

# Saint Anselm College Harassment Policy

## *Policy Statement*

As a Benedictine Catholic institution of higher education, Saint Anselm College strives to create an environment in which the dignity and worth of all individuals are respected. Harassment is a violation of trust and a form of intimidation or exploitation which undermines the atmosphere of respect that is essential to a healthy work and academic environment. Therefore, harassment of or by students, staff or faculty violates the mission of the College and is prohibited.

Harassment under this policy denotes unwelcome conduct which 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. It includes, but is not limited to, unwelcome verbal, written, graphic or physical conduct, such as objectionable language or humor, demeaning depictions or treatment, unwelcome sexual advances or requests, or threatened or actual physical harm or abuse. Harassment of an individual due to his/her race, color, sex, religion, sexual orientation, national origin, age, disability or veteran status is prohibited by law as well as this policy.

Saint Anselm College recognizes the need for freedom of inquiry and openness of discussion in its educational and research programs, and seeks to maintain an atmosphere of intellectual seriousness and mutual tolerance in which these essential features of academic life can thrive. This harassment policy is not meant to proscribe or inhibit discussions, in or out of the classroom, of complex, controversial or sensitive matters when, in the judgment of a reasonable person, they arise appropriately and with respect for the dignity of others.

All members of the community are strongly encouraged to promptly report concerns about - or incidents of - harassment. The College will determine what constitutes harassment based on a review of the facts and circumstances of each situation, as well as the appropriate response. The appropriate response in a particular case may or may not include disciplinary action, and the College may decide on a non-disciplinary response in an appropriate case. The College hereby provides notice that it reserves the right to use third parties to investigate claims of harassment. Persons found to be in violation of this policy may be subject to disciplinary action up to and including dismissal from the College or its employment.

This policy applies to all members of the College community – students, faculty and staff – whenever they are serving as representatives of the college on - or off - campus. Harassment of College guests, including opposing sports teams, speakers, visiting students or others, is also prohibited. Vendors who do business with the college are expected to comply with the tenets of this policy.

Retaliation against a person who reports harassment, assists someone with a report of harassment, or participates in any manner in an investigation or resolution of a harassment report is prohibited. Retaliation includes threats, intimidation, reprisals, and/or adverse actions related to education or employment.

Individuals who make reports of harassment that are later found out to have been intentionally false or made maliciously without regard for truth may be subject to disciplinary action in accordance with the applicable disciplinary procedure. Reports are expected to be made in good faith, even if the facts alleged in the report cannot be substantiated by an investigation.

The appropriate administrator assigned to hear a claim can, when informed by a claimant that he/she wishes to withdraw a complaint, either terminate an investigation or determine that, in the best interests of the College, some form of action or other investigation is warranted.

## ***Definitions***

### Physical or Sexual Misconduct

Misconduct includes, but is not limited to, unwelcome verbal, written, graphic or physical conduct, such as objectionable language or humor, demeaning depictions or treatment, unwelcome sexual advances or requests, or threatened or actual physical harm or abuse, up to and including assault or rape. It also includes the intentional touching of a person or the clothing covering that person without consent however that touching is effected (i.e. use of force, threat, coercion, or intimidation). These conducts apply as well to circumstances where the other is mentally incapacitated or impaired for any reason, including intoxication.

### Sexual Harassment

Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when:

- 1) submission to such conduct is made either explicitly or implicitly a term or condition of a person's employment or academic advancement;
- 2) submission to or rejection of such conduct by an individual is used as the basis for decisions affecting an individual's employment or academic standing; or
- 3) such conduct has the purpose or effect of unreasonably interfering with a person's work or academic performance or creating an intimidating, hostile or offensive work, learning or social environment.

The first two conditions are defined by the EEOC as quid pro quo harassment and the third condition is defined as hostile environment harassment.

### Other Harassment

Other forms of harassment include 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 religion, race, color, ethnicity, national origin, sexual orientation, age, disability or other unlawful basis.

#### Reasonable Person's Test

A reasonable person's test is the standard by which an objective, reasonable person would find conduct to be abusive or hostile *and* the complainant also finds it to be abusive or hostile.

### ***Complaint Resolution Procedures***

The procedures outlined in this policy are designed to resolve a situation fairly, prevent further harassment, and mitigate harm to, first and foremost, the complainant, and also to the spirit of the College community.

Individuals who are aware of or who have experienced an incident of harassment should promptly report the occurrence to the Dean of Students, the Dean of the College or the Director of Human Resources. Each of these individuals will listen to the facts and review, with the reporter, the options for further appropriate action under the circumstances.

In a college setting, various employees are perceived to be persons of authority by virtue of their responsibilities. If a disquieting behavior is reported to and explored with such a person in perceived authority, and that individual judges that the complaint is serious enough to warrant intervention, then he or she may at his/her discretion report the behavior or incident to the appropriate administrator. However, notwithstanding the previous statement about discretionary reporting, to assist it in carrying out its legal obligations, the College requires the following individuals to report any instances or allegations of potential violations of this policy: department chairs, directors, supervisors and senior administrators. Failure to carry out this responsibility may be grounds for disciplinary action.

The confidentiality of all individuals involved, including the complainant, respondent and any witnesses, will be protected to the extent possible. Only relevant information will be disclosed to those people with a need for information regarding the investigation and/or resolution of the complaint. *The College will neither retaliate against nor tolerate retaliation against a person who complains of harassment in good faith and/or cooperates with an investigation.*

Support services are available on and off campus for any individual who wishes assistance in dealing with harassment experiences. Please see the "Campus and Community Resources" section for further information.

#### 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 in question is unwelcome and must cease. The complainant may take independent actions, orally or in writing,

addressing the harassing behavior with clear and precise communication, indicating the specific nature of the objectionable behavior and the desire/need for it to cease.

If an individual takes this course of action, the circumstances should be documented and the documentation kept (personal notes recording the relevant incidents and conversations, including date, time, place, witnesses or individual (s) to whom one told immediately of the incident, what was said and done). If the complainant takes action by letter, the writer should keep a dated copy of the sent letter as well as advise a trusted second party that such an action was chosen and taken.

In some circumstances the independent course of action may not be feasible, may be uncomfortable to initiate, or may have proven unsuccessful. In this case, the individual is encouraged to report the offending behavior as soon as possible or within a time period that is reasonable so that the College can take the necessary steps to resolve the situation.

An individual is not obliged to undertake this independent course of action before reporting the unwelcome behavior(s).

#### Intervention for Resolution

The purpose of intervention is to ensure that the alleged offending behavior ends and that the matter is resolved promptly. When this purpose is achieved, the complaint is considered resolved. A complaint of harassment should be reported and filed with the Dean of Students, the Dean of the College or the Director of Human Resources as soon as possible after the incident(s) has occurred or within a time period that is reasonable under the circumstances.

All complaints will be taken seriously and will be investigated and addressed expeditiously. Every reasonable effort will be made to preserve the confidentiality of all parties to the extent that the investigative process allows. Only relevant information will be disclosed to those people with a need for information regarding the investigation.

The process of investigation may include interviews with the complainant and alleged harasser (or elsewhere “respondent”) to determine the facts and nature of the behavior. If the complaint is determined to be valid, the College will take a) remedial actions reasonably calculated to be effective and appropriate in ending the inappropriate activity, and b) measures to prevent recurrence. The College may also in appropriate circumstances mediate a resolution that is satisfactory to the parties involved without reaching a conclusion as to the validity of the complaint.

The intervention for resolution will not be used for severe cases of harassment or cases of physical or sexual assault or when a prior valid complaint has been filed against the respondent.

#### Formal Resolution

A complainant may file a formal complaint with either the Director of Human Resources, Dean of the College or Dean of Students without first using the independent course of action or the intervention for resolution procedure. A formal complaint should include the following: 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 information believed to be relevant.

All complaints will be taken seriously and will be investigated and addressed expeditiously. Every reasonable effort will be made to preserve the confidentiality of all parties to the extent that the investigative process allows. Only relevant information will be disclosed to those people with a need for information regarding the investigation.

The investigative process may include interviews with the complainant, the respondent, any witnesses, other appropriate individuals, and a review of documents or any material deemed potentially relevant. When the investigation is completed, written documentation will be presented to the appropriate administrator having oversight of the respondent. If a student is the respondent, the Dean of Students will render a determination but the College reserves the right to convene the Conduct Review Panel; if a faculty member, the Dean of the College; and if a staff member, the Vice President for Administration.

Within ten working days of the receipt of the investigative report, the responsible administrator will determine if a violation of College policy has occurred, define the corrective and/or disciplinary action to be taken as appropriate, will inform both the complainant and the respondent of the disposition of the complaint in writing. In the event of a mediated resolution, the agreement on resolution will be reduced to writing and signed by both parties.

Disciplinary Sanctions /Corrective Action. Disciplinary sanctions and/or corrective actions may include, but are not limited to any of the following: a warning, a reprimand, required attendance at an educational workshop, counseling, restitution, suspension, dismissal/job termination. Disciplinary sanctions and/or corrective action should be commensurate with the nature of the violation and the respondent's disciplinary history.

It is the responsibility of the appropriate administrator to follow up with the parties at reasonable intervals to assess compliance with the disciplinary sanctions or corrective actions imposed. Additional sanctions, up to and including termination/dismissal, may be imposed in the event that the respondent fails to comply with the initial disciplinary sanctions imposed.

Appeals. Every respondent has the right to appeal the decision and/or disciplinary sanction. Appeals must be based on only one of the following conditions: (1) alleged procedural errors substantially affecting the decision; (2) the introduction of newly discovered evidence that was not reasonably available prior to the decision and of a nature that would likely have had a direct and significant impact upon the decision; or (3) the sanction is disproportionate to the severity of the violation.

The faculty appeal procedure is stated under the "Grievance Procedure" of the *Faculty Handbook*; similarly, the appeal procedure for students is outlined in the *Student Handbook* and is included with all decision letters. A staff member may appeal in writing to the Executive Vice President.

### ***Faculty/Staff and Student Relationships***

The relationship between a faculty or staff member and a student at Saint Anselm College is one which exists primarily to encourage and advance the intellectual development of the student. The relationship is meant to be formative and always to promote the academic and personal development of the individual student. Introducing romantic or sexual elements into that relationship is fraught with the potential for exploitation and can potentially damage or undermine that development. Furthermore, the respect and trust accorded a professor by a student, as well as the power exercised by the professor in an academic or evaluative role, make voluntary consent by the student suspect. Therefore, romantic relationships between faculty or staff and students are ill-advised and strongly discouraged. This policy, and its reporting obligations, apply whether or not a student has a formal academic or institutional relationship with a faculty member (such as a student in a faculty member's class.)

In the event that a romantic relationship does develop, the person in the position of authority is immediately required to:

1. discontinue exercising any authority over the student.
2. report the relevant facts to his or her own supervisor (if a faculty member, the Dean of the College *or* if a staff member, his or her supervisor or the Director of Human Resources).
3. confer with his or her own supervisor with respect to any necessary transfer of authority to another.

The Dean of Students will also be informed of the relationship by the Dean of the College or the Director of Human Resources.

Prompt action is mandatory in fulfilling these requirements. Otherwise the person in authority is in violation of the College's harassment policy and may be disciplined in accordance with it.

Faculty and staff should be aware that they possess or may be perceived to possess authority over students. Thus if a charge of sexual harassment is subsequently made by the student in a romantic relationship, it will be extremely difficult to prove mutual consent.

The foregoing does not apply in the same manner to individuals whose consensual relationship antedates their enrolling or being employed at the College. If a prior relationship exists between a faculty or staff member and a student, this relationship must be disclosed to the Dean of the College in the case of faculty and to the Director of Human Resources in the case of staff members, and alternative means of professional responsibility must be implemented. It should be noted that the circumstances of the relationship may change, and conduct previously welcome may become unwelcome. Even when both parties have consented at the outset, this past consent does not remove the grounds for a charge based on subsequent unwelcome conduct.

## ***Supervisor and Employee Relationships***

The power differential inherent in a relationship between an individual who either directly or indirectly supervises an employee compromises the employee's ability to decide freely. Professionalism is threatened by a romantic or sexual relationship where one party has professional responsibility for the other. Moreover, relations in which one party is in a position to review the work - or influence the career - of the other may provide grounds for complaints from third parties when that relationship gives or is perceived to give undue access or advantage and/or restrict opportunities.

Professionalism within the College demands that those with authority not abuse - nor seem to abuse - the power with which they have been entrusted. Therefore, romantic or sexual relationships between these parties are prohibited.

## ***Isolated Behaviors***

Isolated behavior which does not rise to the level of harassment but which, if repeated, could rise to such a level, demonstrates insensitivity that may warrant remedial or corrective action. Academics or administrators who become aware of such behaviors in their areas should counsel those who have engaged in the behavior. Such counsel should include a clear statement that the behavior is not acceptable and should cease, information about the potential consequences if such a behavior persists, and a recommendation - as appropriate - to undertake an educational program designed to help individuals understand the harm caused by such behavior. After such counsel, if a person continues to engage in the identified, inappropriate behavior, said individual may be deemed to have engaged in harassment and may be disciplined in accordance with this policy.

## *Campus and Community Resources*

### **College Health Services (for Students)**

Cushing Center/Ground level  
641-7028

**Emergency: 471-8050**

### **Employee Assistance & Work/Life Program**

Resource Management Consultants

**1-800-332-7998**

## **Domestic and Sexual Violence Advocacy, Support groups and Emergency**

### *Manchester, NH*

#### **YWCA**

72 Concord Street  
Manchester, NH 03101

**Hot Line: (603)668-2299**

(24 hour crisis line)

Office: (603) 625-5787

#### **Manchester Rape & Assault Service (Crisis)**

**603-883-3044**

#### **Pastoral Counseling Services**

2013 Elm St., Manchester

**603-627-2701**

#### **Catholic Medical Center Emergency**

100 McGregor Street, Manchester, NH, 03102

**603- 668-3545**

#### **Mental Health of Greater Manchester**

401 Cypress Street, Manchester, NH 03103

**603-668-4111**

#### **The Samaritans**

**Crisis: 603-622-3836**

### *Other Locations throughout southern NH*

#### **Bridges**

Domestic & Sexual Violence Support  
33 Pearl Street, Nashua, NH

**603-883-3044**

#### **Bridges**

Milford, NH Line

**603-672-9833**

#### **Rape & Domestic Violence Crisis Center**

Concord, NH

**603-225-7376**

#### **NH Statewide Sexual Assault (24hr hotline)**

**1-800-277-5570**

### **Legal Assistance**

#### **NH Legal Assistance**

**Legal Referral Service**

**668-2900 or 1-800-562-3174**

**1-800-639-5290**