

Policy 1: **Sexual Harassment**

A. Introduction

Sexual harassment is a form of sexual discrimination and will not be tolerated at the East-West Center (“EWC” or “The Center”). The Center strives to provide an environment which promotes work, research, study, and participation in its activities.

While there are laws which govern sexual harassment, the Center has also established its own policies to prohibit sexual harassment against employees, participants, and visitors (as these categories are defined in this policy). The objectives of the Center’s policy are prevention, which is to be achieved through a systematic educational program, and the quick and effective resolution of problems should they occur. The policy includes procedures for registering complaints and establishes sanctions for violations.

The Center’s policy governing sexual harassment as it applies to employees is in the Employment Sexual Harassment Policy. (A copy of that policy is available from the Personnel Office.) The Participant Sexual Harassment Policy supersedes the East-West Center Student Code of Conduct on matters that could be considered to potentially constitute sexual harassment.

B. Definition

Sexual harassment is defined as unwelcome sexual advances, or requests for sexual favors, or other physical or expressive behavior of a sexual nature when:

- submission to such conduct is made either explicitly or implicitly a term or condition of an individual’s educational benefits or services;
- submission to or rejection of such conduct is used as the basis for academic decisions affecting the individual;
- such conduct has the purpose or effect of unreasonably interfering with an individual’s professional or academic performance, or creating an intimidating, hostile, or offensive educational or research environment.

Specifically, sexual harassment can include, but is not limited to:

- physical conduct of a sexual nature (coerced sexual intercourse, kissing, touching, pinching, cornering);

- verbal conduct of a sexual nature (propositions, lewd comments, threats, sexual insults, flirtations, advances, sexual banter, sexual jokes, sexual innuendoes, sexual comments about another individual's appearance); and
- non-verbal conduct of a sexual nature (leering, whistling, suggestive sounds or gestures, display of sexually suggestive, sexually denigrating or pornographic material).
- displays of offensive objects or pictures, including the use of electronic technology to send derogatory, demeaning, threatening, or hostile materials based on sex; and
- taking, sending, or sharing photos, videos, or audio recordings of sexual activity without the person's consent, regardless of whether the sexual activity itself was consensual

It is recognized that sexual harassment issues may arise between individuals of opposite sexes, and between individuals of the same sex.

C. Educational Program

Staff and participants at the EWC come from a variety of cultural backgrounds in which gender roles and work relationships may be quite different. To assist members of the EWC community in becoming aware of the Center's policy on sexual harassment, the Center provides an educational program to staff and participants regarding the definition of sexual harassment, procedures for inquiry and complaint, and possible sanctions.

Oversight of the educational program will be the responsibility of the Director of Administration.

D. Retaliation

Retaliation against parties directly or indirectly involved in any sexual harassment complaint or individuals who have cooperated with such investigation will not be tolerated and will be considered a separate complaint that may merit the imposition of sanctions up to and including termination.

E. Sanctions

Sanctions shall be reasonably designed to stop the harassment. Based on the circumstances of each complaint, appropriate sanction(s) will be imposed if harassment is found. Sanctions may include but are not limited to written reprimand, suspension, and termination.

Policy 2: Complaint Procedures for Participants

These procedures are intended to provide a prompt mechanism to handle EWC participant complaints of sexual harassment and to balance the interests of all parties. The intent is to treat these matters in as confidential a manner as possible recognizing the sensitivity of such matters but also the need for individuals complained about to have the ability to tell their side of the story, and the potential need to gather information.

These complaint procedures are available to participants who are defined for purposes of this policy as individuals who, at the time of the incident in question, were on award at, and/or were official visitors of the East-West Center (i.e., visitors officially participating in an East-West Center program). (The policy is not intended to govern non-official visitors who may, for example, be visiting a friend in a residential hall.) The Program Designee and the Support Services Administrator are available to assist participants in the informal and formal processes as described in this policy. (In the formal process, the role of the Program Designee and/or the Support Services Administrator ends upon the transfer of the complaint to the Dean. Administrators and other staff who are made aware of inquiries or complaints should aid participants by reminding them of the sexual harassment policy and their right to seek redress through EWC procedures.)

A complaint may utilize any or all of the following procedural options:

A. Educational/Informational Options

This option is provided to confidentially answer inquiries or requests for educational materials. Any participants requesting information may call, write or visit the Program Designee and/or the Support Services Administrator, who will inform participants of their complaint options under EWC procedures, and provide information on sexual harassment. Exercising this option does not constitute the bringing of a complaint, and may be done anonymously.

B. Informal Option

An individual may confidentially and informally discuss any sexual harassment matter with the Program Designee and/or the Support Services Administrator. (Participants who wish to remain anonymous and who will not identify the respondent, the individual who is alleged to have engaged in the sexual harassment, may also utilize this option in order to exchange information, obtain referrals and receive counseling.) This will not lead to a formal investigation unless the contending party requests this course of action in writing, or unless the harassment involves severe physical harassment such as rape or sexual assault, or there are other circumstances which suggest such an investigation is necessary in the view of the Program Designee and/or Support Services Administrator.

An informal resolution may be sought in the following manner:

- The participant notifies the Program Designee and/or the Support Services Administrator.
- The Program Designee and/or the Support Services Administrator notifies the respondent informing the respondent of the basis of the contending party's concern and offering informal resolution.
- If the respondent agrees to discuss a resolution, the Program Designee and/or Support Services Administrator will arrange a meeting to attempt to reach such a resolution.
 - A resolution, agreeable to both complainant and respondent, may be reached. Resolution

may be reached with no admission of fault.

- If a resolution cannot be agreed upon, the complainant may choose to proceed with a formal complaint as set forth below.
- If the respondent does not agree to discuss a resolution, a formal complaint may be filed by the contending party as set forth below.

C. Formal Option

A participant may file a formal complaint in writing with the Program Designee or the Support Services Administrator. (While there is no strict time limit for bringing such claims, participants are encouraged to raise these promptly as the Center may not be able to investigate stale claims. Further, the Center cannot investigate claims if it lacks continuing jurisdiction over the alleged harasser.) A participant need not pursue the informal option first. A written complaint will include as much information as possible, including details about the behavior(s) that occurred, so that a thorough investigation can take place.

A formal complaint may be filed in the following manner:

- The participant notifies the Program Designee and/or the Support Services Administrator and files a written complaint.
- The Program Designee or the Support Services Administrator as appropriate will forward the complaint to the Dean who will select and convene a committee (“The Committee”) of two (2) individuals which will conduct an investigation. (This ends the participation of Program Designee and/or the Support Services Administrator unless either or both of these individuals are selected to serve on The Committee.)
- The Committee will be drawn from a pool of individuals who have undergone sexual harassment training. The Committee reports its findings and its assessments as to whether the complaint was substantiated in writing to the Dean who will make the final decision. (There is no option for a minority report.) If the Dean’s ultimate decision as to whether the complaint was substantiated differs from the Committee’s assessment as to whether the complaint was substantiated, the Dean, as a courtesy to the Committee, should meet with the Committee to explain her/his decision.
 - The Director of Administration is responsible for maintaining a pool of trained people representing various constituencies at the Center.
 - Members of The Pool should undergo periodic training.
- The Dean informs both the complainant and the respondent of her/his decision verbally, and in writing.
 - If sanctions are to be imposed, and the respondent is a participant, the Dean will impose such sanctions in a timely fashion.
 - If sanctions are to be imposed, and the respondent is an employee, the Dean will inform the Director of Administration of the action to be taken. The Director of Administration will impose the sanctions.

- If either party is dissatisfied with the Dean's decision or the sanction imposed, she/he may file an appeal to the Director of Administration or Designee within 14 calendar days of the Dean's decision. (Note: The appeals process does not automatically stay the implementation of the sanction. The Dean retains the sole discretion to implement the sanction in the interim if she/he believes that is in the best interests of the institution.) The Director of Administration or Designee will review the Dean's determination, and as the Director of Administration or Designee deems necessary, request clarification, or additional information, and render a decision to both parties in writing. This review does not entitle the dissatisfied party to a new review. The review by the Director of Administration or Designee is the last step in the appeal process.
- Designees may be utilized for any of the administrative roles described in this policy.

D. Policy Modification

There may be aspects that change or are unanticipated by this policy and operation of law issues such as police investigations which may affect the policy and/or procedures. The Center retains the sole discretion to modify at any time its policy and/or procedures as it deems necessary to meet these or any circumstances. Similarly, any issue as to the coverage and scope of the policy is within the sole discretion of the East-West Center.