

PARK UNIVERSITY STUDENT HARASSMENT POLICY

Park University strives to provide educational, working, co-curricular, social, and living environments for all Students, Staff, Faculty, Trustees, contract workers, and guests that are free from Harassment on the basis of age, color, disability, gender, gender identity, national or ethnic origin, race, religion, sexual orientation, or veteran status. The University has deemed this to be unacceptable behavior which will not be tolerated. Pursuant to Title IX of the Education Amendments of 1972, no Student shall, on the basis of gender, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any educational program at Park. This policy is designed to ensure that no Student is subjected to behavior prohibited by Title IX.

The Harassment Policy defines Harassment, prohibits certain conduct; and establishes procedures for addressing and resolving Harassment Complaints. The University will provide education about Harassment through orientation training and follow-up programs for Students, Staff, Faculty, and Administrators. All Employees in a supervisory capacity will be trained to implement the Harassment Policy by informing Employees, Students and other people under their direction of this Harassment Policy and will assume leadership in implementing the procedures.

"Harassment" means unwelcome, unsolicited, uninvited, offensive or undesirable conduct directed at or affecting another person, based on race, color, religion, national origin, age, disability, gender/sex, sexual orientation or preference, or veteran's status. "Sexual Harassment" means unwelcome, unsolicited, uninvited, offensive, or undesirable conduct of a sexual nature directed at or affecting a person of the same sex or opposite sex.

Harassment encompasses a wide range of physical, verbal (oral and written) and visual/non-verbal behaviors and includes, without limitation, conduct which is offensive or shows signs of hostility toward another person because of his/her race, color, religion, national origin, age, disability, gender, sex, sexual orientation, sexual preference or veteran's status or those of the person's relatives, friends or associates.

Harassment Policy: Two Forms of Harassment

1. A hostile work, learning, co-curricular, social, or living environment based upon a person's race, color, religion, national origin, age, disability, gender/sex, sexual orientation or preference or veteran's status;
2. Quid pro quo sexual harassment.

Hostile Environment

Hostile Work, Learning, Co-curricular, Social or Living Environment exists when an Employee, Student or other member of the Park University community or a guest is subjected to unwelcome statements, jokes, gestures, pictures, touching, or other conduct that offend, demean, harass, or intimidate based upon the person's race, color, religion, national origin, age, disability, gender/sex, sexual orientation or preference or veteran's status. Harassment includes, but is not limited to, offensive verbal or physical conduct that has the purpose or effect of interfering with an Employee's work performance, or has the purpose or effect of creating an intimidating, hostile, or offensive environment. The

Harassment may involve a very serious and offensive act ("Serious Act"), or may involve persistent harassing behavior ("Persistent Harassing Behavior"). A Hostile Environment can be created by supervisors, co-workers, other Employees, Faculty, coaches, Students, alumni, or visitors to the University campus centers such as vendors and contractors.

Examples of a Serious Act: As a general rule, an isolated comment or incident usually will not constitute a Hostile Environment or a hostile educational environment. If, however, the behavior is a Serious Act, such as 1) an intentional, non-consensual touching of an intimate body area of another person; 2) an instructor humiliating a Student in class by making a joke about the Student's disability or inquiring about the Student's sexual activities; or 3) a Student marking Nazi swastikas on a fellow Student's car.

Examples of Persistent Hostile Behavior: Persistent Hostile Behavior is a behavior that a reasonable person would find hostile or abusive. Examples: 1) Students ask a Faculty Member to quit telling offensive jokes, but the Faculty Member continues to do so; 2) a Student asks a Resident Advisor not to touch him or her, but the Resident Advisor continues to do so; 3) a Student asks a fellow Student to refrain from forwarding explicit e-mails, but the Student continues to send them.

Examples of Stereotyping: Statements that demean a person on the basis of that person's age, color, disability, gender, gender identity, national or ethnic origin, race, religion, sexual orientation, or veteran status, sometimes referred to as "Stereotyping" can also contribute to a Hostile Work Environment. For example, it would be gender Stereotyping to ask a fellow Student why he or she majored in a discipline such as English, Engineering, or Finance because people of the Student's gender cannot succeed in the area. Other examples of Stereotyping would be to ask an older Student why she or he is taking classes or to ask a pregnant Student whether she will continue to go to school after she has her baby. While each of these isolated questions may not constitute Harassment by itself, in a university setting such questions collectively could constitute a Hostile Environment.

Quid Pro Quo Sexual Harassment

This occurs when an Employee or a fellow Student explicitly, or implicitly, promises or withholds educational benefits based upon a Student's acquiescence to sexual advances or behavior. "Quid Pro Quo Sexual Harassment" includes unwelcome sexual advances and/or requests for sexual favors from, an Employee, Student or other person, where submission to the conduct is made a term or condition of educational opportunity; or submission to or rejection of such conduct is used as a basis for decisions related to education. Such Harassment may involve behavior by a person of either sex against a person of the same or opposite sex.

Examples of Quid Pro Quo Sexual Harassment may include but are not limited to:

1. Seeking sexual favors or relationships in return for the promise of favorable educational opportunities; or

2. Basing an educational-related action (e.g., assigning grades, admission to a major degree of study, assignment to a particular residence hall, admission on an athletic team) on a sexual favor or relationship.

Avoiding Harassment in Conflict of Interest Situations

Students are prohibited from developing a romantic or sexual relationship with an Employee, especially with an Employee who supervises them. Please review Park's Employee-Student Relationship Policy. It is the responsibility of both the Student and the Employee to adhere to this Policy.

Procedures Regarding Harassment Complaints

Individual Actions to Resolve Harassment: Students who believe that they have been subjected to Harassment, or any member of the University community who has knowledge of Harassment, may take one or more of the following actions to stop the Harassment or provide evidence to support a Complaint:

1. Confront the harasser honestly regarding the harassing behavior, stating clearly that the Harassment is to be stopped.
2. If orally confronting the harasser is not possible, a letter may be written to the harasser stating honestly and directly the disapproval of the actions, and that the Harassment is to be stopped. Such letters should always be dated and a copy retained by the sender.
3. Keep clear and detailed accounts of the Harassment and feelings surrounding the events, including efforts to stop the Harassment. The date, time, setting, and any witnesses should be noted.
4. Seek support from others. Confide in trusted people when Harassment occurs, as it is important for other people to know that the Harassment is occurring.
5. Seek counseling since Harassment may precipitate a crisis that can damage a person's health, career, and self-confidence.
6. If confronting the harasser is not an option or does not end the Harassment, the Harassment should be reported as described below.
7. Students have the right to file a formal Complaint.

Initiating Third Party Resolution or Formal Harassment Complaints

Who to Contact:

1. A Student who believes that he or she has been subjected to Harassment by an Employee or by a fellow Student, or any Employee, Student or other individual who has knowledge of Harassment of a Student by an Employee or a fellow Student, is encouraged to confer promptly with the Dean of Student Life. The Dean of Student Life may then confer with one or more of the following people about the Harassment, as the situation warrants:
2. The University Director of Human Resource Services;
3. Any Academic Department Chair;
4. Any of the following administrators: Any Deans, Assistant and Associate Vice Presidents, Vice Presidents (excluding the Vice President & General Counsel) or the Provost (Senior Administrator);
5. The Director of Student Enrollment Services or a Campus Center Director;
6. These individuals will work with the Dean of Student Life and the Complainant in investigating the matter, and potentially filing a written Complaint.

Protection from Retaliation

This Policy prohibits retaliation against any Employee, Student or other individual who reports or is believed to have reported Harassment, or who is a witness or otherwise involved in a Harassment resolution proceeding. Retaliation will be considered a serious violation of this Policy, regardless of whether an informal or formal Complaint results in a finding that Harassment has occurred. Encouraging others to retaliate is also prohibited.

Confidentiality

All Employees, Students or other individuals who are involved in informal and formal Harassment resolution procedures, as a result of being consulted by either the Complainant or the harasser, are required to maintain confidentiality of the Harassment and the resolution proceedings to the extent practicable. Notwithstanding this requirement, the University cannot and does not guarantee that confidentiality will be maintained by all parties involved since it will be necessary to investigate Complaints and if Harassment has occurred, it may be necessary to take disciplinary action against the Employee who engaged in the Harassment.

Filing Internally versus Externally

The Complainant may elect to have a Complaint handled internally (within the University) in accordance with these procedures, and/or may elect to file a formal charge with a federal or state agency authorized by law to investigate such claims. The University will promptly respond to all internal Complaints.

Prompt Reporting

Prompt reporting of a Complaint is essential in order to enable the University to promptly resolve Harassment Complaints and end impermissible behavior. Complaints should be filed as soon as possible after the Harassment occurred, to minimize the time between the Harassment and an investigation in order to assure that memory lapses, the departure of key witnesses, or other time-sensitive factors do not impair the investigation.

Informal Resolution

In many instances, Harassment Complaints can be resolved informally. The goal of this informal resolution process is to promptly rectify the problem with minimum disruption to the lives of the parties involved. As part of the Informal resolution process one or more of the following University Employees would help to resolve the issues between the Complainant and the harasser: the Vice President for Student Services, the Dean of Student Life, Campus Center Director, Director of Human Resource Services, an Academic Department Chair, or an Administrator.

1. Informal resolution may result in solutions such as the harasser immediately ceasing the Harassment, separating the Complainant and harasser, or reaching a mutually acceptable agreement to resolve the Complaint. However, informal resolution will not result in formal disciplinary action against the harasser.
2. Any Student may file an informal Complaint directly with the Dean of Student Life, the Campus Center Director, or through the online form.
3. If the informal resolution is unsuccessful, if the Complainant is dissatisfied with the results of the informal resolution process, or if the Complainant elects not to attempt to resolve the Complaint informally, the Complainant may file a formal Complaint with the Dean of Student Life and/or the online form.

Formal Complaint and Resolution

To file a formal Complaint, ideally the Complainant will meet with the Dean of Student Life to describe the Harassment orally and in writing. If that is not possible, this meeting may occur by phone. If the Complaint is against an Employee, the Director of Human Resource Services will also be involved at this stage. Following this meeting, a detailed written Complaint, including the name of the harasser, will be prepared. The Dean of Student Life or the Director of Human Resource Services will give the harasser a copy of the Complaint, and will refer the Complaint for processing as follows, depending upon who the Complaint is filed against.

Formal Complaints by Students Against Faculty Members, including all full-time, part-time, and adjunct faculty

1. Student Complaints against Faculty Members will be referred to the Director of Human Resource Services. Notice of the Complaint will also be given to the Provost.
2. The Director of Human Resource Services will promptly cause a full investigation of the Complaint to occur, including interviews with the Complainant, harasser, and witnesses or others who the Complainant or the harasser request be interviewed.
3. The Director of Human Resource Services will cause a written report to be sent to the Provost, including findings of fact and a determination concerning the

evidence and a recommended resolution of the Complaint. The University will promptly determine the final actions to be taken and communicate these directly to the harasser and the Complainant, together with a copy of the detailed written report. The Dean of Student Life, the harasser's Department Chair, Dean, the Provost and the President will also be informed of the outcome.

Formal Complaints by Students Against Staff

Staff members include all Employees who are not Faculty Members (Employees who are enrolled as part-time Students or who work on research grants at the University are considered Staff for purposes of this Policy):

1. Complaints against Staff Members are to be referred to the Director of Human Resource Services. Notice of the complaint will also be given to the harasser's Area Vice President, The Director of Human Resource Services will cause an investigation to be promptly undertaken.
2. A full investigation of the Complaint will include interviews with the Complainant, the harasser, and witnesses or others that the Complainant or the harasser request be interviewed. The investigators will have the authority to determine whom to interview and will interview the Complainant, the harasser, the witnesses and others in separate, private sessions.
3. The University will promptly determine the appropriate actions to be taken and communicate these directly to the harasser and the Complainant, together with a copy of the written report. A copy of this report will also be provided to the harasser's Area Vice President, as well as the Dean of Student Life.

Formal Complaints Against Students

Student Complaints against fellow Students will be investigated by the Dean of Student Life.

1. The Dean of Student Life will interview the Complainant, the harasser and all witnesses.
2. The Dean of Student Life, after consultation with the Vice President for Student Services, will promptly determine the appropriate actions to be taken and communicate these directly to the harasser and the Complainant, together with a copy of the written report.

Formal Complaints by Students Against Administrators or Trustees

1. A Harassment Complaint against an academic Associate Dean, Dean, or Associate Vice Provost should be referred to the Provost. In consultation with the Director of Human Resource Services, the Provost will promptly cause a full investigation of the Complaint to occur.
2. A Harassment Complaint against the Provost or other Vice President should be referred to the President. The President will promptly cause a full investigation of the Complaint to occur.
3. A Harassment Complaint against the President or a Trustee should be referred to the Chair of the Board of Trustees (or vice chair if the Complaint is against the Board Chair). The members of the Board of Trustees who are not subjects of the Complaint will promptly cause a full investigation of the Complaint to occur.

4. The University will promptly determine the appropriate actions to be taken and communicate these directly to the harasser and the Complainant, together with a copy of the written report. A copy of this report will also be provided to the President, the harasser's Area Vice President or Board of Trustees members (as appropriate), as well as the Dean of Student Life.

Protection from Bad Faith Complaints

If the Dean of Student Life or Director of Human Resource Services determines that a Student Complaint is intentionally dishonest or was made in bad faith, the Complaint will be dismissed and appropriate Disciplinary Action may be taken against the Complainant.

Disciplinary Action

Harassment is a serious offense that will not be tolerated in an educational, working, social, or living environment. If a Student is found to have violated this policy, Disciplinary Action may include, but is not limited to:

1. Corrective action or restitution
2. Removal from University residential housing
3. Requirement to attend training, counseling, or other specified sanction
4. Removal from certain courses
5. Termination of athletic team participation
6. Termination of co-curricular activity participation
7. Suspension
8. Expulsion

Disciplinary Action taken by the University, in its sole discretion, will be final and binding.

Right To Appeal

Disciplinary decisions made by the University, pursuant to this Policy are not subject to appeal.