

# MISSISSIPPI VALLEY STATE UNIVERSITY

## SEXUAL HARASSMENT POLICY

### I. STATEMENT OF POLICY

Mississippi Valley State University is committed to the principle that the working and learning environment be free from inappropriate conduct of a sexual nature. Sexual harassment is inappropriate, unprofessional, and illegal behavior that will not be tolerated by the University. Individuals who engage in such conduct will be subject to disciplinary action.

### II. SCOPE OF POLICY

This policy applies to all administrators, faculty, staff, and students and is applicable regardless of the gender of the complainant or the alleged harasser.

### III. DEFINITION

**A. Sexual Harassment** - Sexual harassment includes unwelcome sexual advances, requests for sexual favors, or verbal or physical conduct of a sexual nature when:

1. Submission to such conduct is made either explicitly or implicitly a term or condition of employment or student status.
2. Submission to or rejection of such conduct is used as a basis for evaluation in making personnel or academic decisions affecting that individual; or
3. Such conduct has the purpose or effect of unreasonably interfering with an individual's performance as an administrator, faculty member, staff, or student, or creating and intimidating, hostile or offensive environment.

**B. Example** – Examples of behavior that could be considered sexual harassment include but are limited to:

1. Physical contact of sexual nature including touching, patting, hugging, or brushing against a person's body;
2. Explicit or implicit proposition or offers to engage in sexual activity;
3. Comments of a sexual nature including sexually explicit statements, questions, jokes, or anecdotes; remarks of a sexual nature about a person's clothing or body; remarks about sexual activity; speculation about sexual experience;

4. Exposure to sexually oriented graffiti, pictures, posters, or materials; and/or
5. Physical interference with, or restriction of, an individual's movements.

#### IV. INFORMAL COMPLAINT PRECEDURES

This process may be used as a prelude to filing a formal complaint or, as an alternative. It is necessary that this option be used. Anyone who believes that he or she has been subjected to sexual harassment may immediately file a formal complaint as described in Section V of this policy. An individual wishing to utilize the options under the informal process should contact the Director of Human Resources or if the complainant is a student, the Vic President for Student Affairs.

- A. **Consultative Services** – are a part of the informal process and are designed to provide a member of the university community an opportunity to discuss specific concerns in a confidential setting. Assistance will be provided to help the employee understand the definition and the legal implications of sexual harassment.
- B. **Informal Assistance** – The complainant is aided in attempting to resolve possible sexual harassment if the complainant does not wish to file a formal complaint. Such assistance may include strategies for the complainant to inform the offending party that his or her behavior is unwelcome and should cease, action by an appropriate University official to stop the unwelcome conduct, or informal mediation.
- C. **Confidentially** – The university will endeavor to maintain confidentiality to the extent permitted by law. Where the complainant's desire to maintain anonymity constrains attempts at establishing facts and eliminating the potential harassment, the University will attempt to find the right balance between the complainant's desire for privacy and confidentiality, and the responsibility of the University to provide an environment free of sexual harassment. However, not all circumstances will allow the complete confidentiality and, the University may take more formal action in cases of egregious sexual harassment.

## **V. FORMAL COMPLAINT PROCEDURE**

### **A. Reporting**

1. Mississippi Valley State University encourages any person who believes that he or she has been subjected to sexual harassment to immediately report the incident to (1) the appropriate supervisor of the accused faculty member or employee, (2) to the Director of Human Resources or, (3) when a student is complainant or the accused individual, to the Vice President for Student Affairs. In no case will a complainant be required to report such behavior to the person accused in the misconduct. The complainant will be advised of the procedures for filing a formal complaint of sexual harassment at the time he or she reports the alleged harassment. When a supervisor or the Vice President for Student Affairs receives a complaint, he or she will immediately notify the Director of Human Resources.
2. In order to initiate the investigation process, the complainant should submit a written statement setting out the details of the conduct that is the subject of the complaint. While an investigation may begin based on an oral complaint, the complainant is strongly encouraged to file a written complaint. When a supervisor or the Vice President of Student Affairs received a complaint with a written statement, he or she shall immediately notify the Director of Human Resources.

### **B. Compliant Investigation**

1. The Director of Human Resources and/or the Vice President for Student Affairs will investigate all complaints that are supported by a written statement, as appropriate. If the complaint is not in writing, the investigator should prepare a statement of what he or she understands the complain to be and seek to obtain verification of the complaint from the complainant.
2. As part of the investigation process, the accused individual shall be provided with a copy of the complaint and allowed a reasonable time to respond in writing.
3. Any persons thought to have information relevant to the complaint shall be interviewed and such interviews shall be appropriately documented. Other acceptable methods for gathering information include, but are limited to, visual inspection of materials alleged to be offensive and follow-up interviews, as necessary.

4. The investigation of a complaint will be concluded as soon as possible after receipt of the written complaint. The Vice President for Academic Affairs shall review investigations exceeding sixty (60) days, and justification documented. The complainant accused individual, and supervisor will be provided an update on the progress of the investigation after the interview.
  5. Upon completion of the investigation, a written report will be submitted to the appropriate administrative head. A copy of the report shall be sent to the appropriate vice president. The report shall include findings, a recommendation as to whether disciplinary action should or should not be pursued against the accused individual and a proposed disciplinary penalty, if disciplinary action is recommended. Recommendations for disciplinary action regarding faculty and staff will be handled in accordance with the University's policies and procedures for discipline and dismissal of faculty and employees. The Vice President of Student Affairs will proceed with the investigation and disposition of complaint against a student in accordance with the University's student disciplinary procedures.
- C. **Retaliation** - A faculty member, student, or employee, who retaliates in any way against an individual who has brought a complaint pursuant to this policy in good faith or, who retaliate against an individual who has participated in good faith in an investigation of such a complaint, is subject to disciplinary action, including dismissal or expulsion as appropriate.
- D. **Confidentiality** – To the extent permitted by the circumstances and the law, complaints and information received during the investigation will remain confidential. Relevant information must be provided to those persons who need to know to achieve a timely resolution of the complaint; therefore, absolute confidentiality may be impossible.
- E. **False Allegations** – Any faculty member, employee or student who is found to have **intentionally** made **false** allegations of sexual harassment against another shall be subject to disciplinary action up to and including dismissal from University employment or expulsion as a student, whichever is appropriate.
- F. The complaint procedures set out in this policy are intended as a guideline. Immaterial deviation from the procedures should not be considered failure son the part of the University to respond appropriately.

**MISSISSIPPI VALLEY STATE UNIVERSITY  
SEXUAL HARASSMENT POLICY  
VERIFICATION OF RECEIPT**

By signing below, I verify that I have received a copy of the Mississippi Valley State University Sexual Harassment Policy. I agree to read the sexual harassment policy and I understand that if I have any questions regarding it, I should direct them to the Office of Human Resources.

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Recipient

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Date