



ANTI-HARASSMENT POLICY

Approved By:	Senior Management Team
Date of Last Revision:	July 31, 2008
Responsible Office/Department:	Affirmative Action

Policy Statement

Article I. Purpose

The goal of Grand Valley State University is to maintain a positive work environment for employees and a climate conducive to learning for students. The University, consistent with its policies and procedures, promotes institutional diversity by embracing such concepts as "affirmative action" and "equal opportunity" as a campus-wide strategy to provide equal access to opportunity. The University's commitment to non-discrimination is the foundation for such efforts. This policy outlines expectations for institutional and individual conduct that apply to all University faculty and staff members.

It is neither the purpose nor intent of this policy to infringe on academic freedom as defined by Grand Valley State University's Administration Manual and the Faculty Handbook.

Policy & Procedures

Article II. Prohibited Conduct

Harassment

Harassment is unprofessional conduct that could reasonably be understood as (1) having the purpose or effect of creating an intimidating, hostile, or offensive environment, (2) having the purpose or effect of unreasonably interfering with an individual's work performance or access to educational activities and programs, (3) otherwise adversely affecting an individual's employment opportunities or access to educational activities and programs.

Harassment on the basis of age, color, disability, familial status, height, marital status, national origin, political affiliation, race, religion, sex/gender, sexual orientation, veteran status, or weight is considered a violation of university policy.

Sexual Harassment

Harassment on the basis of sex is a violation of Title VII and Title IX of the Civil Rights Act and of the Elliot-Larsen Civil Rights Act. 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 an individual's employment or access to educational activities and programs, (2) submission to or rejection of such conduct by an individual is used as the basis for employment decisions or access to educational activities and programs, or (3) such conduct is unprofessional and has the purpose or effect of unreasonably interfering with or creating an intimidating, hostile, or offensive working or educational environment.

Article III. Consensual Relationships

Consenting romantic and sexual relationships between faculty/staff and their students or between supervisors and their subordinates are inappropriate. The faculty/staff member who enters into a sexual relationship with a student (or a supervisor with a subordinate) where a professional power differential exists must realize that if a charge of sexual harassment is subsequently lodged, it will be extremely difficult to use mutual consent as a defense.

Article IV. Sanctions

Any person who violates the University's Anti-Harassment Policy may be subject to a range of sanctions (in accordance with University policies) which could include but is not limited to dismissal, according to due process, from University employment. Violators may also be subject to civil action or criminal prosecution because harassment and other discriminatory behavior may violate state or federal laws.

Article V. Retaliation

Any attempt to retaliate against an individual who files a complaint is prohibited by this policy and by law.

Complaint Resolution Procedure

I. General Procedures

Initiate by Making a Complaint. The procedures that follow are intended to enforce the University's Anti-Harassment Policy. The procedures are initiated by making a complaint that alleges that the University's Anti-Harassment Policy has been violated. Complaints may be either formal or informal, and the procedure for each is described below.

Where to Make a Complaint. A University Faculty/Staff member with a complaint, whether it is formal or informal, should report it to the Human Resources Office. A University student with a complaint, whether it is formal or informal, should report it to the Dean of Students Office. In the event a complaint is received in other than these

offices, faculty and staff are responsible for referring the complaining individual to the appropriate Office.

When to Make a Complaint. Typically, both formal and informal complaints should be reported within sixty (60) days after discovery of the act which constitutes an instance of inappropriate behavior (but not more than one [1] year after the act). The University retains the right to accept and address complaints reported more than one year after the offending incident.

II. Informal Complaints (Mediation)

In General. Informal complaints are those complaints where the person making the complaint (the Complainant) asks the Human Resources Office or the Dean of Students Office to assist in the resolution of an alleged violation of the Anti-Harassment Policy through mediation. Mediation is a voluntary conflict-resolution process. The Complainant and the alleged offender voluntarily agree to work with a third party mediator to resolve the complaint. This mediation is intended to resolve the complaint to the satisfaction of both the Complainant and the alleged offender. Informal complaints need not be put in writing or signed by the Complainant.

Steps in Mediation Process:

1. The Complainant initiates the mediation process by making an informal complaint within the Human Resources Office or the Dean of Students Office. The complaint need not be in writing or be signed by the complainant.
2. An individual from the appropriate office or a person designated by the office (the Mediator) discusses the mediation process with the Complainant to determine if mediation might be an appropriate method to resolve the complaint.
3. The Mediator meets with the alleged offender, informing him or her that an informal complaint has been filed and that the person filing the complaint wishes to resolve it by mediation. The Mediator discusses the mediation process with the alleged offender to determine if mediation might be an appropriate method to resolve the complaint. The Mediator will also inform the alleged offender that mediation is a voluntary conflict resolution process intended to make each party aware of the position or feelings of the other and to resolve the conflict.
4. The Mediation may include additional meetings between the Mediator and the parties separately, and if necessary, jointly.
5. If mediation has been successful, the Affirmative Action Office will be informed that the complaint has been resolved.
6. If the Mediator determines that mediation cannot adequately resolve the issues, he or she will inform the Complainant and the alleged offender of this as well as the options available, such as filing a formal complaint. The Mediator will also notify the Affirmative Action Office that mediation was unsuccessful.

7. If the Complainant is dissatisfied with the results of mediation, he or she may file a formal complaint.

III. Formal Complaints (Written)

In general, Formal complaints are those complaints where the Complainant asks a Complaint Resolution Team to review and to investigate the complaint and to report its findings to the appropriate appointing officer for action. Action taken in cases where a violation has been found could result in varying levels of discipline up to and including dismissal from employment. Formal complaints must be in writing and signed by the Complainant.

Steps in the Formal Complaint Process

1. The Complainant obtains a Formal Complaint Form from the Affirmative Action Office, the Human Resources Office, Dean of Students Office, or the Counseling Center.
2. The Complainant completes the form, listing the type of alleged offense, the name of the alleged offender, and specific facts about the alleged offense (e.g., time, date, location). The Complainant must sign the complaint form.
3. The Complainant files the written complaint with the Affirmative Action Office.
4. The Director of Affirmative Action convenes the Complaint Resolution Team.
5. The Team reviews the Complaint and the accompanying facts and circumstances to initially determine if the Complaint requires further investigation, should be referred to another forum for action (such as the Student Judicial System), or should be dismissed. If the Team decision is to investigate, the appointing officer and the appropriate Vice President will be notified and provided a copy of the complaint.
6. The appointing officer provides a copy of the complaint to the alleged offender and informs him/her of the decision to investigate.
7. Where investigation is required for student complaints, the Dean of Students coordinates the investigation; where investigation is required for employee complaints, the Director of Affirmative Action coordinates the investigation.
8. Where investigation is required, the Complainant and the alleged offender will be notified and consulted, and
 - a. When the alleged offender is a faculty member, the Provost or a designee, the alleged offender's appointing officer, and the Associate Vice President for Human Resources will be notified; or
 - b. When the alleged offender is a staff member, the employee's appointing officer and the appropriate Vice President and Associate Vice President for Human

Resources will be notified; or

c. When the Complainant and the alleged offender are students, the Dean of Students and other individuals will be notified as necessary.

9. At the conclusion of the investigation the Team prepares a report containing a statement of the allegation, a list of policy violations, and a statement of findings.

10. Complainant is notified regarding CRT's findings in relation to whether there has been a policy violation.

11. The Team's report is sent to the appointing officer and the appropriate Vice President.

12. The appointing officer provides a copy of the report to the alleged offender.

13. The appointing officer consults with the Associate Vice President for Human Resources.

14. The appointing officer takes appropriate action.

Note: If the complaint is against an appointing officer, only the appropriate Vice President is notified. If the complaint is against a Vice President, the President is notified. If the complaint is against the President, the Chair of the Board of Trustees is notified. If the complaint is against a member of the Board of Trustees, the Chair of the Board of Trustees will be notified. If the complaint is against the Chair of the Board of Trustees, the Vice Chair of the Board of Trustees will be notified.

Confidentiality

Although discretion will be exercised, a guarantee of confidentiality or anonymity cannot be made since the investigation will involve discussions with other parties. Information about the complainant and the incidents giving rise to the complaint will be revealed only as investigatory and disciplinary processes require. Confidentiality will be observed to the extent permitted by law and which is consistent with protecting the welfare of the faculty, staff, and students, and the interests of the University.

Complaint Resolution Committee Membership:

- Dean of Students
- Director of Affirmative Action
- Director of Counseling and Career Services
- Five Faculty Members
- Director of Staff Relations and Benefits
- One employee appointed by the President to reflect the male/female balance of the Team

Committee Members are appointed by the President for two-year staggered terms. Complaint Resolution Teams are subcommittees selected by the Director of Affirmative

Action from the Complaint Resolution Committee membership to investigate complaints. When possible, team members should be demographically representative of the parties involved in the dispute. If a complaint or conflict of interest involves a Complaint Resolution Team Member that member will not participate in their normal capacity as a committee member.

Information Sources

Information regarding the formal complaint and grievance procedures is located in the following documents:

Faculty members - Section 2.16 of the Faculty Handbook.

Executive, Administrative and Professional Staff - Chapter 4, Section 4.7 of the Administrative Manual.

Clerical, Office and Technical Staff - Section 6, Grievance, of the present contract.

Maintenance, Grounds, and Services - Section 6, Grievances, of the present contract.

Safety and Security Staff - Section 6, Grievances, of the present contract.

Student Employees - Student Employee Handbook.

Copies of these procedures are available and have been distributed to all affected employees and students.

Where to Go for Help

The offices listed below are available to assist you in your efforts to put an end to harassment. Your questions can be answered, you can be helped in the preparation of reports, and you can be advised informally and confidentially. You may request information and/or advice anonymously. Formal/written reports are filed in the Affirmative Action Office.

Students:

Dean of Students.

202 Student Services Building - 331-3585

Counseling Center

204 Student Services Building - 331-3266

Employees:

Associate Vice President for Human Resources.

140 Lake Michigan Hall - 331-2215

Affirmative Action Office

14 Zumberge Library - 331-2242

Grand Valley State University is an affirmative action, equal opportunity institution. It encourages diversity and provides equal opportunity in education, employment, all of its programs, and the use of its facilities. It is committed to protecting the constitutional and statutory civil rights of persons connected with the university.

Unlawful acts of discrimination or harassment by members of the campus community are prohibited. In addition, even if not illegal, acts are prohibited if they harass or

discriminate against any university community member(s) through inappropriate limitation of access to, or participation in, educational, employment, athletic, social, cultural, or other university activities on the basis of age, color, disability, familial status, height, marital status, national origin, political affiliation, race, religion, sex/gender, sexual orientation, veteran status, or weight. Limitations are lawful if they are: directly related to a legitimate university purpose, required by law, lawfully required by a grant or contract between the university and the state or federal government, or addressing domestic partner benefits.