

University of Detroit Mercy Sexual Harassment Prevention Policy

POLICY STATEMENT

It is the policy of the University of Detroit Mercy to maintain an educational and working environment that stresses the dignity of all individuals. Sexual harassment, therefore, will not be tolerated at the University in any context, by any of its students, faculty, employees, independent contractors, vendors, visitors and others who do business with the University.

This policy statement affirms the University's commitment to:

- Educate, train and counsel all members of the University community about the harm caused by incidents of sexual harassment
- Maintain an environment free from hostility and harassing behaviors
- Affirm the ethical obligation of each member of the University community to foster a learning and working environment free from sexual coercion, intimidation, and exploitation
- Encourage and address good faith complaints of sexual harassment in a manner that takes prompt corrective action and protects individuals from retaliation
- Establish and maintain multiple procedures for resolving complaints of sexual harassment
- Protect the confidentiality of all aspects of sexual harassment investigations

Sexual harassment constitutes a form of sex discrimination which is illegal under Michigan Compiled Laws Annotated 37.2101 – 37.2210, Title VII of the Civil Rights Act of 1964, and Title IX of the Education Amendments of 1972. In addition to any sanctions that may be imposed by the University of Detroit Mercy as a result of this policy, individuals who sexually harass others may be held personally liable to their victims and subject to additional sanctions.

DEFINITION OF SEXUAL HARASSMENT

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

- Submission to or toleration of such conduct is made, either explicitly or implicitly, a term or condition of an individual's employment, education, living environment, or participation in a University activity; or
- Submission to or rejection of such conduct by an individual is used as a basis for or a factor in decisions affecting that individual's employment, education, living environment, or participation in a University activity; or

- Such conduct that is so severe, persistent, or pervasive that a reasonable person would find that it alters the terms or conditions of a person's employment or educational experience, or unreasonably interferes with an individual's employment, educational, living environment of participation in a University activity, thus creating an intimidating, hostile, or offensive environment.

BEHAVIORS THAT MAY CONSTITUTE SEXUAL HARASSMENT

The following behaviors may constitute sexual harassment. The examples are provided as mere illustrations of conduct that may, combined with other factors, rise to the level of sexual harassment. Conduct alleged to be sexual harassment will be evaluated by considering the totality of the circumstances, including but not limited to, the nature, frequency, duration, intensity and location of the questioned behavior. Even an isolated incident, if serious, can be sufficient.

Discriminatory behavior that does not include conduct of a sexual nature is not covered by this Sexual Harassment Policy. However, other forms of impermissible and/or illegal discriminatory conduct are addressed by other University policies prohibiting discrimination. In the event an individual alleges there has been discriminatory action in addition to unwelcome conduct of a sexual nature the University will assess the matter under the policy prohibiting the type of discrimination alleged in addition to under this Sexual Harassment Policy and/or any other applicable University policy.

A. Unwanted Sexual Statements

- Unwanted sexual statements can be made in person, in writing, electronically and otherwise. The following is an illustrative, not exhaustive, list of examples of unwanted sexual statements: Sexual slurs, sexual innuendos, and other comments about a person's clothing, body, and/or sexual activities;
- Unwelcome distribution of written or graphic materials that are offensive and of a sexual nature (including distribution via electronic means);
- Explicit comments of a sexual nature about weight, body shape, size, or figure;
- "Staged whispers" or mimicking of an explicit sexual nature about the way a person walks, talks, sits, etc.
- Repeated unsolicited propositions for dates and/or sexual intercourse.
- Displaying or distributing sexually explicit drawings, pictures or written material.

B. Unwanted Physical Advances

- Unwelcome touching that is inappropriate in the workplace or classroom such as: patting, pinching, stroking, or brushing up against the body;
- Touching oneself sexually for others to view;
- Unwanted attempts to kiss or fondle;
- Sexual assault;
- Unwanted Intercourse.

C. Unwelcome Gestures and Other Non-Verbal Behavior

- Sexual looks such as leering and ogling with suggestive sexual overtones;
- Lewd gestures, such as hand or sign language to denote sexual activity;
- Persistent and unwelcome flirting.
- Comments or images that offend on the basis of gender, sexuality, or sexual orientation.
- Use of personal electronic equipment while at the University (i.e. cellular phones, PDAs, laptops, etc.), to download or display explicit sexual content or images, including any comments or images that would offend on the basis of gender, sexuality, or sexual orientation.

D. Sexual Misconduct

In an emergency situation that involves possible criminal sexual misconduct or in the event of criminal sexual assault please notify Public Safety at (313) 993-1234.

Listed below are examples of criminal sexual misconduct:

- Physical assaults;
- Coerced sexual intercourse;
- Attempted rape or rape.

CONSENSUAL RELATIONSHIPS

A. In General.

There are special risks in any sexual or romantic relationship between individuals in inherently unequal positions of power. In the University context, such positions include (but are not limited to) teacher and student, supervisor and employee, senior faculty and junior faculty, mentor and trainee, teaching assistant and student, coach and athlete, preceptor and student, staff and student, and the individuals who supervise the day-to-day student living environment and student residents. These relationships may, moreover, be less consensual than the individual whose position confers power believes. The relationship is likely to be perceived in different ways by each of the parties to it, especially in retrospect. The asymmetry of the relationship can lead to a potentially exploitive relationship. Where such a relationship exists, the University will in general be unsympathetic to a defense based upon consent when the facts establish that a professional staff-student, supervisor-employee, senior faculty-junior faculty, mentor-trainee, teaching assistant-student, preceptor-student, or supervisor-student resident power differential existed within the relationship.

B. With Students

Romantic and/or sexual relationships between faculty and student, even mutually consenting ones, are a basic violation of professional ethics and responsibility when the faculty member has any responsibility for the student's academic performance or professional development.

For the foregoing reasons, all romantic and/or sexual relationships between faculty and students in the instructional context are prohibited. No faculty member shall have a romantic and/or sexual relationship, consensual or otherwise, with a student who is enrolled in a course being taught by the faculty member or whose academic work is being supervised, directly or indirectly, by the faculty member.

Romantic and/or sexual relationships between faculty and students that occur outside of the instructional or supervisory context may also lead to difficulties. The asymmetry of the faculty-student relationship can lead to a potentially exploitive relationship. Where such a relationship exists, the University will in general be unsympathetic to a defense based upon consent when the facts establish that a professional faculty-student, staff-student, or coach-student power differential existed within the relationship.

RESPONSE TO CONCERNS ABOUT SEXUAL HARASSMENT

A. Prevention and Education

The University is committed to preventing and eliminating sexual harassment of students, faculty, and staff. To that end, this policy will be published on the University's web site. In addition, information regarding sexual harassment and this policy will be included in orientation materials for new students, faculty, and staff. Printed copies will also be made available in appropriate locations on each campus including the offices of Human Resources, Office of Academic Affairs, and the Dean of Student's Office.

Further, appropriate educational sessions will be conducted by the University on an ongoing basis to (1) inform students, faculty, and staff about identifying sexual harassment and the problems it causes, (2) advise members of the University community about their rights and responsibilities under this policy, and (3) train personnel in the administration of this policy.

B. Assistance with Sexual Harassment Concerns

The Human Resources, Academic Affairs and Student Affairs offices share responsibility for ensuring and monitoring the University's compliance with federal and state nondiscrimination laws. However, a discrimination-free environment is the responsibility of every member of the community. The University can take corrective action only when it becomes aware of problems. **Therefore, the University encourages persons who believe that they have experienced or witnessed sexual harassment to come forward immediately with their inquiries, reports, or**

complaints and to seek assistance within the University. Individuals also have the right to pursue a legal remedy for sexual harassment in addition to or instead of proceeding under this policy.

C. Confidential Counseling

Information about or assistance with sexual harassment issues may be obtained from a variety of University resources. Prior to or concurrent with lodging a sexual harassment complaint, individuals may find it helpful to consult with a counselor or otherwise seek assistance. The following offices provide advice and support to individuals who believe they are experiencing sexual harassment. All information shared with these offices will remain confidential to the extent permitted by law and University policy. Discussions with representatives of these offices will not be considered a report to the University regarding the problematic behavior and will not, without additional action by the complainant, result in intervention or corrective action.

Psychology Clinic (Faculty, Staff)

(313) 578-0570

<http://liberalarts.udmercy.edu/programs/depts/psychology/clinic/>

University Employee Assistance Program (Faculty, Staff)

(800) 538-3543

http://www.udmercy.edu/hr/benefits/disabilityplan/pdf/EAP_Flyer.pdf

Personal Counseling (Students Only)

(313) 993-1459

<http://www.udmercy.edu/slo/wellness/counseling/>

Student Health Center (Students Only)

(313) 993-1185

<http://www.udmercy.edu/slo/wellness/healthcenter/index.htm>

D. Other University Resources

The following University Offices can also provide information regarding this policy:

Women's and Gender Studies (Faculty, Staff, Students)

<http://liberalarts.udmercy.edu/programs/special/wgs/index.htm>

(313) 993-3387

University Ministry (Faculty, Staff, Students)

<http://www.udmercy.edu/ministry/>

(313) 993-1560

Human Resources Department (Faculty, Staff)

(313) 993-1036

<http://www.udmercy.edu/hr/>

Academic Affairs (Faculty Only)

<http://www.udmercy.edu/academicaffairs/>

(313) 993-1585

Residence Life (Students Only)

http://www.udmercy.edu/reslife/contact_us/index.htm

(313) 993-1230

International Services Office (Students Only)

<http://www.udmercy.edu/apply/international-students/iso/contact/index.htm>

(313) 993-1205

Dean of Students (Students Only)

<http://www.udmercy.edu/slo/office/index.htm>

(313) 993-1028

E. Procedures for Reporting and Responding to Reports of Sexual Harassment

1. Filing Reports of Sexual Harassment

All members of the University community may complain to the University about alleged sexual harassing behavior by contacting an appropriate University official, including the Provost and Vice President for Academic Affairs, Dean of Academic Colleges and Schools, a Director or Department Head, the Dean of Students, the Associate Vice President of the Human Resources Department, the leadership of the UDMPU, and the Department of Public Safety.

If you are a student that believes you have been subject of sexual harassment contact the Dean of Students at 313-993-1028.

If you are a staff member that believes you have been the subject of sexual harassment, contact the Associate Vice President for Human Resources at 313-993-1036.

If you are faculty member that believes you have been the subject of sexual harassment please contact Provost and Vice President for Academic Affairs at 313-993-1585.

Reports of sexual harassment shall be brought as soon as possible after the alleged conduct occurs.

Prompt reporting will enable the University to investigate the facts, determine the issues, and provide an appropriate remedy or disciplinary action. However, the University shall respond to reports of sexual harassment to the greatest extent possible, taking into account the amount of time that has passed since the alleged conduct occurred.

2. Investigations Generally

Each complaint of sexual harassment must be evaluated with reference to the pertinent circumstances. On occasion, a complaint will be resolved informally. Informal resolutions are voluntary, and either party may request that a formal investigation of the complaint be commenced at any time.

Other complaints will result in investigations, which will generally include interviews and review of evidence, such as electronic and written material, if any exists. Both the complainant and the alleged harasser will be notified of the outcome of an investigation.

If the conclusion of an investigation is that sexual harassment has occurred, the University will take prompt and appropriate remedial action, including (if appropriate) disciplinary action to eliminate the harassment and prevent its reoccurrence.

F. Corrective Action

Corrective action could include a requirement not to repeat or continue the harassing or retaliatory conduct, a reprimand, denial of a pay increase, reassignment, suspension and termination. The severity of the punishment will depend on the frequency and severity of the offense and any history of past discriminatory or retaliatory conduct. A finding of sexual harassment may be cause for the separation of the offending party from the University, in accordance with University procedures, including, for qualified faculty, the procedures set forth in the UDMPU contract. Every effort will be made to assure University-wide uniformity of sanctions for similar offenses.

G. University Action

The University may assume the role of a complainant and pursue a report or complaint of sexual harassment. The University may respond to complaints or reports by persons external to the University community about alleged sexually harassing conduct by University employees. If the accused is a UDMPU faculty member, the Provost and Vice President for Academic Affairs or executive authority of the relevant unit may initiate the procedures at any stage in the process, if the circumstances indicate that such action is warranted.

H. Reporting Requirements

To assure University-wide compliance with this policy and with federal and state law, the Human Resources Department must be advised of all reported incidents of sexual

harassment and their resolution. The Human Resources Department will monitor repeated complaints within the same unit or against the same individual, where identified, to assure that such complaints are appropriately handled.

I. Retaliation

No person, including parties and witnesses, exercising his or her rights and/or responsibilities under the Sexual Harassment Policy and Procedures shall be subject to retaliation or threat of retaliation in any form. Retaliation shall be defined to include, but not be limited to, those actions directed against an individual on the basis of or in reaction to the exercise of rights accorded and/or defined by this policy which affect a person's employment, advancement, scholarship, performance, habitation, and/or property. A finding of retaliation or a threat of retaliation shall constitute a separate violation of this policy, subject to separate or consolidated disciplinary procedures, and is not dependent upon a finding of a violation of any other section of the policy. Complaints of retaliation shall be made to the Human Resources Department.

J. Confidentiality

The University of Detroit Mercy is committed to balancing the interests of all parties involved in sexual harassment complaints and will attempt to keep the name of the complainant confidential and to respect the rights of the accused harasser. However, the University recognizes that there are certain situations which may require disclosure of information. Further, when credible information received through an investigation shows that there may be violations of other University policies, and then the appropriate officials will be notified.

K. False Charges

A person who knowingly and intentionally files a false complaint under this policy is subject to disciplinary action, up to and including discharge for employees and dismissal for students.