

Sexual 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/sexual_harassment/
accessed: 11/29/08

Sexual Harassment Policy

General Policy

The University of Notre Dame prohibits sexual harassment by all faculty, students and employees, and by any other person associated with Notre Dame. Sexual harassment is a barrier to the educational, scholarly and research purposes of the University of Notre Dame and is a violation of the law and University policy. The University of Notre Dame affirms its commitment to maintaining a learning and working environment that is fair, respectful, and free from sexual harassment. Additional information regarding sexual harassment may be obtained from the online versions of *du Lac*, the Human Resources

Policy Manual, or the Faculty Handbook; as well, from the Sexual Harassment Ombudspersons, from any of the Contact Persons, from supervisors and department heads, the Office of Institutional Equity, and in a detailed Sexual Harassment brochure available throughout campus.

Definition of Sexual Harassment - The determination of what constitutes sexual harassment will vary with the particular circumstances, but may be described generally as: Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

Submission to or rejection of such conduct is made either explicitly or implicitly a term or condition of education, employment, or participation in other University activities;

Submission to or rejection of such conduct by an individual is used as a basis for evaluation in making academic or personnel decisions affecting that individual; or

Such conduct has the purpose or effect of unreasonably interfering with an individual's performance or creating an intimidating, hostile, or offensive University environment.

Note: The terms "employee," "staff" (i.e. non-exempt employee), and "administrator" (i.e. exempt employee) as used in this policy do not include any person with a faculty appointment. Persons with any faculty appointment are referred to generally as "faculty" throughout this policy.

Sexual Harassment Reporting Procedures

General Information

In conjunction with training and other preventive means, the prompt reporting of sexual harassment is key to the University's ability to eliminate sexual harassment on campus. Under the terms of this policy, persons who believe they are victims of sexual harassment may proceed informally or formally. These options are described below. Regardless of the status of the harasser or nature of the harassment, individuals who think they may be victims of sexual harassment should note the following:

Report the harassment promptly - before the conduct becomes severe or pervasive. Current contact information for the University officials to whom you are encouraged to make reports of sexual harassment, is found on this website (Ombudspersons or Contact Persons) and in the Sexual Harassment brochure available throughout campus.

In an emergency situation, such as after normal business hours or in the event that you are concerned for your safety, contact the Notre Dame Security/Police Department. As soon as possible thereafter, you should report any conduct that may be sexual harassment to one of the appropriate Contact Persons or to an Ombudsperson.

You are encouraged to utilize the University Counseling Center (for students), the Employee Assistance Program (for employees and faculty), and members of the clergy at Notre Dame (for faculty, employees and students) as confidential resources to discuss sexual harassment and its effects. Because of the confidentiality afforded to these relationships, however, you should know that counselors at the UCC and EAP and members of the clergy are not in a position to report the harassment to University officials or to end the sexual harassment. To ensure University involvement, you must report the harassment through either the informal or formal reporting process, as detailed in this policy. On the other hand, if you specifically ask a member of the clergy (such as a rector or administrator) to assist you in reaching an informal resolution or to take any other steps to end the harassment, and they agree to assist you in such a manner, you must recognize that they will not be able to keep the matter completely confidential and that they will consult with an Ombudsperson, a Contact Person, or other appropriate University official to informally or formally resolve the matter.

To ensure accurate communication of the allegations, you are strongly encouraged to submit a written account when reporting harassment. In no case should this suggestion, however, stand in the way of making a report - the most important thing is that you report the harassment in some manner to an appropriate University official.

Informal Resolution

Selecting informal or formal resolution is initially the decision of the person who is being harassed. You may find informal resolution particularly appropriate if the conduct is isolated and of the following nature: sexual innuendo; display or distribution of drawings, pictures or other materials with a sexual content; sexual or "dirty" jokes; or comments with sexual content. On the other hand, you should submit a formal report if the harassment involves multiple instances of the conduct described above; sexual assault; sexual or inappropriate touching of any kind; or sexual advances or "come-ons." Please note that the formal report process is available for harassment of any nature, and that these examples are not intended to discourage use of the formal report process.

If you choose to proceed informally, you should report the harassment to any faculty member, administrator, supervisor, employee in the Office of Human Resources, or a Sexual Harassment Ombudsperson. You may also report the harassment to any of the Contact Persons designated to receive formal reports. If you do so, you should specify to the Contact Person that you initially wish to proceed informally. If the person who receives the report is a faculty member, they must consult with their Dean, Department Chair and/or an Ombudsperson throughout the attempt to resolve the matter informally. If the person who receives the report is an employee, they must consult with their Director or other Department Head and/or an Ombudsperson throughout the attempt to resolve the matter informally. At least one person working to resolve the matter informally must have the authority to promptly end the harassment.

If the matter is resolved informally to the satisfaction of the reporting party, the person to whom the report was initially made shall send a written summary of the matter to a Contact Person in the Office of Residence Life & Housing, the Office of the Provost, or

the Office of Human Resources, depending on the status of the alleged harasser. The purpose of this summary is twofold: (1) to ensure that the University is aware of repeat incidents by the same harasser and (2) for record-keeping purposes so that the University can gauge the effectiveness of its anti-harassment policy and programs. This summary will be kept in a separate file and will be consulted for the two purposes set forth in this paragraph. However, discipline or other documentation issued to the harasser (if any) as part of the informal resolution may be kept in that person's appropriate University file (faculty or employee's personnel file or student's disciplinary file).

If the matter is not resolved informally to the satisfaction of the reporting party, the person to whom the report was originally made must immediately report the allegations to an appropriate Contact Person (in the Office of Residence Life & Housing, Office of the Provost or the Office of Human Resources), or to a Sexual Harassment Ombudsperson, to begin the formal report process, regardless of whether the person reporting the harassment requests or desires this action.

Formal Report Process

If the reporting party initially chooses to proceed with a formal report, or if informal resolution is unsuccessful, to whom the harassment is reported and the nature of the resulting investigation and resolution process depends upon the status of the harasser, as described in this section.

Harassment by Students

Reporting - Any incident of sexual harassment by an undergraduate or graduate student (including a student with teaching or classroom responsibilities if the allegations are unrelated to such responsibilities) toward any faculty member, employee or other student that the reporting party cannot or does not desire to resolve informally should be reported promptly to one of the Contact Persons in the Office of Residence Life & Housing. Once the Office of Residence Life and Housing is notified of an alleged incident of sexual harassment by a student that has not been resolved informally, the Office of Residence Life and Housing will accept any written statements from the reporting party. The Office of Residence Life and Housing may also interview the reporting party, the alleged harasser and any witnesses who may be able to provide pertinent information about the incident, and may review any pertinent documents.

Resolution - At the conclusion of the investigation, if there is sufficient evidence to indicate that a violation of the policy may have occurred, the Office of Residence Life and Housing will proceed in accordance with the procedures outlined in the "University Disciplinary Procedures" section of du Lac. A student found responsible for violating the sexual harassment policy will be sanctioned in accordance with the "University Disciplinary Procedures." These sanctions include, but are not limited to, a verbal or written warning, mandatory counseling, 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. Students found responsible may ask for review of the matter according to the "Disciplinary Review Procedures" and "Case Review Routes" provisions of du Lac. The resolution of a sexual harassment allegation will be shared with the reporting party to the extent allowed by law.

Records - The individual who conducts the review and/or hearing for the Office of Residence Life & Housing shall prepare a written summary of the matter. The purpose of this summary is twofold: (1) to ensure that the University is aware of repeat incidents by the same harasser and (2) for record-keeping purposes so that the University can gauge the effectiveness of its anti-harassment policy and programs. This summary will be kept in a separate file and will be consulted for the two purposes set forth in this paragraph. However, discipline or other documentation issued to the harasser (if any) as part of the resolution may be kept in that person's student disciplinary file.

Harassment by Faculty

Reporting - Any incident of sexual harassment by a faculty member or postdoctoral research associate (or a student with teaching or classroom responsibilities if the allegations are related to such responsibilities) toward any student, employee, or other faculty member that the reporting party cannot or does not desire to resolve informally should be reported promptly to the Contact Person in the Office of the Provost.

Investigation - The Office of the Provost will promptly and thoroughly investigate any allegation that has not been resolved informally to determine whether there is sufficient evidence to conclude that a violation of the policy has occurred. The investigation may involve interviews and/or written statements from the reporting party, the alleged harasser and any witnesses who may be able to provide pertinent information about the facts, as well as a review of any pertinent documents. In the course of the investigation, the alleged harasser will be informed of the allegation, the identity of the reporting party, and the facts surrounding the allegation. The alleged harasser will be afforded a full opportunity to respond to the allegation. The conclusion of the investigator as to whether the Sexual Harassment Policy was violated will be communicated in writing to both the reporting party and the alleged harasser.

Resolution - If there is sufficient evidence to conclude that the alleged harasser violated the Sexual Harassment Policy, the Office of the Provost will take appropriate action, including but not limited to counseling or educating the individual about sexual harassment, and/or disciplinary action, including but not limited to a verbal or written reprimand, or other disciplinary sanctions up to and including termination in accordance with Article III, Section 6 of the Academic Articles ("Severe Sanctions Including Dismissal for Serious Cause"). In the case of students with teaching or classroom responsibilities, this discipline may also include termination of such teaching and classroom responsibilities, as well as discipline from the Office of Residence Life if

appropriate. Appeals by faculty and by students with teaching or classroom responsibilities from such disciplinary actions will be handled pursuant to the procedures for Faculty Grievances as outlined in Article III, Section 9 of the Academic Articles.

Records - The individual who conducts the investigation for the Office of the Provost shall prepare a written summary of the matter. The purpose of this summary is twofold: (1) to ensure that the University is aware of repeat incidents by the same harasser and (2) for record-keeping purposes so that the University can gauge the effectiveness of its anti-harassment policy and programs. This summary will be kept in a separate file and will be consulted for the two purposes set forth in this paragraph. However, discipline or other documentation issued to the harasser (if any) as part of the resolution may be kept in that person's personnel file.

Harassment by Employees

Reporting - Any incident of sexual harassment by an employee toward any student, faculty member, or other employee that the reporting party cannot or does not desire to resolve informally should be promptly reported to one of the Contact Persons in the Office of Human Resources. In the alternative, the report can be made to any supervisor in the reporting party's department, who in turn must report the allegation to a Contact Person in the Office of Human Resources.

Investigation - The Office of Human Resources will promptly and thoroughly investigate any allegation that has not been resolved informally to determine whether there is sufficient evidence to conclude that a violation of the policy has occurred. The investigation may include interviews and/or written statements from the reporting party, the alleged harasser and any witnesses who may be able to provide pertinent information about the facts, as well as a review of any pertinent documents. In the course of the investigation, the alleged harasser will be informed of the allegation, the identity of the reporting party, and the facts surrounding the allegation. The alleged harasser will be afforded a full opportunity to respond to the allegation. The conclusion of the investigator as to whether the Sexual Harassment Policy was violated will be communicated in writing to both the reporting party and the alleged harasser.

Resolution - If there is sufficient evidence to conclude that the alleged harasser violated the Sexual Harassment Policy, the appropriate administrator, in conjunction with the Office of Human Resources, will take appropriate action, including but not limited to counseling or educating the individual about sexual harassment, and/or corrective action, including but not limited to mandatory referral to the Employee Assistance Program, verbal or written reprimands, suspension or termination. Staff may appeal such decisions using the Staff Complaint Procedure. Administrators may appeal such decisions in writing to the University Officer who has responsibility for their department.

Records - The individual who conducts the investigation for the Office of Human Resources shall prepare a written summary of the matter. The purpose of this summary is twofold: (1) to ensure that the University is aware of repeat incidents by the same harasser and (2) for record-keeping purposes so that the University can gauge the effectiveness of its anti-harassment policy and programs. This summary will be kept in a separate file and will be consulted for the two purposes set forth in this paragraph. However, discipline or other documentation issued to the harasser (if any) as part of the resolution may be kept in that person's personnel file.

Confidentiality

Sexual harassment is a particularly sensitive issue that may affect any member of the University community. All persons involved in any aspect of a sexual harassment allegation shall treat the matter as strictly confidential. The University will disclose information regarding a sexual harassment report only as required by law and as necessary to meet its legal obligation to investigate allegations of sexual harassment and to take action to end the harassment.

Retaliation

Any attempt by a faculty member, employee, or a student to penalize, intimidate, or retaliate in any way against a person who makes a report of or who is otherwise involved in an informal or formal sexual harassment report is completely prohibited. The University will treat retaliation as a separate incident subject to appropriate discipline/corrective action, from warning to termination or dismissal (for faculty, dismissal is conducted in accordance with Article III, section 6 of the Academic Articles ("Severe Sanctions Including Dismissal for Serious Cause")).

False Reports

A reporting party who was intentionally dishonest in making the allegations or who acted maliciously is subject to appropriate discipline/corrective action, from warning to termination or dismissal.

Duty of Faculty and Employees to Report Harassment

To assist Notre Dame in preventing sexual harassment, all members of the University community are encouraged to report sexual harassment of others that they witness or otherwise know about. Certain Notre Dame faculty and employees have the following specific duties related to reporting the sexual harassment of others.

The duties in this section apply to all faculty and administrators at Notre Dame who have received reports of harassment or who have witnessed harassment, and to all faculty and

administrators who supervise others who have received reports of harassment, witnessed harassment, or otherwise have any knowledge of conduct that could be in violation of this policy. If a faculty member or exempt employee learns of conduct other than through the person being harassed, they should inquire with the individual(s) involved to determine whether conduct has indeed occurred that could be a violation of this policy. If the parties are uncooperative, the faculty member or exempt employee should contact an Ombudsperson for advice on how to proceed.

If there is indeed conduct that could be a violation of this policy, the faculty or administrator must first consult their Dean, Department Chair, or a Sexual Harassment Ombudsperson (if faculty), or their Director, Department Head or a Sexual Harassment Ombudsperson (if employee). The situation may then be handled either informally or formally (see the Reporting Harassment section of this policy), depending on the choice of the person being harassed. If the matter is not resolved informally to the satisfaction of the person being harassed, the faculty member or administrator to whom the report was originally made must ensure that the allegations are reported immediately to the appropriate Contact Person (with the Office of Residence Life & Housing, the Office of the Provost, or the Office of Human Resources) to begin the formal report process, regardless of whether the person reporting the harassment requests or desires this action.

Individuals who violate the reporting requirements in this provision will be subject to appropriate discipline/corrective action.

Sexual Harassment Ombudspersons

The University has designated two Sexual Harassment Ombudspersons to provide information and assistance regarding sexual harassment to the entire University community (students, faculty, and employees). The Ombudspersons are Notre Dame faculty or employees appointed by the President.

The Ombudspersons are available to discuss sexual harassment and the University's policies and procedures generally with inquiring parties. In some situations, with the agreement of the reporting party, an Ombudsperson may attempt to work directly with the parties involved to resolve the matter informally (see Reporting Harassment, B. Informal Resolution). However, the Ombudspersons have a duty to ensure that all allegations of sexual harassment that are not resolved informally are reported to the appropriate University Contact Person to initiate the formal report process (see Reporting Harassment, C. Formal Report Process). The Ombudspersons will be available to advise and guide reporting parties prior to and throughout the formal report process, and to serve as a liaison between reporting parties and the University representative handling a formal report of harassment.

The current University Ombudspersons are:
Charmelle Green
Director, Student-Athlete Development & Welfare
631-9367

Anita Kelly
Professor, Psychology
631-3030

Sexual Harassment Contact Persons

Contact Persons are those individuals to whom formal reports of harassment should be made. The appropriate Contact Person with whom to initiate a formal report is determined by the status of the harasser - student, faculty or employee (see Reporting Harassment, C. Formal Report Process). The reporting party may also choose to proceed informally on a report of harassment made directly to a University Contact Person. Therefore, individuals reporting harassment to a Contact Person may be asked to specify whether they wish to initially proceed informally or formally. Information regarding the current Contact Persons may be found in the Sexual Harassment brochure available throughout campus. The current University Contact Persons are:

Jeff Shoup	Residence Life	631-5878	Shoup.1@nd.edu
Sharon Hawkins	Human Resources	631-4236	Hawkins.12@nd.edu
Lori Maurer	Human Resources	631-4667	Maurer.7@nd.edu
Lisa Yates	Human Resources	631-8010	Yates.14@nd.edu
Mark Kocovski	Human Resources	631-0443	Kocovski.1@nd.edu
Matthew Blazejewski	Human Resources	631-7507	Mblazeje@nd.edu
Don Pope Davis	Provost Office	631-5716	

As well, any faculty, staff, or student may contact the Office of Institutional Equity (631-0444).

Consensual Relationships

Policy

Because of the potential for abuse or the appearance of abuse and the inherent differential in authority, the University prohibits any faculty member or employee of the University from engaging in a romantic and/or sexual relationship or in romantic and/or sexual conduct with any student currently enrolled as an undergraduate at Notre Dame.

Furthermore, because of the potential for abuse or the appearance of abuse and the inherent differential in authority between graduate students and their educators, counselors, and others holding positions of authority over them, the University prohibits any member of the University community from engaging in a romantic and/or sexual relationship or in romantic and/or sexual conduct with any graduate student whom he or she educates, counsels, coaches, supervises or evaluates in any way.

Likewise, because of the potential for abuse or the appearance of abuse and the inherent differential in authority, the University prohibits any member of the University community from engaging in a romantic and/or sexual relationship or in romantic and/or sexual conduct with any employee whom that person supervises or evaluates in any way.

Note: "Employee" as used in this provision does not include any student employees except for those who teach undergraduate students.

It should be noted that exceptions to any of these prohibitions will be considered by the Office of the Provost or the Office of Human Resources on a limited, case-by-base basis. If you have any questions about the application or effect of this policy to an existing or potential relationship, it is your duty to consult with your supervisor and/or member of the Office of the Provost or the Office of Human Resources.

In keeping with this University policy, if charges of sexual harassment are made, the existence of a consensual relationship in any of the contexts stated above shall not be a defense in any proceeding brought by the Office of Residence Life, Office of the Provost, or Office of Human Resources.

Individuals who violate this provision are subject to the range of discipline listed in the sexual harassment policy under the appropriate "Resolution" section.