

- Complainants and Respondents are sometimes referred to as “Parties.” A “Party” is someone who is directly involved in an EOAA or Title IX proceeding. Others, such as witnesses and advisors, are not considered Parties but may not be retaliated against for participating in an investigation or proceeding under EOAA Policies & Procedures.

Prohibited Conduct will be considered and addressed under **EOAA Discrimination & Harassment Procedures**, as appropriate.³ Where prohibited conduct meets the narrow definitional and jurisdictional requirements of Title IX it will be considered and addressed under the **Interim Title IX Grievance Process**.

Related Policy Provisions:

⇒The University prohibits knowingly making false statements or knowingly submitting false information during any EOAA Discrimination & Harassment Procedures or the Interim Title IX Grievance Process.

⇒Failure to comply with Interim Measures, defined below, is a violation of University Policy and may lead to disciplinary action.

⇒ Witness tampering, which is attempting to alter, prevent, or interfere with a witness’s statement or testimony, is prohibited.

Prohibited Conduct Defined

➔Discrimination

Treating members of a protected class less favorably because of their membership in that class or having a neutral policy or practice that adversely impacts the members of one protected class more than others constitutes discrimination.

➔Harassment

Subjecting an individual to unwelcome conduct, whether verbal or physical, that creates an intimidating, hostile, or abusive working, learning or campus living environment; that alters the conditions of employment or education; or unreasonably interferes with an individual’s work or

³ University policies or contracts may allow certain faculty members and other employees to exercise grievance or appeal procedures in addition to the processes set forth in these Procedures. Where a person covered by such a policy or contract has allegedly engaged in conduct prohibited by EOAA Policies & Procedures, the investigation and disciplinary process will proceed in accordance with these Procedures. Once all processes set forth in these Procedures have been completed (including any appeals), the affected faculty member or other employee may then, to the extent permissible under applicable law, exercise such additional grievance or appeal procedures.

academic performance on the basis of the individual's membership in a protected class is harassment.

Harassment may include, but is not limited to: verbal abuse; epithets or slurs; negative stereotyping; threatening, intimidating or hostile acts; denigrating jokes; insulting or obscene comments or gestures; and the display or circulation of written or graphic material (including in hard copy, by email or text, or through social media) that denigrates or shows hostility or aversion toward an individual or group members of a protected class. Calls, texts, emails, and social media usage by employees can contribute to a hostile work, learning, or living environment, even if they occur away from the workplace premises or not during work hours. Sexual harassment and other gender-based harassment, described further below, are forms of harassment.

The University will determine whether the conduct was humiliating, abusive, or threatening based on both subjective and objective factors, based on the totality of the circumstances surrounding an alleged incident or course of conduct, including, the frequency, nature, and severity of the conduct. The University will determine whether that conduct created a hostile environment by examining whether a reasonable person would find the environment hostile or abusive.

→ **Sexual Harassment (see also, Title IX Sexual Harassment)**

Sexual harassment is a form of sex discrimination. Unwelcome sexual advances, requests for sexual favors, requests for sexual contact, sexual comments, physical or visual conduct of a sexual nature, and sharing or displaying sexual images constitutes sexual harassment when:

- Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment, academic, co-curricular, or campus life activities; or
- Submission to or rejection of such conduct by an individual is used as the basis for academic, student life, or employment decisions affecting that individual; or
- Such unwelcome conduct is intentional or serves no legitimate purpose; or
- It involves unwelcome contact with parts of another individual's body which may cause that person to feel degraded or abused; or
- The unwelcome behavior is for the purpose of gratifying the actor's sexual desire; or
- The unwelcome conduct constitutes more than "petty slights or trivial inconveniences"; or
- Such unwelcome conduct has the purpose or effect of unreasonably interfering with another person's academic or work performance or creating an intimidating, hostile, demeaning, or offensive working, learning, campus, or living environment.

The following describes acts that may be unlawful sexual harassment and are strictly prohibited:

- Unwelcome touching, pinching, patting, grabbing, brushing against another's body;
- Subtle or obvious pressure for unwelcome sexual activities;