

INVESTIGATING COMPLAINTS OF DISCRIMINATION OR HARASSMENT

Minnesota State University, Mankato is committed to a policy of nondiscrimination in employment and education opportunity. The Office of Affirmative Action, under the 1B.1 Nondiscrimination in Employment and Education Opportunity Policy, assists students and employees who believe they have been harassed or discriminated against because of their sex. The Office of Affirmative Action investigates sex discrimination and sexual harassment complaints under the 1B.1.1 Report/Complaint of Discrimination/Harassment Investigation and Resolution Procedure. It also acts as a referral office for students and employees needing additional services from other University offices.

RETALIATION PROHIBITED

Retaliation is prohibited by Minnesota State University, Mankato. Retaliation may occur whether or not there is a power or authority differential between the individuals involved. Forms of retaliation include intentionally engaging in any form of intimidation, reprisal or harassment against an individual because that individual:

- made a complaint under the 1B.1 Nondiscrimination in Employment and Education Opportunity Policy; or
- assisted or participated in any manner in an investigation, or process under the 1B.1.1 Report/Complaint of Discrimination/Harassment Investigation and Resolution Procedure regardless of whether a claim of discrimination or harassment is substantiated.

A member of the Minnesota State Colleges and Universities System.
Minnesota State Mankato is an
Affirmative Action/Equal Opportunity University.

This document is available in alternative format to individuals with disabilities by calling the Office of Affirmative Action at 507-389-2986 (V), 800-627-3529 or 711 (MRS/TTY). HUMR54BR0309

Revised 3/09

WHERE CAN I GET HELP?

FOR STUDENTS AND EMPLOYEES:

Office of Affirmative Action
112 Armstrong Hall
507-389-2986

University Security
222 Wiecking Center
507-389-2111 (V/TTY)

FOR STUDENTS:

LGBT Center
168 Centennial Student Union
507-389-5131

Women's Center
218 Centennial Student Union
507-389-6146

Counseling Center
245 Centennial Student Union
507-389-1455

Office of Student Affairs
228 Wigley Administration Center
507-389-2121

HOURS

The Office of Affirmative Action is open Monday through Friday from 7:30 A.M. to 4:30 P.M.

CONTACT INFORMATION

Office of Affirmative Action
Minnesota State University, Mankato
112 Armstrong Hall
Mankato, MN 56001

Phone: 507-389-2986
800-627-3529 or 711 (MRS/TTY)
Fax: 507-389-5667

E-mail: affirmative-action@mnsu.edu

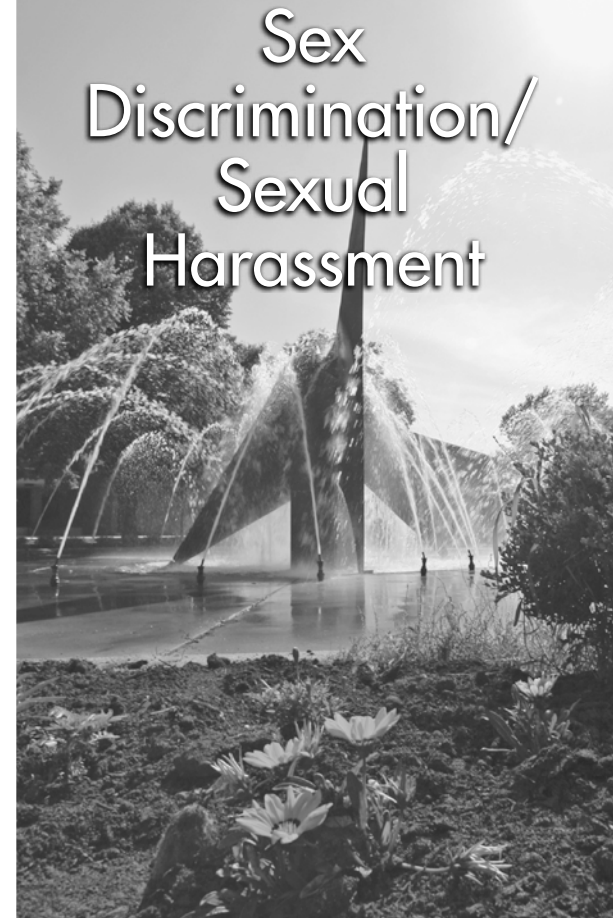
Web site: www.mnsu.edu/affact/

People with speech or hearing impairments may reach the above offices at 800-627-3529 or 711 (MRS/TTY)



MINNESOTA STATE
UNIVERSITY
MANKATO

OFFICE OF AFFIRMATIVE ACTION



Sex
Discrimination/
Sexual
Harassment

Rights & Responsibilities
of
Students & Employees

WHAT IS SEX DISCRIMINATION?

Sex discrimination is verbal or physical conduct that is directed at an individual based on their sex, and that subjects that individual to different treatment which interferes with or limits their ability to participate in or benefit from the services, activities, or privileges provided by the University, or otherwise adversely affects the individual's employment or education.

Examples can include:

- Being denied raises, benefits, promotions, or performance evaluations on the basis of the individual's sex.
- An individual is subjected to comments of a sexual nature by another employee and/or supervisor, and the University fails to take steps to stop the behavior.
- Denying a student access to an educational program based on the student's sex.
- Engaging in or sanctioning continuing discriminatory conduct, unrelated to the academic discussion in a course or class, thus creating a hostile environment for individual students.

WHAT IS SEXUAL HARASSMENT?

Sexual harassment is a form of sex discrimination prohibited by state and federal law and the University's 1B.1 Nondiscrimination in Employment and Education Opportunity Policy. Sexual harassment is defined as unwelcome sexual advances, requests for sexual favors, sexually motivated physical conduct, and other verbal or physical conduct of a sexual nature.

There are two kinds of sexual harassment. *Quid pro quo*, "this for that", harassment occurs when an individual in a position of power pressures another individual to agree to their sexual demands. Hostile environment harassment occurs when repeated, unwelcome behavior or comments focus on the sexuality of another individual or occurs because of the individual's sex and unreasonably affects that individual's educational or working environment. Unwanted sexual comments or inappropriate touching on a one-time basis may also create hostile environment harassment.

Examples can include:

- Demanding sexual favors in exchange for a promotion or a better grade.
- "Rating" another individual's body on sex appeal.

- Leaving unwelcome, sexually explicit messages on voice mail or via text messages.
- Telling off-color jokes or making teasing comments of a sexual nature.
- Unwanted and excessive attention through phone calls, e-mails, text messages, letters, gifts, etc.
- Unwelcome, unnecessary touching, patting, rubbing, or pinching of another individual.
- Using language that is offensive and/or implies inferiority of another individual based on their sex, such as "slut," "bitch," "babe," "stud," etc.

WHAT CAN I DO IF I'M THE TARGET OF SEX DISCRIMINATION OR SEXUAL HARASSMENT?

If you feel physically threatened, remove yourself from the situation and seek help immediately from University Security at 389-2111, or dial 911 for the Mankato Police Department.

If the situation is not physically threatening, and you feel comfortable talking to the individual, tell them you're offended by the comment or behavior and ask them to stop.

If you're not comfortable talking directly to the individual, you can identify a third party whom you and the other individual mutually respect and ask for their assistance in helping the two of you talk through the behavior or conduct and why you found it offensive.

You should document incidents of discrimination and harassment immediately – who, when, where, what was said or done, and the names of any witnesses. Discrimination and/or harassment complaints should be submitted to the Office of Affirmative Action to determine if the complaint falls under the 1B.1 Nondiscrimination in Employment and Education Opportunity Policy or for referral to another University office.

Sexual harassment and violence as sexual abuse.

Under certain circumstances, sexual harassment or violence may constitute sexual abuse according to Minnesota law. In such situations, the University shall comply with the reporting requirements in Minnesota Statutes Section 626.556 (reporting of maltreatment of minors) and Minnesota Statutes Section 626.557 (Vulnerable Adult Protection Act). Nothing in the 1B.1 Nondiscrimination in Employment and Education Opportunity Policy prohibits the University from taking

immediate action to protect victims of alleged sexual abuse. Minnesota State Colleges and Universities 1B.3 Sexual Violence Policy addresses sexual violence.

CAN SEX DISCRIMINATION OR SEXUAL HARASSMENT HAPPEN TO YOU?

Sex discrimination or sexual harassment can occur in a variety of relationships, including faculty and student, supervisor and employee, student and student, employee and student, employee and employee, and other relationships with individuals having business at, or visiting the University. Comments or actions that constitute discrimination or harassment are intended by some to be humorous or to express familiarity. This doesn't excuse the behavior or the need to address it.

However, not every act that may be offensive to an individual or group constitutes discrimination or harassment. Harassment includes action beyond the mere expression of views, words, symbols or thoughts that another individual finds offensive. To constitute a violation of university policy, the conduct must be considered sufficiently serious to deny or limit a student's or employee's ability to participate in or benefit from the services, activities, or privileges provided by Minnesota State University, Mankato.

ARE CONSENSUAL RELATIONSHIPS ALLOWED?

Under the 1B.1 Nondiscrimination Policy, consensual relationships between an employee and a student or an employee over whom one exercises direct or otherwise significant academic, administrative, supervisory, evaluative, counseling, or extracurricular authority or influence are prohibited. When a relationship already exists, the employee in the position of authority must consult with their supervisor so that evaluative authority may be reassigned.

OFFICE OF AFFIRMATIVE ACTION

112 ARMSTRONG HALL

507-389-2986