

# MARYMOUNT UNIVERSITY

Arlington, Virginia

## **Non-Discrimination and Anti-Harassment**

Marymount University is committed to a work environment in which all individuals are treated with respect and dignity. Each individual has the right to work in a professional atmosphere that promotes equal employment opportunities and prohibits discriminatory practices, including harassment. Therefore, Marymount University expects that all relationships among persons in the educational environment will be business-like and free of bias, prejudice and harassment.

### **Anti-Harassment Statement**

Marymount University seeks to provide an environment built upon respect that emphasizes the worth of each individual and values diversity. The University is committed to providing an environment in which students, faculty and staff are able to learn and work without any form of verbal or physical harassment. Harassment in any form is an affront to human dignity and fundamentally at odds with the values and mission of Marymount University. The University will not condone or tolerate any verbal or physical conduct that would constitute harassment, including sexual harassment of any member of the University community. All forms of unlawful harassment, including but not limited to sexual, racial, national origin, disability or other forms of unlawful harassment, not only violate University policy, but also violate federal laws and those of the Commonwealth of Virginia and Arlington County. Therefore, all members of the Marymount University community have a responsibility to maintain an environment free from harassment.

### **1. Who is Covered**

This policy applies to all full-time, part-time, and temporary faculty members, administrators and staff, as well as students at all times and places in any connection with this institution. The policy also applies to applicants for admission or employment and third parties such as contractors, vendors, or sponsors of internships.

### **2. Prohibited Conduct**

#### **Definitions**

It is the policy of Marymount University that all students, faculty and staff be free from harassment addressed to individuals or groups because of race, religion, ethnicity, national origin, gender, sexual orientation, age, disability, marital status or veteran's status, or other categories protected by applicable law. The policy also applies to complaints of harassment or discrimination involving applicants for admission or employment, or persons aggrieved by third parties such as contractors,

vendors, or sponsors of internships.

Sexual Harassment is a form of sex discrimination and is prohibited under Sec. 703 of Title VII of the Civil Rights Act of 1964 and Title IX of the Education Amendments of 1972. Unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature constitute sexual harassment when:

Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or academic achievement or advancement (quid pro quo), or;

Submission to or rejection of such conduct is used or threatened or insinuated to be used as the basis for decisions affecting employment, wages, promotion, assigned duties, or academic standing or an individual, or:

Such conduct has the purpose or effect of interfering with an individual's work or academic performance or creating an intimidating, hostile or offensive working or academic environment (hostile environment).

A key word in this definition is "unwelcome." Unwelcome or offensive conduct with sexual overtones that occurs in the academy or educational environment is sexual harassment. Courts have held that whether or not conduct is unwelcome is based on the victim's perception and not that of the harasser. Such conduct may be **verbal** (i.e., jokes, derogatory sexual remarks, invitations) **nonverbal** (i.e., gestures, suggestive actions, facial expressions), **pictorial** (i.e., insinuating graphics, photographs, and/or other suggestive objects), or **physical** (i.e., patting, stroking, cornering, assault.)

### **3. Consensual Relationships**

Amorous and/or sexual relationships between faculty and students, staff and students, or supervisors and subordinate faculty and staff are viewed as professionally unethical and violate Marymount University rules of conduct and therefore may be subject to discipline. Such relationships have the potential for adverse consequences, including the filing of sexual harassment complaints. Given the asymmetry of power in a relationship where one person awards grades or makes promotion or salary decisions, the consensual nature of the relationship is inherently suspect. It is incumbent upon those with authority not to abuse or appear to abuse the power with which they have been entrusted. Should a charge of sexual harassment be brought by a person in a subordinate position, "consent to the relationship" will not be deemed a sufficient defense or justification for conduct which otherwise would be deemed sexual harassment under the policy of the University.

### **4. Computer Messaging and Information Systems**

Faculty and staff are cautioned that the misuse of e-mail, voicemail, or other electronic messaging systems, or the Internet, are violations of the University's computer policy and may give rise to claims of harassment. Faculty and staff may

not generate, should not receive, and must not forward any message or graphic that might be taken as offensive based on race, religion, ethnicity, national origin, gender, sexual orientation, age, disability, marital status or veteran's status, or other categories protected by applicable law. This includes the generation or forwarding of offensive "humor" that contains sexually offensive terms, or terms that are offensive to any race, religion, national origin group, or other protected class.

Faculty or staff receiving sexually offensive messages or graphics over the University's computer equipment should report those messages to their supervisor or the vice president of their area.

Marymount computers, computer equipment, and the data generated on, stored in, or transmitted to or from the University remain the property of the University for all purposes. No one is authorized to use any Marymount computer, computer system, network, or software for the preparation, transmission, or receipt of sexually or racially offensive messages or graphics, or for other messages or graphics that might be taken as offensive based on race, religion, ethnicity, national origin, gender, sexual orientation, age, disability, marital status or veteran's status, or other categories protected by applicable law.

## **5. Retaliation Prohibited**

Marymount University policy prohibits any form of reprisals or retaliation against any person who has filed a harassment complaint (informal or formal), including a sexual harassment complaint. Likewise, reprisals or retaliation against anyone who has participated in an investigation of harassment is prohibited. Faculty and staff or students engaging in reprisals or retaliation will be subject to disciplinary action, whether such acts are implicit or explicit, or committed directly or indirectly. Complaints made in bad faith, malicious accusations, and false charges may also subject the perpetrator to disciplinary action.

## **Complaint Procedure**

### **Reporting an Incident of Harassment, Discrimination or Retaliation**

Marymount University requires the reporting of all incidents of discrimination, harassment or retaliation, regardless of the offender's identity or position. Any member of the University community who believes that he or she has been subjected to unlawful harassment of any kind has the responsibility to report the discrimination, harassment, or retaliation immediately to his or her supervisor, to the Director of Human Resource Services or to the Assistant Vice President, Human Resource Services. If the individual is uncomfortable reporting the harassment to his or her immediate supervisor (whether because the supervisor has committed the harassment, or for any other reason whatsoever), the employee must report the harassment to the next higher level of management above the immediate supervisor or, if the employee prefers, to the Director of Human Resource Services or the Assistant Vice President.

Marymount University is committed to taking all reasonable steps to prevent harassment, and will make every reasonable effort promptly and completely to address and correct any harassment that may occur. However, the University cannot take prompt and effective remedial action unless each individual assumes the responsibility of reporting any incident of harassment immediately to an appropriate supervisory employee in accordance with this policy.

Early reporting and intervention have proven to be the most effective method of resolving actual or perceived incidents of harassment. Therefore, while no fixed reporting period has been established, Marymount University strongly requires the prompt reporting of complaints or concerns so that rapid and constructive action can be taken.

The availability of this complaint procedure does not preclude individuals who believe they are being subjected to harassing conduct from promptly advising the offender that his/her behavior is unwelcome and requesting that it be discontinued.

### **The Investigation**

Any reported allegations of harassment, discrimination or retaliation will be investigated promptly. The investigation may include individual interviews with the parties involved and, where necessary, with individuals who may have observed the alleged conduct or may have other relevant knowledge.

Confidentiality will be maintained throughout the investigatory process to the extent consistent with adequate investigation and appropriate corrective action.

### **Responsive Action**

Misconduct constituting harassment, discrimination or retaliation will be dealt with appropriately. Responsive action may include training, referral to counseling and/or disciplinary action such as warning, reprimand, withholding of a promotion or pay increase, reassignment, temporary suspension without pay or termination, as Marymount University believes appropriate under the circumstances.

Individuals who have questions or concerns about these policies should contact the Director of Human Resource Services or the Assistant Vice President, Human Resource Services.

Finally, these policies will not, and may not, be used as a basis for excluding or separating individuals of a particular gender, or any other categories protected by applicable law, from participating in educational or work-related social activities or discussions in order to avoid allegations of harassment. The law and the policies of Marymount University prohibit disparate treatment on the basis of sex or any other categories protected by applicable law, with regard to terms, conditions, privileges and perquisites of employment. The prohibitions against harassment, discrimination and retaliation are intended to complement and further these policies, not to form the basis of an exception to them.