

Policy Prohibiting Harassment. (Section 1.18 of Messiah College Policy and Procedure Manual)

*(Approved by College Council, 2/13/08)*

As an expression of our Christian values, Messiah College is committed to creating an atmosphere of dignity and respect free from any harassment, sexual, racial or otherwise. It is also the College's responsibility to uphold existing laws regarding a learning, living, and working environment free from harassment based on race, religion, ethnicity, gender, national origin, age, disability, marital status, amnesty, or status as a veteran. Such harassment in any manner or form by anyone in the College community is expressly prohibited. This includes harassment of or by individuals not directly affiliated with the College, e.g. contractors, vendors, visitors. This policy also applies to harassment off-site or after normal business hours in College related settings. These include but are not limited to business trips, athletic events, conferences, and College related social events.

Furthermore, all employees and all students are responsible for maintaining an environment free of harassment. Individuals who believe that they have been subjected to or witnessed harassment should bring the matter to their supervisors. If an individual believes it would be inappropriate to discuss the matter with a supervisor, the incident should be reported directly to the head of the Department or the Vice President of Human Resources and Compliance. The authorization of, cover-up or participation in any act of harassment of any kind is strictly forbidden. Failure to abide by this policy shall be cause for disciplinary action which may include termination of employment.

Retaliation against an individual who complains of discriminatory harassment under this policy, is strictly prohibited. There will be no adverse action against any individual for reporting what he/she believes is an incident of harassment, or for participating in or cooperating with an investigation of an alleged incident. The College's commitment to address complaints related to harassment should not be viewed as license for individuals to engage in unfounded, frivolous or vindictive actions that are not made in "good faith." Such behavior is a violation of the intent of this policy.

Harassment violates federal and state laws, including Title VII of the Civil Rights Act of 1964, which prohibits harassment in the workplace, and Title IX of the Education Amendments of 1972, which prohibits harassment of students as a form of discrimination that denies or limits a student's ability to participate in or benefit from the College's programs.

As defined in the Equal Employment Opportunity Commission's Regulations, the following conduct constitutes harassment:

- Unwelcome sexual advances, requests for sexual favors, and other verbal, nonverbal, or physical conduct of a sexual nature when (1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or education, (2) submission to or rejection of such conduct by an individual is used as the basis for employment or academic decisions affecting an individual.

- Inappropriate conduct that has the purpose or effect of substantially interfering with an individual's academic or work performance or is so severe and pervasive that it creates an intimidating, hostile or offensive environment.

**Forms of Harassment.** Harassment generally takes one of two forms: "quid pro quo" harassment, in which the harasser makes sexual favors or tolerance of unwelcome behavior a condition of the victim's success in some way; or "hostile environment" harassment, in which the overtly sexual nature or derogatory (based on one's race, religion, ethnicity, gender, age, disability, marital status, amnesty, or status as a veteran) nature of conversations, pictures, humor and/or activities taking place in an academic or work environment makes it difficult for students and employees to concentrate on their work/studies. Often, the hostile work environment means that the victim feels uncomfortable, unwelcome, intimidated, or afraid to speak or choose freely. "Hostile environment" harassment is generally less clear and overt. Unwanted, offensive and/or culturally insensitive conduct, language, or images based on one's race, religion, ethnicity, gender, age, disability, marital status, amnesty, or status as a veteran may not be directed at a specific individual; nevertheless they may create an atmosphere that is intimidating or offensive to an individual. It is important to note that harassment may take place in an academic, residential or work setting.

**Intent and Effect.** Harassment is unwelcome behavior that is either intended to harass or has the effect of harassing by abusing the dignity of an individual or creating an intimidating, offensive, or coercive environment. Behavior that was not intended to be harassing can be perceived as harassing.

**Power.** Harassment most often occurs between people of unequal power: when such a power differential exists (e.g., such as a physically larger person over a smaller one, a supervisor over a subordinate employee, a faculty member over a student), the victim is not in a position to freely object, resist, or give fully free consent. However, harassment can also occur where no formal power differential exists, if the behavior is unwanted by, or offensive to, the victim.

**Educational Activities.** In order to cultivate a creative learning environment, Messiah College encourages free inquiry and expression within the bounds of our Christian commitments. Members of the community have the right to hold and defend a variety of viewpoints within an educational setting. For educational purposes required readings(s), educational activities (videos, projects, discussions, etc.), music, drama or art may include historical information that portrays groups or individuals in a pejorative fashion. Educators carry responsibility for directing these activities with care and sensitivity.

**Same-Sex Harassment.** Both males and females are protected by law from sexual harassment. Moreover, the law prohibits sexual harassment regardless of the sex of the harasser; i.e., even if the harasser and the person being harassed are members of the same sex.