



# Harassment & Violence Policy

## 1. General Statement of Policy

It is the policy of the University to maintain a learning environment that is free from harassment because of an individual's race, color, gender, national origin or disability. The University prohibits any and all forms of harassment because of race, color, gender, national origin and disability. It shall be a violation of University policy for any student, teacher, administrator or other school personnel to harass a student through conduct of a sexual nature, or regarding race, color, gender, national origin or disability, as defined by this policy.

It shall also be a violation of University policy for any teacher, administrator or other school personnel to tolerate sexual harassment or harassment because of a student's race, color, gender, national origin, ethnicity, or disability, as defined by this policy, by a student, teacher, administrator, other school personnel, or by any third parties who are participating in, observing, or otherwise engaged in activities, including sporting events and other extracurricular activities, under the auspices of the University.

For purpose of this policy, the term "school personnel" includes board members, employees, agents, volunteers, contractors, or persons subjected to the supervision and control of the University.

The University will act promptly to investigate all complaints, either formal or informal, verbal or written, of harassment because of race, color, gender, national origin, or disability; to promptly take appropriate action to protect individuals from further harassment; and, if it determines that unlawful harassment occurred, to promptly and appropriately discipline any student, teacher, administrator or other personnel who is found to have violated this policy, and/or to take other appropriate action reasonably calculated to end the harassment.

## 2. Definitions

1. Sexual Harassment  
For purposes of this policy, sexual harassment of a student consists of

unwelcome and unsolicited sexual advances, requests for sexual favors, sexually motivated physical conduct, or other verbal or physical conduct or communication of a sexual nature where:

1. A University employee causes a student to believe that he or she must submit to unwelcome sexual conduct in order to participate in a school program or activity, or when an employee or third party agent of the University causes a student to believe that the employee will make an educational decision based on whether or not the student submits to unwelcome sexual conduct; or
2. The unwelcome sexual conduct is so severe, persistent or pervasive that it affects a student's ability to participate in or benefit from an educational program or activity, or creates an intimidating, threatening or abusive educational environment.

### Examples of conduct which may constitute sexual harassment include:

- sexual advances
- touching, patting, grabbing or pinching another person's intimate parts, whether that person is of the same sex or the opposite sex
- coercing, forcing or attempting to coerce or force sexual intercourse or a sexual act on another
- graffiti of a sexual nature
- sexual gestures
- sexual or dirty jokes
- touching oneself sexually or talking about one's sexual activity in front of others
- spreading rumors about or rating other students as to sexual activity or performance
- unwelcome, sexually motivated or inappropriate patting, pinching or physical contact. This prohibition does not preclude legitimate non sexual physical conduct such as the use of necessary restraints to avoid physical harm to persons or property, or conduct such as faculty member's

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- consoling hug of a student, or one student's demonstration of a sports move requiring contact with another student
  - other unwelcome sexual behavior or words, including demands for sexual favors, when accompanied by implied or overt threats concerning an individual's educational status or implied or overt promises of preferential treatment.
3. **Harassment Because of Race or Color**  
For purposes of this policy, racial harassment of a student consists of verbal or physical conduct relating to an individual's race or color, when
1. The harassing conduct is sufficiently severe, persistent or pervasive that it affects a student's ability to participate in or benefit from an educational program or activity, or creates an intimidating, threatening or abusive education environment;
  2. The harassing conduct has the purpose or effect of substantially or unreasonably interfering with an individual's academic performance; or
  3. The harassing conduct otherwise adversely affects an individual's learning opportunities.

**Examples of conduct which may constitute harassment because of race or color include:**

- graffiti containing racially offensive language
- name calling, jokes or rumors
- threatening or intimidating conduct directed at another because of the other's race or color
- notes or cartoons
- racial slurs, negative stereotypes, and hostile acts which are based upon another's race or color
- written or graphic material containing racial comments or stereotypes which is posted or circulated and which is aimed at

degrading individuals or members of protected classes

- a physical act of aggression or assault upon another because of, or in a manner reasonably related to, race or color
- other kinds of aggressive conduct such as theft or damage to property which is motivated by race or color.

**Harassment based upon National Origin or Ethnicity**

For purposes of this policy, ethnic or national origin harassment of a student consists of verbal or physical conduct relating to an individual's ethnicity or country of origin or the country of origin of the individual's parents, family members or ancestors when

0. The harassing conduct is sufficiently severe, persistent or pervasive that it affects a student's ability to participate in or benefit from an educational program or activity, or creates an intimidating, threatening or abusive education environment;
1. The harassing conduct has the purpose or effect of substantially or unreasonably interfering with an individual's academic performance; or
2. The harassing conduct otherwise adversely affects an individual's learning opportunities.

**Examples of conduct which may constitute harassment because of national origin or ethnicity include:**

- graffiti containing offensive language which is derogatory to others because of the national origin or ethnicity
- threatening or intimidating conduct directed at another because of the other's national origin or ethnicity
- jokes, name calling, or rumors based upon an individual's national origin or ethnicity
- ethnic slurs, negative stereotypes, and hostile acts which are based

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- upon another's national origin or ethnicity
- written or graphic material containing ethnic comments or stereotypes which is posed or circulated and which is aimed at degrading individuals or members of protected classes
- a physical act of aggression or assault upon another because of, or in a manner reasonable related to, ethnicity or national origin
- other kinds of aggressive conduct such as theft or damage to property which is motivated by national origin or ethnicity.

### **Harassment Because of Disability**

For purposes of this policy, harassment because of the disability of a student consists of verbal or physical conduct relating to an individual's physical or mental impairment when

0. The harassing conduct is sufficiently severe, persistent or pervasive that it affects a student's ability to participate in or benefit from an educational program or activity, or creates an intimidating, threatening or abusive education environment;
1. The harassing conduct has the purpose or effect of substantially or unreasonably interfering with an individual's academic performance; or
2. The harassing conduct otherwise adversely affects an individual's learning opportunities.

### **Examples of conduct which may constitute harassment because of disability include:**

- graffiti containing offensive language which is derogatory to others because of their physical or mental disability
- threatening or intimidating conduct directed at another because of the other's physical or mental disability

- jokes, rumors or name calling based upon an individual's physical or mental disability
- slurs, negative stereotypes, and hostile acts which are based upon another's physical or mental disability
- graphic material containing comments or stereotypes which is posted or circulated and which is aimed at degrading individuals or members of protected classes
- a physical act of aggression or assault upon another because of, or in a manner reasonably related to, an individual's physical or mental disability
- other kinds of aggressive conduct such as theft or damage to property which is motivated by an individual's physical or mental disability

### **Reporting Procedures**

Any student who believes he or she has been the victim of sexual harassment or harassment based on race, color, gender, national origin, or disability by a student, teacher, administrator or other school personnel of the University, or by any other person who is participating in, observing, or otherwise engaged in activities, including sporting events and other extracurricular activities, under the auspices of the University, is encouraged to immediately report the alleged acts to an appropriate University official designated by this policy.

Any teacher, administrator, or other school official who has or receives notice that a student has or may have been the victim of sexual harassment or harassment based on race, color, gender, national origin, or disability by a student, teacher, administrator or other University personnel, or by any other person who is participating in, observing, or otherwise engaged in activities, including sporting events and other extracurricular activities, under the auspices of the University, is required to immediately report the alleged acts to an appropriate University official designated by this policy.

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Any other person with knowledge or belief that a student has or may have been the victim of sexual harassment or harassment based on race, color, gender, national origin, or disability as set forth above, is encouraged to immediately report the alleged acts to an appropriate University official designated by this policy.

The University encourages the reporting party or complainant to use the report form available from the Human Resources office, but oral reports shall be considered complaints as well. Use of formal reporting forms is not mandated.

The campus Provost or H/R representative is the person responsible for receiving oral or written reports of sexual harassment, or harassment based on race, color, gender, national origin, or disability at the building level. Any personnel who receives a report of sexual harassment or harassment based on race, color, gender, national origin, or disability shall inform the appropriate official immediately.

The University has designated Pamela Christie as the Human Rights representative with responsibility to identify, prevent, and remedy harassment. The Human Rights representative shall:

- receive reports or complaints of sexual harassment, and harassment based on race, color, gender, national origin, or disability;
- oversee the investigative process;
- be responsible for assessing the training needs of the staff and students in connection with the dissemination, comprehension, and compliance with this policy;
- arrange for necessary training required for compliance with this policy; and
- ensure that any investigation is conducted by an impartial investigator who has been trained in the requirements of equal educational opportunity, including harassment, and who is able to apply procedural and substantive standards which are necessary and applicable to identify unlawful harassment, recommend appropriate discipline and remedies when harassment is found, and take other appropriate action to rectify the damaging

effects of any prohibited discrimination, including interim protection of the victim during the course of the investigation.

If any complaint involves a Human Rights representative, the complaint shall be filed directly with the President.

The University shall conspicuously post this policy against harassment and violence in a place accessible to students, faculty, administrators, employees, parents and members of the public. This notice shall include the name, mailing address and telephone number of the Human Rights representative:

**Pamela Christie  
Northwood University  
4000 Whiting Drive  
Midland, MI 48640**

**Telephone: 989.837.4212**

the name, mailing address and telephone number of the state agency responsible for investigating allegations of discrimination in educational opportunities:

**Michigan Department of Civil Rights  
Capitol Tower Building, Suite 800  
110 West Michigan Avenue  
Lansing, MI 48913**

**Telephone : 517.335.3165**

and the mailing address and telephone number of the United States Department of Education, Office for Civil Rights:

**United States Department of Education,  
Office for Civil Rights  
Mary E. Switzer Building  
Washington, DC 20202**

**Telephone : 800.421.3481**

A copy of this policy shall appear in the student handbook and shall be made available upon request of parents, students, and other interested parties.

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The University will develop a method of discussing this policy with students and employees. Training on the requirements of non-discrimination and the appropriate responses to issues of harassment will be provided to all personnel on an annual basis, and at such other times as the University Human Rights representative determines is necessary or appropriate.

This policy shall be reviewed at least annually for compliance with state and federal law.

The University will respect the privacy of the complainant, the individuals against whom the complaint is filed, and the witnesses as much as possible, consistent with the legal obligations to investigate, to take appropriate action, and to conform with any discovery or disclosure obligations.

## Investigation

Upon receipt of a report or complaint alleging sexual harassment, or harassment based upon race, color, gender, national origin, or disability, the Human Rights representative shall immediately undertake or authorize an investigation. That investigation may be conducted by University officials or by a third party.

The investigation may consist of personal interviews with the complainant, the individual against whom the complaint is filed, and others who have knowledge of the alleged incident or circumstances giving rise to the complaint. The investigation may also consist of the evaluation of any other information or documents which may be relevant to the particular allegations.

**In determining whether the alleged conduct constitutes a violation of this policy, the University shall consider:**

- the nature of the behavior
- how often the conduct occurred
- whether there were past incidents or past continuing patterns of behavior
- the relationship between the parties involved

- the race, national origin, gender and age of the victim
- the identity of the perpetrator, including whether the perpetrator was in a position of power over the student allegedly subjected to harassment
- the number of alleged harassers
- the age of the alleged harassers
- where the harassment occurred
- whether there have been other incidents involving the same or other students
- whether the conduct adversely affected the student's education or educational environment
- the context in which the alleged incidents occurred.

Whether a particular action or incident constitutes a violation of this policy requires a determination based on all the facts and surrounding circumstances.

The investigation shall be completed no later than fourteen days from receipt of the report. The Human Rights representative shall make a written report to the President upon completion of the investigation. If the complaint involves the President, the report may be filed directly with the University board. The report shall include a determination of whether the allegations have been substantiated as factual and whether they appear to be violations of this policy. The Human Rights representative's obligation to conduct this investigation shall not be extinguished by the fact that a criminal investigation involving the same or similar allegations is also pending or has been concluded.

## University Action

Upon receipt of a report that a violation has occurred, the University will take prompt, appropriate formal or informal action to address, and where appropriate, remediate the violation. Appropriate actions may include but are not limited to counseling, awareness training, parent-teacher conferences, warning, suspension, exclusion, expulsion, transfer, remediation, termination or discharge. University action taken for violation of this policy shall be consistent with the requirements of applicable

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collective bargaining agreements, state and federal law, and University policies for violations of a similar nature or similar degree of severity.

**In determining what is an appropriate response to a finding that harassment in violation of this policy has occurred, the University shall consider:**

- what response is most likely to end any ongoing harassment
- whether a particular response is likely to deter similar future conduct by the harasser or others
- the amount and kind of harm suffered by the victim of the harassment
- the identity of the party who engaged in the harassing conduct
- whether the harassment was engaged in by school personnel, and if so, the University will also consider how it can best remediate the effects of the harassment.

In the event that the evidence suggests that the harassment is also a crime in violation of a criminal statute, the University shall also direct the University Human Rights representative to report the results of the investigation to the appropriate law enforcement agency charged with responsibility for handling such crimes.

The results of the University investigation of each complaint filed under these procedures will be reported in writing to the complainant and other parties in accordance with state and federal laws regarding data or records privacy, and consistent with the privacy rights of the alleged harasser.

If the results of the University evaluation of a complaint of harassment results in a conclusion that an individual has engaged in unlawful harassment in violation of this policy, or that school personnel have failed to report harassment as required herein, that individual may appeal this determination by use of established University procedures for appealing other adverse personnel and/or education related actions. If the results of the University evaluation of a complaint of harassment results in a conclusion that no unlawful harassment has occurred, an

individual who was allegedly subjected to harassment and believes that this conclusion is erroneous may appeal this determination by use of established University procedures for appealing other adverse personnel and/or education related actions.

Copies of all complaints of harassment and the investigations conducted pursuant to them shall be maintained for a period of two years at the Central offices of the University.

### **Reprisal**

Submission of a good faith complaint or report of sexual harassment, or harassment based upon race, color, gender, disability or national origin will not affect the complainant or reporter's future employment, grades, learning or working environment or work assignments.

The University will discipline or take appropriate action against any student, teacher, administrator or other school personnel who retaliates against any person who reports an incident of alleged sexual, racial, ethnic or disability related harassment or violence, or any person who testifies, assists or participates in a proceeding, investigation or hearing relating to such harassment or violence. Retaliation includes, but is not limited to, any form of intimidation, reprisal or harassment.