

PROVIDENCE COLLEGE

HARASSMENT PREVENTION POLICY **AND GRIEVANCE PROCEDURES**

POLICY STATEMENT ON DISCRIMINATORY BEHAVIOR

As a Catholic institution of higher learning, Providence College continually seeks to establish and maintain a suitable work and academic environment in which the dignity and worth of all members of its community are respected. Harassment of and by students, staff and faculty that is based on a person's sex, race, color, national origin, religion, age, disability or veteran's status is a form of discrimination that is prohibited by law and College policy. This policy prohibits discriminatory harassment. Further, violations of trust and forms of intimidation or exploitation damage the College's integrity by undermining the essential freedoms of inquiry and expression.

This policy applies to all members of the College community – students, faculty and staff – in both on and off-campus College-sponsored activities. All individuals must be assured that Providence College will take action to prevent such misconduct and that anyone who engages in such behavior may be subject to disciplinary procedures. The College strongly disapproves of discriminatory harassment of its members in any form; therefore, individuals at all levels must avoid harassing behavior and will be held responsible for insuring that the campus is free from discriminatory harassment.

Members of the Providence College community should be aware that when any person in a management or supervisory position at the College has reason to know of a potential case of harassment, the law requires that person to take prompt, appropriate action. Therefore, supervisors and managers are required to report harassing behavior to the associate general counsel/Title IX coordinator to ensure prompt investigation and effective remedial action as necessary. Supervisors and managers also bear an important responsibility to deter discriminatory behavior. Any student or employee with a question about this Policy or with a complaint of discriminatory harassment should contact the associate general counsel/Title IX coordinator.

DEFINITION OF RACIAL OR ETHNIC HARASSMENT

Discriminatory harassment involves unwelcome conduct that has the purpose or effect of unreasonably interfering with a person's ability to work or learn, or to live within the residential environment, or which creates an intimidating or hostile environment for individuals or groups of students, faculty or staff based on their race, color, ethnicity or national origin. It can include unwelcome verbal, written, graphic or physical conduct directed at one or more members of a racial or ethnic group, such as objectionable epithets, demeaning depictions or treatment, nicknames emphasizing stereotypes, and threatened or actual physical abuse or harm.

DEFINITION OF SEXUAL HARASSMENT

Sexual harassment may involve the behavior of a person of either sex against a person of the

opposite or same sex, and occurs when such behavior constitutes unwelcome sexual advances, requests for sexual favors, and other unwelcome verbal or physical behavior of a sexual nature, whether intentional or unintentional, where:

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

EXAMPLES OF CONDUCT THAT MAY CONSTITUTE SEXUAL HARASSMENT

It is not possible to list all circumstances that might constitute sexual harassment. Generally, it encompasses sexually related behavior which causes others discomfort, embarrassment or humiliation, and harassing behavior, sexually related or otherwise, directed toward individuals because of their sex. Such behavior is subject to this policy whenever it occurs in a context related to the employment or academic environments, or if it is imposed upon individuals by virtue of an employment or academic relationship. Sexual harassment includes, but is not limited to, the following kinds of behavior, which may be committed by individuals who are in supervisory positions or by peers:

- Unwelcome sexual advances.
- Requests for sexual favors, whether or not accompanied by promises or threats with regard to the professional relationship.
- Unwelcome verbal or written expressions of a sexual nature, including graphic sexual comments about a person's anatomy, dress, appearance, or sexual activities; unwelcome use of degrading language, repeated sexual jokes, teasing or innuendo; unwelcome physical gestures conveying a visual meaning, ogling, leering or suggestive sounds or whistles; obscene phone calls, letters or e-mail messages.
- Sexually suggestive objects, pictures, cartoons, audio recordings, videotapes, computer communications, or literature unrelated to employment or educational purposes, used or displayed in the employment or educational setting. While Providence College adheres to the principles and traditions of academic freedom, it recognizes that these freedoms must be in balance with the rights of others. It is understood that the principles of academic freedom permit topics of all types, including those with sexual content, to be part of courses, lectures, and other academic pursuits.
- Unwelcome and inappropriate touching, patting, brushing or pinching; impeding or blocking movement; sexual assault.
- Consensual sexual relationships where such relationships lead to favoritism of a student or subordinate employee with whom the faculty member or supervisory employee is sexually involved and where such favoritism adversely affects other students and/or employees.

Sexual harassment is not a welcomed behavior; it is unwanted and unreasonably interferes with an individual's ability to work or learn. Conduct is unwelcome when the person being harassed does not solicit or invite it and regards it as offensive. The fact that a person may accept the conduct does not mean that s/he welcomes it.

CONSENSUAL ROMANTIC OR SEXUAL RELATIONSHIPS

A consensual relationship for purposes of this policy means a sexual relationship between two people who both genuinely desire and voluntarily enter into and continue the relationship. A consensual romantic or sexual relationship between a faculty member or officer of the College and any student or subordinate employee can have the effect of undermining the atmosphere of trust and professional responsibility, and can create both an appearance of impropriety and an actual conflict of interest. In addition to the potential for abuse of power in such relationships, sexual or romantic relationships between faculty and students undermine the integrity of the teacher-student relationship. At Providence College, faculty members are not permitted to have a romantic or sexual relationship with students who are enrolled in their courses, who are majors or graduate students in their departments, or over whom they either currently exercise or could reasonably be expected to exercise within the foreseeable future any type of supervision or academic/professional judgment. Likewise, departmental managers and supervisors should not have a consensual romantic relationship with students or employees who are in their line of supervision or authority. Furthermore, faculty and employees who enter into a sexual relationship with a student or subordinate employee must realize that if a charge of sexual harassment is subsequently filed, it will be exceedingly difficult to prove immunity on grounds of mutual consent. This type of relationship may create the presumption of sexual harassment due to the unfair exploitation of the power inherent in the position of the faculty member or supervisor.

Faculty members, supervisors or other employees who find themselves in a romantic or sexual relationship with persons over whom they have authority, control or supervisory responsibility are required to immediately report the relationship.

RETALIATION

Retaliation and reprisals against persons who complain about harassment or who cooperate with investigations of harassment are prohibited. When evidence of retaliatory behavior exists, the perpetrator will be subject to appropriate and immediate disciplinary action.

FALSE COMPLAINTS

If, after investigating any complaint of harassment or retaliation, it is discovered that the complaint was not made in good faith – that it was knowingly false or filed with malicious intent – the complainant may be subject to disciplinary action.

COMPLAINT RESOLUTION PROCEDURES

Individuals who are aware of or have experienced an incident of harassment should

promptly report the matter to the associate general counsel/Title IX coordinator who will listen to the facts and review with the reporter the options for further appropriate action under the circumstances. These procedures are intended to resolve a situation fairly, prevent further harassment, and mitigate harm to a complainant. The confidentiality of all individuals involved, including the complainant, respondent and any witnesses, will be protected to the extent possible; relevant information only will be disclosed to those persons with a need for information regarding the investigation and/or resolution of the complaint.

OPTION 1: INDEPENDENT COURSE OF ACTION

Sometimes, the type and nature of the harassing behavior can be effectively stopped and dealt with by directly informing the harasser that the behavior is unwelcome and must stop. The complainant may take independent action, verbally or in writing, to address the harassing behavior by precisely and clearly communicating to the harasser the specific nature of the objectionable behavior and the desire for it to stop. If a person takes this course of action, documentation should be kept (personal notes recording relevant incidents and conversations, including date, time, place, witnesses, and what was said and done). If communication is by letter, the complainant should keep a dated copy of the letter, and should advise a trusted individual of the complainant's choosing that this letter was written and sent. Support services are available on and off-campus for any individual who needs assistance relating to harassment experiences. (Please see "Resources" Section.)

In some circumstances, the above course of action may not be feasible, may be unsuccessful, or the individual may not feel comfortable dealing with the matter in this manner. If this is the case, the person is encouraged to report the offending behavior as soon after it occurs as possible or within a time period that is reasonable under the circumstances so that the College can take the necessary steps to resolve the problem.

OPTION 2: INFORMAL RESOLUTION

The purpose of this informal process is to ensure that the alleged offending behavior ceases and that the matter is resolved promptly at the lowest possible level. When the purpose is achieved, the complaint is resolved. An informal harassment complaint should be filed with the associate general counsel/Title IX coordinator as soon as possible after the incident(s) or within a time period that is reasonable under the circumstances. All complaints will be taken seriously and investigated expeditiously. Every reasonable effort will be made to preserve confidentiality to the extent the investigative process allows. The College will not retaliate against or permit retaliation against a person who complains in good faith of harassment or who cooperates with an investigation.

The investigative process will include interviews with the complainant and the alleged harasser (also referred to as the respondent) to determine the facts and the nature of the behavior. The complainant will be assisted in determining what informal actions may be appropriate to resolve the problem. When a student is the alleged harasser, the College's judicial officer may be informed of the complaint at any time before, during or after an investigation. The College will take remedial actions reasonably calculated to be effective and appropriate in ending the illegal or inappropriate activity, if any, and measures to prevent recurrence. Informal complaints will normally be resolved within fifteen (15) days of the initial interview. When this is not

possible, both the complainant and the respondent will be notified of the delay and the reasons for the delay. The College will follow-up with the complainant to ensure that the problem has in fact been resolved.

This informal course of action should not be used for severe cases of physical or sexual assault or harassment, or when a previous formal complaint has been filed against the respondent. Use of this informal resolution method does not prevent the complainant from later deciding to use the formal procedure, nor does the use of any internal grievance procedures preclude the complainant from using external grievance resolution resources (Please see “Other Remedies Available” Section). In fact, where informal resolution is not possible, the complainant will be advised of the option of filing a formal complaint. In addition, support services are available on and off-campus for any individual who needs assistance relating to harassment experiences. (Please see Resources section below.)

OPTION 3: FORMAL RESOLUTION

Complaint Procedure

A complainant may file a formal complaint without first using the informal complaint procedure. A formal complaint should include: the respondent’s name and position; the times, dates, places, and circumstances surrounding the allegation of harassment; the names of any witnesses to the incident(s); and any other relevant information. All complaints will be taken seriously and investigated expeditiously. Every reasonable effort will be made to preserve confidentiality to the extent the investigative process allows. The College will not retaliate against or permit retaliation against a person who complains in good faith of harassment or who cooperates with an investigation.

Formal complaints will normally be investigated and concluded within thirty (30) days of the initial interview. The investigative process will include interviews of the complainant, the respondent, any witnesses, other appropriate persons, and a review of relevant files and other material. When a student is the alleged harasser, the College’s judicial officer may be informed of the complaint at any time before, during or after an investigation. When the investigation is completed, a written report will be presented to the appropriate College vice president having administrative oversight of the respondent.

Within ten (10) days of receipt of the investigative report, the College vice president will determine whether there was a violation of College policy, will take prompt and effective corrective action as necessary, and will inform in writing the complainant and the respondent of the disposition of the complaint.

Pursuit of the informal complaint procedure does not prohibit the complainant and the respondent from reaching a mutually agreeable compromise or settlement of a dispute prior to the completion of the formal process.

Formal Sanctions

Sanctions imposed on offenders shall be commensurate with the egregiousness of the conduct and adequate and sufficient to demonstrate the College’s commitment to taking strong

and effective measures to both remedy and prevent the conduct. If the College vice president concludes that there is a reasonable basis for believing that the alleged violation of this Policy has occurred, sanctions may range from written reprimand up to and including dismissal, in accordance with established procedures for dismissal of a member of that group (student, staff, faculty) to which the offender belongs. (In addition to the College disciplinary process, the attorney general of the State of Rhode Island may prosecute alleged rape and other forms of sexual assault.)

Appeals

Within ten (10) days of the written notification of the College vice president's decision, either the complainant or the respondent may file with the vice president a written notice of appeal of the decision as to the sanction only, and the complainant may file with the vice president a written notice of appeal if the vice president did not find a policy violation. The written notice of appeal must detail the specific reason(s) for the appeal. A hearing committee, consisting of members of the College community appointed by the President, will be convened within ten (10) days of the receipt of the written notice of appeal. The committee chairperson will provide sufficient and reasonable notice of the hearing to the complainant and the respondent.

The hearing will be closed to persons other than those participating. However, an advisor or legal counsel, with whom the complainant and respondent may consult at reasonable times during the hearing, may accompany the complainant and the respondent. Advisors or legal counsel may neither address the committee nor question witnesses. The hearing will begin with the presentation of the complainant's case and be followed by the respondent's response. The committee will question both the complainant and the respondent and provide them with an opportunity to question each other. The complainant and the respondent may present witnesses, who will be present only during their own testimony. Once the committee is satisfied that all relevant information has been presented, the complainant and the respondent may present summary statements and/or written statements to the committee. The committee will meet privately to determine whether sufficient evidence exists to disturb the decision of the appropriate College vice president.

The committee shall have the power to affirm the penalty imposed by the College vice president or to remand the matter to the College vice president with specific recommendations for further consideration. The committee will notify the complainant and the respondent of its decision in writing within seven (7) days of the conclusion of the hearing. If the committee affirms the penalty imposed by the College vice president, this decision is final. If the committee's decision is to remand the case back to the College vice president with specific recommendations, the College vice president shall review the action previously taken but shall not be required to conduct a hearing and may consider the remand on written submissions. In all such cases the review shall be limited to the severity of the penalty only. The decision of the College vice president is final. In any case in which the penalty imposed is suspension or dismissal from the College, the penalty shall be reviewed automatically and without the necessity of appeal by the President of the College or his designee, who is not required to conduct a hearing and who may consider the decision on written submission.

OTHER REMEDIES AVAILABLE

This policy is intended to offer an internal resolution to harassment complaints. In addition to any sanctions that may be imposed by the College for violation of this policy, a person who harasses another person may be held personally liable to the victim and be subject to sanctions independent of those imposed by the College. This policy does not preclude the complainant or the respondent from exercising her/his rights before any other appropriate forum, including filing charges under state criminal statutes. Sexual harassment is a form of discrimination that is prohibited by federal and state law. Title VII of the Civil Rights Act of 1964 prohibits employment discrimination on the basis of sex, race, color, religion, and national origin and is enforced by the EEOC. Title IX of the Education Amendments of 1972 prohibits sex discrimination in higher education and is enforced by the Office of Civil Rights of the U.S. Department of Education. Rhode Island's Fair Employment Practices Act prohibits employment discrimination.

RESOURCES

On Campus:

If you wish to file a complaint or discuss your circumstances, please call
Gail Dyer, Associate General Counsel and Title IX Coordinator, at 865-2463.

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| Chaplain's Office | 865-2216 |
| Human Resources | 865-2745 |
| Personal Counseling Center | 865-2343 |
| Residence Life Office | 865-2392 (Call the on-duty hall director between 4:30 p.m. and 8:30 a.m., Mon.-Fri., and on weekends and holidays.) |
| Safety and Security Office | 865-2391 (Emergency: 2222) |
| Student Health Center | 865-2422 |

Outside Campus:

Providence Police 272-1111
Dial 911 in an emergency situation.

If you believe that you have been subjected to unlawful harassment, you may also file a formal complaint with a governmental agency:

Rhode Island Human Rights Commission
222-2661, TTY/Voice 222-2664

Equal Employment Opportunity Commission
617-565-3200

Office for Civil Rights, US Department of Education
617-223-9662

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