

Harassment Policy for the Faculty, Staff and Students of the Department of Art, Art History & Design

Our department is fortunate in being one of the few on this campus in which there is a long and important tradition of close working relationships between its faculty, staff, and students. This is a rewarding, creative, and productive tradition. To ensure its continued health, we all need to recognize and to remember the responsibilities and the boundaries that allow creativity and free thought to flourish in an atmosphere of mutual respect and trust. In line with University of Notre Dame policy, this department has no tolerance for actions that may compromise our professional working environment. So that everyone is clear about these guidelines, they are reproduced below. Print and on-line versions of these may be found in the *Faculty Handbook*, in the *Department Guide to Graduate Studies*, and in *du Lac*. Should you wish to report any instances of harassment, you should follow the procedures laid out below. You may also contact me (cbarber@nd.edu or 1-7452) or Robert Sedlack (rsedlack@nd.edu or 1-7652). We can both be found in 306 Riley, which should be considered a safe space. All conversations regarding this matter are strictly confidential.

Charlie Barber
Chairperson

The following is taken from the Office of Institutional Equity's website.
http://www.nd.edu/~equity/discriminatory_harassment/
accessed: 11/30/10

Discriminatory Harassment

POLICY

The University of Notre Dame believes in the intrinsic value of all human beings. It is, moreover, committed to the full, peaceable participation of all its members in the educational endeavor it fosters. Accordingly, the University prohibits discriminatory harassment by all administrators, faculty, staff, and students. The University is also

committed to the free expression and advocacy of ideas and wishes to maintain the integrity of this commitment as well. For this reason, discriminatory harassment is defined here with great caution.

Definitions

Harassment

Harassment is any physical conduct that intentionally inflicts injury on the person or property of another, or any intentional threat of such conduct; any hostile, intentional, and persistent badgering, addressed directly at another, or group of others, that is intended to intimidate its victim(s) from any University activity; or any verbal attack, intended to provoke the victim to immediate physical retaliation.

Discriminatory Harassment

Conduct, as described above, constitutes discriminatory harassment, if it is accompanied by intentionally demeaning expressions concerning the race, gender, religion, age, veteran status, sexual orientation, national origin, or disability of the victim(s).

This policy is intended to be an addition to existing University rules and regulations and does not alter or modify any existing University rule or regulation.

Discriminatory Harassment Procedures

Notwithstanding the reporting procedures outlined below, a person alleging discriminatory harassment may choose to report the incident to the Office of Institutional Equity (631-0444).

Administration of Policy: Students

Students

Reporting - Any incident of discriminatory harassment by a student (including students with teaching or classroom responsibilities) toward any other student that occurs outside a residence facility or toward any faculty member, staff member, or administrator that the complainant cannot or does not desire to resolve directly with the alleged harasser should be reported to the Office of Residence Life and Housing.

Any incident of discriminatory harassment by a student (including students with teaching or classroom responsibilities) toward any other student that occurs in a residence facility is to be reported to the Rector, who shall consult with the Office of Residence Life and Housing to determine whether the complaint should be handled at the hall level or whether the matter should be referred to the Office of Residence Life and Housing. Prior to or after a complaint has been filed, the complainant may obtain information about this discriminatory harassment policy, the procedures for handling a complaint or advice and assistance in reporting the incident from their Rector or the Office of Residence Life and Housing.

Disciplinary Procedures - An alleged incident of discriminatory harassment by a student will be handled in accordance with the disciplinary procedures outlined in du Lac.

Resolution - The alleged harasser may be found not to have committed a violation of rules and regulations or may be found responsible and subject to the sanctions explained in the "University Disciplinary Procedures" outlined in du Lac.

In cases handled by the Office of Residence Life and Housing, the sanctions may include, but not be limited to, a verbal or written warning, psychological assessment, a ban from specific areas of campus, loss of specific student privileges, community service, transfer or loss of on-campus housing privileges, disciplinary probation, disciplinary suspension or permanent dismissal. If the student has teaching or classroom responsibilities, the Office of the Provost may also terminate such responsibilities as a sanction if appropriate. In cases handled by the Office of Residence Life, students found responsible may ask for review of the matter according to the "Disciplinary Review Procedures" and "Case Review Routes" sections outlined in du Lac.

Administration of Policy: Faculty, Administrators, and Staff

Faculty

Reporting - Any incident of discriminatory harassment by a faculty member, postdoctoral research associate or student with teaching or classroom responsibilities (if the allegations are related to such responsibilities) toward a student, administrator, staff, or other faculty member that the complainant cannot or does not desire to resolve directly with the alleged harasser should be reported to the Chair of the academic department or, in cases involving the Chair, to the Dean of the College. If the matter cannot be resolved at the department or college level, it should be referred to the designated officer in the Provost's Office. The Officer currently designated in the Provost's Office is Don Pope Davis (631-5716).

Investigation - At the request of the complainant, the complaint will be investigated. The investigation may involve interviews and/or written statements from the complainant, the alleged harasser, and any witnesses who may be able to provide pertinent information about the facts of the case. In the course of the investigation, the alleged harasser will be informed of the allegations, and the facts surrounding the allegations, and will be afforded a full opportunity to respond to the allegations. In response to most reports of discriminatory harassment, the University will complete the investigation in 30 business days (Note: Business days do not include weekends or employee holidays as recognized by the University). There may be some reports that cannot be investigated within 30 business days. In such cases, the University will communicate to the complainant that the investigation is going to take longer than 30 business days and will also include a statement to the complainant indicating when the University believes it will complete the

investigation. The conclusion of the investigator as to whether the Discriminatory Harassment Policy was violated will be communicated to both the complainant and the alleged harasser.

Resolution - The results of the investigation may fall into two categories:

Unfounded - If the complaint is determined to be without merit, the complaint will be regarded as resolved.

Founded - If after conducting the investigation the complaint is determined to be with merit, the complaint will be resolved as described below:

Informal Resolution - In appropriate cases and with the approval of both the complainant and the alleged harasser the investigator may attempt private mediation in an effort to resolve the alleged complaint without the need for additional proceedings.

Formal Resolution - The Provost's Office will take appropriate disciplinary action which may include counseling or education about discriminatory harassment, a verbal or written reprimand, or other disciplinary sanctions up to and including suspension. In the case of students with teaching or classroom responsibilities, this discipline may also include termination of such teaching or classroom responsibilities as well as discipline from the Office of Residence Life and Housing if appropriate. Faculty appeals from such disciplinary actions will be handled pursuant to the procedures for faculty grievances as outlined in Article III, Section 11 of the Academic Articles. Student appeals may be made to the Dean of the College. In the case of faculty, if the investigation reveals that the conduct is such that a "severe sanction" or dismissal is contemplated, the procedures for Severe Sanctions Including Dismissal for Serious Cause as outlined in Article III, Section 8 of the Academic Articles shall be followed. The results of the investigation will be communicated in writing to both the complainant and respondent.

Staff

Reporting - Any incident of discriminatory harassment by a staff member toward a student, faculty member, administrator, or staff member, that the complainant cannot or does not desire to resolve directly with the alleged harasser, should be reported to the Office of Human Resources or at the option of the complainant, it may be reported to the complainant's or the alleged harasser's supervisor who will report it to Human Resources. Prior to or after a complaint has been filed, the complainant may obtain information about this discriminatory harassment policy or the procedures for handling a complaint from their supervisor, the alleged harasser's supervisor, or the Office of Human Resources. This initial discussion with the supervisor or Human Resources is for the purpose of providing guidance as to the complainant's options and procedures. If the complainant chooses to proceed informally, the alleged harasser's supervisor, in conjunction with the Office of Human Resources, will resolve the matter. If the matter is not resolved informally to the satisfaction of the reporting party, the matter will be referred to the Office of

Institutional Equity to begin the formal report process, regardless of whether the person reporting the harassment requests or desires this action.

Investigation - The Office of Institutional Equity will investigate the formal complaint and determine whether there is a reasonable basis for believing the alleged violations of the policy have occurred. The investigation may include oral interviews and/or written statements from the complainant, the alleged harasser and any witnesses who may be able to provide pertinent information about the facts of the case. In the course of the investigation, the alleged harasser will be informed of the allegation and the facts surrounding the allegations and will be afforded a full opportunity to respond to the allegations. In response to most reports of discriminatory harassment, the University will complete the investigation in 30 business days (Note: Business days do not include weekends or employee holidays as recognized by the University). There may be some reports that cannot be investigated within 30 business days. In such cases, the University will communicate to the complainant that the investigation is going to take longer than 30 business days and will also include a statement to the complainant indicating when the University believes it will complete the investigation. The conclusion of the investigator as to whether the Discriminatory Harassment Policy was violated will be communicated to both the complainant and the alleged harasser.

Resolution - The results of the investigation may fall into two categories:

Unfounded - If the complaint is determined to be without merit, the complaint will be regarded as resolved.

Founded - If after conducting the investigation the complaint is determined to be with merit, the alleged harasser's supervisor, in conjunction with the Office of Human Resources, will take appropriate disciplinary action which may include (but not be limited to) counseling or education about discriminatory harassment, verbal or written reprimands, suspension or termination. Staff personnel may appeal such decisions using the Employee Grievance Procedure.

Administrators

Reporting - Any incident of discriminatory harassment by an administrator toward a student, faculty member, staff person, or other administrator that the complainant cannot or does not desire to resolve directly with the alleged harasser, should be reported to the alleged harasser's superior (the individual to whom the alleged harasser reports) who shall report the complaint to the Office of Human Resources. Prior to or after a complaint has been filed, the complainant may obtain information about this discriminatory harassment policy or the procedures for handling a complaint from their supervisor, the alleged harasser's superior, or the Office of Human Resources. The initial discussion with the alleged harasser's superior is for the purpose of providing guidance as to the complainant's options and procedure. If the complainant chooses to proceed informally, the superior, in conjunction with the Office of Human Resources, will resolve the matter. If the matter is not resolved informally to the satisfaction of the reporting party, the matter will be referred to

the Office of Institutional Equity to begin the formal report process, regardless of whether the person reporting the harassment requests this action.

Investigation - The Office of Institutional Equity will investigate the formal complaint and determine whether there is a reasonable basis for believing the alleged violations of the policy have occurred. The investigation may include oral interviews and/or written statements from the complainant, the alleged harasser and any witnesses who may be able to provide pertinent information about the facts of the case. In the course of the investigation, the alleged harasser will be informed of the allegations and the facts surrounding the allegations and will be afforded a full opportunity to respond to the allegations. In response to most reports of discriminatory harassment, the University will complete the investigation in 30 business days (Note: Business days do not include weekends or employee holidays as recognized by the University). There may be some reports that cannot be investigated within 30 business days. In such cases, the University will communicate to the complainant that the investigation is going to take longer than 30 business days and will also include a statement to the complainant indicating when the University believes it will complete the investigation. The conclusion of the investigator as to whether the Discriminatory Harassment Policy was violated will be communicated to both the complainant and the alleged harasser.

Resolution - The results of the investigation may fall into two categories:

Unfounded - If the complaint is determined to be without merit, the complaint will be regarded as resolved.

Founded - If after conducting the investigation the complaint is determined to be with merit, the alleged harasser's supervisor, in conjunction with the Office of Human Resources, will take appropriate disciplinary action which may include (but not be limited to) counseling or education about discriminatory harassment, verbal or written reprimands, suspension or termination. Administrators may appeal such decisions using the Employee Grievance Procedure.

Confidentiality, Retaliation, Protection of the Alleged Harasser

Confidentiality - Discriminatory harassment is a particularly sensitive issue which may affect any member of the University community. The right to confidentiality of all parties involved in a discriminatory harassment charge shall be strictly adhered to insofar as it does not interfere with the University's legal obligation to investigate allegations of discriminatory harassment when brought to the University's attention and to take corrective action.

Non-Retaliation - Any attempt by a faculty member, staff member, administrator, or student to penalize or retaliate in any way against a person bringing a discriminatory harassment charge is prohibited and will be treated as a separate incident to be reviewed in its own right.

Protection of the Alleged Harasser - 1.) In the event the allegations are not substantiated, all reasonable steps will be taken to restore the reputation of the alleged harasser if it was damaged by the proceeding. 2.) A complainant found to have been intentionally dishonest in making the allegations or to have made them maliciously is subject to the full range of the University's disciplinary procedures from official reprimand to dismissal.

This policy is intended to be an addition to existing University rules and regulations and does not alter or modify any existing University rule or regulation.

Discriminatory Harassment Ombudsperson

Notwithstanding the reporting procedures outlined in this policy, a person alleging discriminatory harassment may choose to report the incident to the University's Ombudsperson for Discriminatory Harassment. The Ombudsperson is a member of the University community selected by the President, in consultation with the Office of Institutional Equity, for that task. The Ombudsperson, after taking information on the incident, is to help the complainant handle the matter, either by informal conciliation, or by helping the complainant proceed with the formal reporting procedure described above. Dwight King is the current University Ombudsperson for discriminatory harassment. The telephone number for the Ombudsperson is 631-3909.