



MIDWESTERN UNIVERSITY  
Standard Policy

Division: All University

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| SUBJECT: Anti-Harassment Policy   |                             | POLICY NUMBER: |         |
| APPROVED BY:<br><i>Kathleen H. Goeppinger PhD</i><br>Kathleen H. Goeppinger, Ph.D.<br>President and Chief Executive Officer | ISSUE<br>DATE:<br>10/1/2020 | SUPERSEDES:    | Pages:4 |

## PURPOSE

Midwestern University ("the University") is committed to providing all members of the academic community with a professional atmosphere that promotes equal opportunities and prohibits unlawful discriminatory practices based on legally protected statuses and prohibits conduct or behavior, which is disrespectful and has the effect of substantially interfering with the individual's performance, or creates an intimidating, hostile or offensive learning/working environment. This policy/procedure establishes a protocol whereby those who believe they have been harassed may obtain relief promptly and equitably through the complaint procedures of the University.

## POLICY

It is the policy of the University to provide an environment that is free from harassment because such conduct seriously undermines the atmosphere of trust and respect that is essential to a healthy work and academic environment. The conduct prohibited by this policy includes all unwelcome conduct (whether verbal, physical or visual) based on an individual's protected status, such as race; color; religion; creed; national origin or ancestry; ethnicity; sex (including pregnancy); gender (including gender expression, gender identity; and sexual orientation); marital status; age; disability; citizenship; past, current, or prospective service in the uniformed services; genetic information; or any other protected classes recognized by state or local laws, or any other characteristic protected under applicable federal, state, or local laws.

This policy applies to all members of the Midwestern University academic community.

**Harassment Defined:** Harassment is offensive and unwelcome behavior that interferes with the work performance and effectiveness of an employee and feelings of safety and well-being. It includes inappropriate and disrespectful conduct and communication. Harassment can take the form of, but is not limited to, the following:

**Verbal:** Epithets, derogatory jokes or comments, slurs or unwanted sexual advances, invitations or comments.

**Visual:** Derogatory and/or sexually-oriented posters, photography, e-mails, cartoons,

drawings or gestures.

Physical: Assault, unwanted touching, blocking normal movement or interfering with work.

Quid Pro Quo: Explicit or implicit demands to submit to sexual requests in order for an employee to keep his or her job, or to avoid some other loss, and offers of employment benefits in return for sexual favors.

Retaliation: Actions of revenge, directed towards one who has reported or threatened to report harassment.

Teasing and/or negative stereotyping: Derogatory actions or comments; based on another person's protected status.

These examples are illustrative only and do not constitute an exhaustive list. Any individual unsure of what unlawful harassment means should consult with Human Resources.

## **SEXUAL HARASSMENT:**

Sexual harassment deserves special attention. Sexual harassment may involve the behavior of a person of either gender against a person of the opposite or same gender, and occurs when such behavior constitutes unwelcome sexual advances, unwelcome requests for sexual favors, and other unwelcome verbal or physical behavior of a sexual nature where:

- ▶ Submission to or rejection of such conduct by an individual is used as a basis for academic or employment decisions affecting the individual's welfare;
- ▶ Such conduct has the purpose or effect of substantially interfering with an individual's welfare, academic or work performance, or creates an intimidating, hostile, offensive, or demeaning education or work environment;
- ▶ Such conduct includes the display of sexually suggestive objects in work or study areas that may embarrass or offend individuals. (Such material, if used in an educational setting, should be related to educational purposes); or
- ▶ Such conduct includes unwelcome sexual propositions, invitations, solicitations, flirtations; unwelcome and inappropriate touching, patting, or pinching; and obscene gestures.
- ▶ Other examples of prohibited behaviors are: Unwelcome verbal expressions of a sexual nature, including graphic sexual commentary about a person's body, dress, appearance, or sexual activities; the unwelcome use of sexually degrading language, jokes or innuendoes; unwelcome suggestive or insulting sounds or whistles; and obscene phone calls.

This policy applies to all members of the university academic community, and encourages the prompt report of all complaints about harassment. All persons who violate this policy shall be subject to disciplinary action, which may include, but is not limited to, written warning, demotion,

transfer, suspension, and discharge.

A third party may also file a complaint under this policy if the sexual conduct of others in the educational or work environment has the purpose or effect of substantially interfering with the third party's welfare, academic or work performance.

Even where the conduct is not sufficiently severe or pervasive to rise to the level of a legal violation, the University discourages any such conduct in the workplace and reserves the right to take remedial action for all workplace conduct it deems inappropriate. This action may include, but is not limited to, written warning, demotion, transfer, suspension, and/or discharge.

### **RESPONSIBILITIES:**

All members of the Midwestern University academic community must share the responsibility of understanding and preventing discrimination and harassment. But, ultimately, no satisfactory investigation or resolution of complaints can occur without the initiative and continued cooperation of the injured person. Individuals who believe they have been discriminated against or harassed have the primary obligation of informing their supervisor or Human Resources Department of the act of discrimination, harassment or retaliation, recounting specific actions or occurrences whenever possible.

No retaliatory action shall be taken against anyone who submits a complaint, regardless of the outcome of the investigation; however, any person found to be intentionally dishonest in making the allegations or to have made them maliciously is subject to discipline.

In addition to Midwestern University's commitment to equal employment opportunity, any retaliation against any individual for making a good faith internal report of conduct, act, or practice believed to violate this policy is strictly prohibited. Any person found to be intentionally dishonest in making allegations or to have made them maliciously, will be subject to disciplinary action.

### **COMPLAINT PROCEDURES:**

Any member of the academic community, who believes that he or she has experienced or witnessed any conduct that is inconsistent with this policy, must immediately notify the Assistant Vice President of Human Resources or Assistant Director of Human Resources, the Vice President of Human Resources & Administration, or the President, Chief Executive Officer. These individuals are authorized by this policy to receive, investigate and act upon complaints of harassment.

All reports describing conduct that may be inconsistent with this policy will be investigated promptly, impartially and thoroughly.

This may include the gathering of information, interviewing of witnesses, and review of materials provided by one or both parties to the complaint. The University may put reasonable interim measures in place, such as a leave of absence or a transfer, while the investigation proceeds. The University will take further appropriate action once the report has been thoroughly investigated and a conclusion rendered. Based on the investigation, the University may conclude that a violation occurred; that no violation of policy occurred; or that Midwestern University cannot conclude

whether a violation occurred.

If the University concludes that a violation of this policy or other inappropriate conduct has occurred, then Midwestern University will promptly take corrective action, including discipline up to and including dismissal, as is appropriate under the circumstances and in accordance with the University's progressive discipline procedures, regardless of the job positions of the parties involved. Midwestern University may discipline or discharge or expel anyone for inappropriate conduct under this policy, regardless of whether the conduct amounts to a violation of law. If the person who violated this policy is not employed by the University, then Midwestern University will promptly take whatever corrective action is reasonable and appropriate under the circumstances.

In investigating and in imposing any discipline, the University will attempt to preserve confidentiality to the greatest extent possible under the circumstances, consistent with the need to conduct a complete and responsive investigation.

Consistent with this policy, Midwestern University maintains posters on the Human Resources bulletin boards that set forth the legal definition of harassment and identify governmental agencies to contact for information on how and when to file administrative and legal claims for harassment.

Any person electing to utilize this complaint resolution procedure will be treated courteously, the problem handled swiftly and as confidentially as feasible in light of the need to take appropriate corrective action, and the registering of a complaint will in no way be used against the employee, nor will it have an adverse impact on the individual's employment status. Employees are strongly urged to utilize this procedure. However, filing groundless and malicious complaints is an abuse of this policy and is prohibited.

If the alleged discrimination, harassment or retaliation is not within their area of responsibility or oversight, officers, managers and supervisors must notify the Human Resources Department or other appropriate management employee, who must then take prompt steps to address the allegation.

The Assistant Vice President of Human Resources has the primary responsibility of implementing this Policy. In particular, the Human Resources Department will respond to inquiries and complaints from management and employees regarding discrimination, sexual harassment, other harassment, or retaliation; maintain records of these inquiries and complaints as well as their resolution. Together with the University and other staff, the Human Resources Department will also provide information and education to the employees and management on recognizing, understanding, and combating unlawful discrimination and harassment.

#### **ACCEPTANCE OF POLICY:**

All members of the Midwestern University academic community have a personal responsibility to conduct themselves in compliance with this policy and to report all observations of conduct inconsistent with this policy. If you have any questions concerning this policy, please contact the Human Resources Department.