

**Drake University**  
**Policy on Sexual And Other Discriminatory Harassment**

Revised and Adopted 10/06

## **I. INTRODUCTION.**

Drake University strives to foster respect for the dignity and worth of all members of the University community by providing an educational and professional environment free of harassment. Harassment in violation of this policy stifles the realization of the victim's full potential as a student, faculty or staff member. Harassment is especially serious when it threatens relations between teacher and student or supervisor and subordinate by unfairly exploiting the power differential between the parties in the relationship. Likewise, Drake University does not tolerate harassment between people of equal University status.

It is the policy of Drake University to widely disseminate this policy and ensure its availability to all students, faculty and staff. Drake University will continue its commitment to sensitizing faculty, staff and students to the issue of harassment through appropriate communications with each group.

## **II. STATEMENT OF POLICY ON SEXUAL HARASSMENT.**

Sexual harassment of students, faculty or staff is prohibited at Drake University. Sexual harassment undermines the mission of the University through its insidious and detrimental impact on individual students, faculty, staff, and on the University community as a whole.

### **A. Definition of Sexual Harassment**

Sexual harassment is defined as unwelcome advances, requests for sexual favors, or other unwelcome verbal or physical conduct aimed at another because of sex when:

- Submission to such conduct is made explicitly or implicitly a term or condition of an individual's employment or status in a course, program or activity;
- Submission to or rejection of such conduct is used as a basis for an employment or educational decision affecting an individual, or
- Such conduct has the purpose or effect of unreasonably interfering with an individual's work or educational performance or of creating an intimidating, hostile, or offensive environment for work or learning.

These definitions are intended to be in accordance with federal and state law.

## A. Examples of Sexual Harassment

Sexual harassment occurs in a variety of circumstances. Often, sexual harassment involves relationships of unequal power, and contains elements of coercion as when compliance with requests for sexual favors becomes a condition of employment, work, education, study or benefits. Sexual harassment may also involve unwelcome relationships among equals, as when repeated sexual advances or demeaning verbal or physical behavior have a harmful effect on a person's ability to study or work at the University.

Examples of sexual harassment include, but are not limited to, the following unwelcome behaviors:

- physical assault, indecent exposure, or physical contact of a sexual nature;
- direct or implied threats that submission to sexual advances will be a condition of employment, work status, promotion, grades or letters of recommendation etc.;
- direct propositions of a sexual nature;
- a subtle pressure for sexual activity or a pattern of conduct (not legitimately related to the subject matter of a course, if a course is involved) intended to denigrate, distress or humiliate through sexual comments or sexually explicit statements, questions, jokes or anecdotes. This pattern of conduct may include unnecessary touching, unwanted staring, patting, hugging or brushing against a person's body; remarks of a sexual nature about a person's clothing or body; or remarks about sexual activity or speculations about previous sexual experience;
- a pattern of conduct that would denigrate, distress or humiliate a reasonable person of the same sex as the person at whom the conduct was directed. The pattern of conduct may, but need not, be of a sexual nature so long as it is directed at another because of sex. Examples include but are not limited to
  - name-calling jokes or negative comments about the person's sex/gender
  - physical intimidation, vandalism or pranks
  - displays of reading materials or pictures containing negative material about a particular sex, including electronic materials

### **III. STATEMENT OF POLICY ON OTHER DISCRIMINATORY HARASSMENT.**

#### **A. Definition of Other Discriminatory Harassment**

In addition to sexual harassment defined above, Drake University specifically prohibits harassment based on any other characteristics set forth in its nondiscrimination statement as follows: race, color, national origin, creed, religion, age, disability, sex, gender identity or sexual orientation. Like sexual harassment, harassment based on one of these protected characteristics undermines the mission of the University through its insidious and detrimental impact on individual students, faculty, staff, and on the University community as a whole.

Prohibited harassment is conduct based on one of these characteristics when such conduct has the purpose or effect of unreasonably interfering with an individual's work or educational performance or of creating an intimidating, hostile, or offensive environment for work or learning.

#### **B. Examples of Other Discriminatory Harassment**

Examples of the types of behavior that could be considered harassment based on these characteristics include any patterns of conduct aimed at another because of a protected characteristic that would denigrate, distress or humiliate a reasonable person, such as

- name-calling, jokes or negative comments about the protected characteristics
- physical intimidation, vandalism or pranks
- displays of reading materials or pictures containing negative material about these characteristics, including electronic materials

### **IV. PROCEDURES – SEEKING GUIDANCE AND FILING A COMPLAINT.**

#### **A. Questions or Guidance**

Any member of the Drake faculty, staff or student body who has questions about this policy or believes he/she may have been subjected to harassment or knows someone who may be subjected to harassment should contact the Dean of Students, Director, Human Resources or Provost or anyone designated by such individuals to respond to questions under this policy.

#### **B. Filing A Complaint**

All individuals who believe they have or may have been harassed pursuant to this policy should file a complaint with the Director, Human Resources or other person designated by the President. In the event the complaint is against the Director, Human Resources or an employee who directly reports to the Director, Human Resources a complaint may be filed with the Provost or Dean of Students.

Complaints should be promptly reported so that appropriate action may be taken and an investigation completed while events are still relatively recent. Complainants are encouraged, but not required, to file a complaint within 180 days from the date of the last incident.

Verbal complaints should be reduced to writing by either the complainant or the individual who receives the complaint in order to preserve an accurate record. The written complaint should identify the parties involved; describe the harassing behavior; when and where it occurred; and identify by name or description any witnesses.

All complaints of discrimination related to sexual harassment will be handled promptly and treated with as much discretion as practicable. Access of information provided by the Complainant will be available only to those persons on a reasonable need-to-know basis.

### **C. The Investigation**

The Director, Human Resources or his or her designee, will conduct a prompt, thorough and impartial investigation of the complaint or any report of harassment in violation of this policy. The parties to the complaint will each be interviewed as part of the investigation. The parties will also be informed of the status of the investigation as deemed appropriate.

A confidential record of the investigation will be kept on file in the office Human Resources.

### **D. Remedial Action**

If a finding of harassment in violation of this policy is made, appropriate remedial action will be taken. Such action may range from counseling to termination of employment, and may include such other forms of disciplinary action as appropriate under applicable University procedures. Any such action will be subjected to the official hearings and appropriate grievance procedures set forth in the applicable student code of conduct, student handbook, staff handbook, faculty manual, bargaining unit contract and Academic Charter. If the report recommends action against a faculty member that could lead to severe sanctions, including possible dismissal, Human Resources shall recommend that the dean of the school or college of the faculty member initiate the process leading to official hearings in accordance with the principles and procedures specified in the Academic Charter and in its appendices and in the Statements on Policy and Procedure for the Dismissal of Tenured or Nontenured Faculty applicable to the Standing Committee of the Faculty Senate on Academic Freedom and Tenure (April 1991).

If it is determined that no violation has occurred, such findings shall be communicated to the complainant and the alleged harasser.

If the results of an investigation show that the complainant knowingly filed false accusations of harassment, or that a witness gave false statements, such individuals will be subject to appropriate disciplinary action. A finding for the accused does not constitute a finding that the complaint was made in bad faith.

## **V. RETALIATION PROHIBITED.**

Retaliation of any kind against anyone seeking guidance, filing a complaint or participating in an investigation under this policy is prohibited. Examples of retaliation include, but are not limited to, any action that has an adverse impact on the complainant's employment, compensation or work assignments, or, in the case of students, grades, class selection or any other matter pertaining to student status.

## **VI. ADDITIONAL RESOURCES.**

The following resources are available to students and/or employees who may want to talk to someone about alleged harassment. Neither of these resources take complaints of harassment, but offer a source of support. These resources should not replace the reporting procedures set forth in this policy above.

**Employee Assistance Program** - The Employee Assistance Program (EAP) is a free, confidential service designed for the benefit of Drake employees and their families. Confidentiality is the cornerstone of the EAP program and your use of EAP is strictly confidential within the limits of state and federal regulations. Your job security and promotional opportunities will not be jeopardized due to involvement in the employee assistance program. The EAP is offered through Employee and Family Resources. You may reach the EAP 24-hours a day, 7-days a week at 1-800-327-4692.

**Student Counseling Center** – The Student Counseling Center works with students on a wide variety of issues and concerns. All information obtained in counseling is confidential within the limits of state law and not released without the written consent of the student. The Student Counseling Center is open 8 a.m. to 5 p.m. Monday through Friday. It is located at 3116 Carpenter Ave., Des Moines, IA 50311. The Counseling Center phone number is (515) 271-3864.