlined in the procedures of the Student Disciplinary Process, which can be found in the Student Handbook.
 - iv. The hearing officer or Board will make a determination of responsibility based upon the preponderance of evidence. If the accused student is found to be responsible for the alleged harassment, he/she will be sanctioned in accordance with the Student Code of Conduct. Based on Title IX of the 1972 Educational Amendments, the complainant will be informed of the determination of responsibility. However, the Family Educational Right to Privacy Act prohibits the disclosure to the complainant of any sanctions placed against the accused student unless they directly involve the complainant (i.e. letters of apology to

complainant, restrictions on contact, etc.), or if the accused student is charged with a crime of violence against the complainant.

- v. Disciplinary action shall be taken against any person found to have willfully falsified a claim of harassment. It is also a violation of this policy to retaliate against another member of the campus community for bringing forward a claim of harassment.

II. Procedures for Faculty/Staff Member to Student Harassment

a. Informal Grievance Procedure

- i. Any student with a complaint of harassment against a faculty or staff member should discuss this complaint with the associate dean of students*. If appropriate the associate dean of students will contact the director of human resources and employee development to discuss the allegations.
- ii. If desired by the complainant, the director of human resources and employee development will arrange a meeting between the student and the accused faculty/staff member and assist in the discussion of the complaint. The associate dean of students may act in an advisory role for the student upon his/her request.
- iii. The complainant has the right to end this informal grievance process at any time and proceed to the formal grievance procedure.
- iv. If the complainant does not desire an informal meeting, the associate dean of students and the director of human resources and employee development will assist him/her in the completion of the formal grievance procedure outlined below.
- v. The informal grievance procedure will not be used to address complaints that involve sexual assault.

b. Formal Grievance Procedure

- i. Any student who wishes to make a formal complaint of harassment against a faculty/staff member should submit a detailed written report about the allegations to the director of human resources and employee development.
- ii. The report must include information about the dates, times, place, participants' name(s), and the harassing behavior.
- iii. The director of human resources and employee development will discuss the report with the complainant to ensure clear and thorough understanding of the allegations. Every effort will be made to maintain the confidentiality of information regarding the complaint.
- iv. The director of human resources and employee development will contact the appropriate vice president and advise him or her of the accusations.
- v. The director of human resources and employee development, with the knowledge of the complainant, will contact the accused to conduct a thorough investigation of the allegations.
- vi. Investigation of a harassment complaint may include interviewing other persons necessary to obtain sufficient information on which to make a determination of the situation.
- vii. The director of human resources and employee development will then make a determination if the accusations can be substantiated and, if so, refer the accusations to the appropriate vice president for action in accordance with the guidelines specified in the appropriate personnel handbook.
- viii. Disciplinary action shall be taken against any person found to have willfully falsified a claim of harassment. It is also a violation of this policy to retaliate against any person found to have willfully falsified a claim of harassment.
- ix. It is also a violation of this policy to retaliate against another member of the campus community for bringing forward a claim of harassment.

Responsibilities (required)

Position or Office	Responsibilities
Associate Dean	Listen to and provide information to students with complaints Arrange a meeting between the two parties and assist in the discussion of the complaint Assist complainant in the completion of the formal grievance process Discuss reports with the complainant to ensure clear and thorough understanding of the allegations Contact the accused student to discuss the accusation
Director of Human Resources	Discuss the complaint with the complainant Discuss the allegations with the Associate Dean of Students if appropriate If desired by complainant, arrange a meeting between the students and the accused faculty/staff member Assist in the discussion of the complaint Assist the complainant in the completion of the formal grievance procedure Discuss reports with the complainant to ensure clear and thorough understanding of the allegations Contact the appropriate vice president and advise them of the accusations Contact the accused and conduct a thorough investigation Determine if the accusations can be substantiated

Resources (required for any resource referred to in the policy)

- Office of Diversity and Inclusion
- Office of Counseling Services

Contacts (required)

Position	Office	Telephone	E-mail/URL
Associate Dean of Students	Student Affairs	(330) 823 – 2243	Studentaffairs@mountunion.edu
Director of Human Resources	Human Resources	(330) 829 – 6560	humanresources@mountunion.edu

History (Optional)

All changes must be listed sequentially, including edits and reviews. Note when the policy name or number changes.

Issued:

Revised:

Edited:

Reviewed:

Template updated 00/00/0000