

**SOUTH DAKOTA STATE UNIVERSITY
BROOKINGS, SD 57007**

POLICY ON HARASSMENT AND HARASSMENT PREVENTION

INTRODUCTION

Harassment is a particularly harmful and illegal form of discrimination that breaks down trust within the SDSU community and impedes the ability of students, employees, and others to participate in an environment that allows them to achieve their fullest potential. Furthermore, harassment is a violation of the expectation that every individual at SDSU deserves to be treated fairly, with respect for his or her dignity as a person.

For these reasons, it is this institution's policy that no form of harassment of employees, students and others associated with SDSU is permitted under any circumstances. All reported incidents will be investigated promptly and acts of prohibited behavior will result in corrective action, including disciplinary action pursuant to the South Dakota Board of Regents' Human Rights Complaint Procedures. Sanctions for employees include formal reprimands, suspensions without pay, reductions in responsibilities and termination. Sanctions for students include probation, suspension and expulsion.

POLICY STATEMENT: Harassment on any grounds, directed against individuals, is proscribed.

- I. Sexual harassment in either of its recognized forms is proscribed.
 - A. Sexual harassment may be established by showing that an individual has been subjected to unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature where:
 1. Submission to such conduct is made either explicitly or implicitly a term or a condition of an individual's participation or use of an institutionally sponsored or approved activity, employment or resource; or
 2. Submission to or rejection of such conduct by an individual is used as the basis for educational, employment or similar decisions affecting an individual's ability to participate in or use an institutionally sponsored or approved activity, employment or resource.
 - B. Sexual harassment may also be established by showing participation in the creation of an intimidating, hostile or demeaning environment established under Section II below.
- II. Harassment on the basis of race, color, creed, religion, national origin, ancestry, citizenship, gender, sexual orientation, age or disability or harassment on any grounds, directed against individuals, may be established by showing:
 - A. Conduct toward another person that has the purpose of creating an intimidating, hostile or demeaning environment and that interferes with his or her ability to participate in or to realize the intended benefits of an institutional activity, employment or resource.
 - B. Conduct toward another person that has the effect of creating an intimidating, hostile or demeaning environment that adversely interferes with his or her ability to participate in or to realize the intended benefits of an institutional activity, employment or resource.
 1. Harassment consists, in most cases of more than casual or isolated incidents.

2. Consideration should be given to the context, nature, scope, frequency, duration and location of the incidents, whether they are physically threatening or humiliating as opposed to merely offensive utterances, as well as to the identity, number and relationships of the persons involved.
 3. Harassment shall be found where, in aggregate, the incidents are sufficiently pervasive or persistent or severe that a reasonable person with the same characteristics of the victim of the harassing conduct would be adversely affected to a degree that interferes with his or her ability to participate in or to realize the intended benefits of an institutional activity, employment or resource.
 - (a) The reasonable person standard includes consideration of the perspective of persons of the alleged victim's race, gender or other circumstances that relate to the purpose for which he or she has become the object of allegedly harassing conduct.
 - (b) If the victim does not subjectively perceive the environment to be hostile, the conduct has not actually altered the conditions of participation and there will be no violation of this policy.
 - (1) It is not necessary to show psychological harm to the victim to establish that the conduct would interfere with the person's ability to participate in or to realize the intended benefits of an institutional activity, employment or resource.
- C. Other conduct that is extreme and outrageous exceeding all bounds usually tolerated by polite society and that has the purpose or the substantial likelihood of interfering with another person's ability to participate in or to realize the intended benefits of an institutional activity, employment or resource.

REPORTING COMPLAINTS / GRIEVANCE PROCEDURE

Individuals with concerns should contact SDSU's Equal Opportunity Officer (Phone: 605-688-4128), their supervisor, or any administrator for assistance. Confidentiality will be maintained to the maximum extent possible in resolving the problem. University officials are required to notify SDSU's Equal Opportunity Officer regarding all harassment complaints they receive (formal or informal, resolved or not). If a complainant chooses to exercise his or her right to file a formal complaint, the South Dakota Board of Regents Human Rights Complaint Procedure will be used in the investigation and resolution.

NON-RETALIATION / NON-COERCION

Complainants, witnesses, and other persons who have assisted, testified, or participated in any manner in any phase of an investigation will be protected. This policy and applicable Board of Regents, State and Federal regulations prohibit retaliation, coercion, interference and/or intimidation, or any other adverse act. Persons committing such adverse actions will be subject to disciplinary action.