



## **Sexual Harassment/Misconduct Policy**

In the context of Title IX of the Education Amendments of 1972, discrimination on the basis of sex in education programs and activities receiving Federal financial assistance is prohibited. Sexual harassment of students is prohibited by Title IX and can be considered a form of discrimination.

State and Federal Law have determined that sexual harassment is unwelcome conduct of a sexual nature. It includes unwelcome sexual advances, requests for sexual favors, and other verbal, nonverbal, or physical conduct of a sexual nature. Sexual violence is a form of sexual harassment prohibited by Title IX. Misconduct, which is so severe, or pervasive and objectively offensive that it unreasonably interferes with a person's College employment, academic performance or participation in College programs or activities and creates a working, learning, program or activity environment that a reasonable person would find intimidating, hostile or offensive is prohibited.

- Sexual Misconduct is a broad term encompassing:
- Physical Sexual Violence
- Sexual Exploitation
- Sexual Harassment
- Non-Consensual Sexual Contact and Non-Consensual Sexual Intercourse

Sexual Misconduct violates MSP policy and Federal civil rights law and may also be subject to criminal prosecution. Complainants have the right to file a criminal complaint. Any criminal complaint will not impede MSP's investigation of and response to the complaint of sexual misconduct or harassment.

All those in the academic environment must exercise their own good judgment to avoid engaging in conduct that may be perceived by others as sexual harassment/misconduct.

## **Complaints of Discrimination, Harassment or Sexual Harassment/Misconduct**

If a harassment complaint is filed by a member of the MSP community with a faculty member, supervisor or administrator, the complaint will be investigated immediately under the direction of the President in accordance with the following procedures:

- A formal investigation will begin within seven (7) business days of advisement and will be conducted by the Dean of Student Services .
- All claims will be treated seriously and information and facts will be communicated only on a "need to know" basis.
- Witnesses and all individuals interviewed will be instructed to maintain discussions in the strictest confidence. The number of persons who have access to the information will be limited. Both parties may present witnesses and other evidence.
- Each allegation will be treated as a separate incident.
- After completion of the investigation, the Dean of Student Services will provide written notice to both parties of the outcome of both the complaint and any appeal, in compliance with Title IX and FERPA.
- If it is determined that a faculty member, staff member, supervisor or administrator has engaged in harassment or misconduct of any kind, immediate and appropriate action will be taken. This may include verbal or written warnings, suspension with or without pay, or termination of employment.
- If it is determined that a student has engaged in harassment of any kind, immediate and appropriate action will be taken. This may include a written warning, probation or dismissal.
- Retaliation against the complainant or anyone involved is not allowed. If it occurs, further disciplinary action will be taken.

MSP's designated Title IX Coordinator is the Dean of Student Services. All questions or complaints of discrimination, harassment or sexual harassment/misconduct should be directed to the Dean of Student Services.