

University Sexual Harassment Policy

I. General

The University has a professional, ethical and legal responsibility to provide a healthy, safe and discrimination-free living, learning, and working environment that does not interfere with the principles of free speech and academic freedom for all its members—students, faculty, staff, contractors and visitors. These goals cannot be attained when unwelcome sex-based conduct impedes equal access to education and employment. The purpose of this policy is to furnish a meaningful, fair response that ensures academic freedom and due process protections while providing the campus community with effective protections against discriminatory practices based on sex.

This policy is constructed to ensure a safe and non-discriminatory educational and work environment and to meet legal requirements, including Title IX of the Education Amendments of 1972, which prohibits discrimination on the basis of sex in the University's programs or activities; relevant sections of the Violence Against Women Reauthorization Act, Title VII of the Civil Rights Act of 1964, which prohibits discrimination on the basis of sex in employment; and Missouri laws which prohibit discrimination based on sex.

II. Definitions

Sexual harassment is a form of sex discrimination. There are two types of sexual harassment, sexual harassment in the work environment (employee rights) which is governed by Title VII of the Civil Rights Act of 1964 and sexual harassment in the educational environment (employee and student rights) which is governed by Title IX of the Education Amendments of 1972. While students are covered and protected by Title IX, employees of the institution, including student employees, are covered and protected by both definitions.

A. Sexual harassment prohibited by Title VII of the Civil Rights Act of 1964 is unwelcome sexual advances, requests for sexual favors, and other verbal, written, physical or electronic conduct, based on sex, in the employment environment when:

1. Submission to such conduct is made an expressed or implied term or condition of employment, or participation or status in a class, program or activity;
2. Submission to or rejection of the conduct is used to make an employment decision (such as hiring, promotion, work assignment, benefit, exclusion or discipline);

3. The conduct is sufficiently severe, persistent or pervasive such that it unreasonably interferes with, limits or deprives a person from participating in or benefiting from University programs and/or activities or creates an intimidating, hostile or offensive work environment.

B. Sexual harassment prohibited by Title IX of the Education Amendment of 1972 is unwelcome sexual advances, requests for sexual favors, or other verbal, written, physical or electronic conduct, based on sex, in the academic and employment setting when:

1. An employee conditions the provision of an aid, benefit or service on a student's participation in such unwelcome sexual conduct (such as academic evaluation, grades or advancement);
2. The conduct is determined by a reasonable person to be so severe, pervasive and objectively offensive that it effectively denies a person equal access to University employment, classes, programs or activities;
3. The conduct is sexual assault as defined by 20 U.S.C. 1092(f)(6)(A)(v);
4. The conduct is dating violence as defined by 34 U.S.C. 12291(a)(10);
5. The conduct is domestic violence as defined by 34 U.S.C.12291(a)(8);
6. The conduct is stalking as defined 34 U.S.C. 12291(a)(30).

C. Sexual harassment can occur between individuals who know each other, individuals who do not know each other, individuals who have an established relationship, and individuals who have previously engaged in consensual sexual activity. Sexual harassment can be committed by persons of any gender identity, and it can occur between people of the same or different sex.

III. Coverage

This policy applies to all sexual harassment committed by students, faculty, staff, contractors and visitors whenever the misconduct occurs:

- A. On University owned and/or controlled property, or
- B. Off University owned and/or controlled property, in the United States, when the conduct is in connection with University or University-recognized employment, classes, programs or activities.

This Policy further applies to faculty and staff in any and all off-campus locations when the conduct is in connection with University or University recognized employment, classes, programs or activities.

IV. Grievance Procedure

The University encourages the reporting of all concerns regarding sexual or gender-based harassment. Individuals that desire to discuss an incident or report an incident of unwelcome sex-based misconduct are directed to:

Title IX Coordinator
Institutional Compliance Office
Truman State University
Violette Hall 1308
100 E. Normal Ave
Kirksville, MO 63501
(660) 785-4354
titleix@truman.edu
<http://titleix.truman.edu/make-a-report/>

Reported sexual harassment shall be dealt with through procedures established by the President of the University. The University will take reasonable appropriate actions to stop the reported conduct, prevent its recurrence, remedy the effects and impose sanctions should a preponderance of the evidence demonstrate a violation this policy and further, shall include provisions for procedural due process protections, supportive measures, hearings and appeals.

Submitting a complaint that is not in good faith or providing false or misleading information in any investigation is also prohibited and the reporter or complainant shall be subject to disciplinary actions.

V. Retaliation Prohibited

Retaliatory action of any kind against any individual as a result of a person's exercise of their right and privilege to make a report, testify, assist, participate or refuse to participate under the applicable procedures dealing with sexual harassment is prohibited. Retaliatory action shall be regarded as a separate and distinct cause for complaint under this policy and any other applicable policies.

VI. Prevention

The best tool for eliminating sexual harassment is prevention. This policy seeks to emphasize the need for prevention and elimination of offending behaviors. The keys to

successful prevention are campus-wide education and wide dissemination of information on the University's policies and procedures as well as the nature of sexual harassment. Therefore, all new students and employees shall receive training on University policies and procedures relating to nondiscrimination, sex and gender-based harassment, consent and pro-social change as part of their orientation to the University.

While all members of the campus community should work to eliminate prohibited behaviors from their own actions and to create an environment free of sexual harassment and intimidation, administrators and supervisors have a special responsibility for preventing and/or responding to instances of sexual harassment in the work environment. Administrators and supervisors that knew of sexual harassment by University employees and fail to report the alleged prohibited conduct shall be subject to disciplinary action under this policy and any other applicable policies.

The Title IX Coordinator shall annually notify students, faculty and staff that the University does not discriminate on the basis of sex in employment, classes, programs and activities and further, shall provide the Title IX Coordinator's contact information and the grievance procedure for handling reports of discrimination based on sex, including sexual harassment.

Approved and Adopted August 1, 2020

A handwritten signature in cursive script, appearing to read "Susan L. Thomas", is written over a horizontal line.

Susan L. Thomas, Ph.D.
President

History: Replaces Resolutions of the Board dated June 27, 1992 and December 5, 2015, referenced as Section 15.010, Code of Policies.