Frequently Asked Questions

How do I get more information?

http://lemoyne.edu/HumanResources/CurrentPolicies/tabid/641/Default.aspx

How do I report an incident?
Sexual Harassment board members are listed on the Office of Human Resources website and are the first point of contact for anyone with charges, questions, or other issues related to this policy. They will help you obtain the information that you need.

Must I file formal charges to resolve an incident or issue?
No. The policy also provides for flexible and effective informal mediation of complaints, as well as for reporting alleged incidents without other action.

How do I schedule training on this topic for my students/group/office?
Contact the Office of Human Resources and we will work with you to setup training with an officer.

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Sexual Harassment/ Nonconsensual Activity Policy

Statement of Purpose
As an institution of higher education with a long-standing Jesuit tradition, Le Moyne College recognizes its obligations to promote an environment and collective attitude which encourages students, faculty, staff and administrators to serve others, participate in the life of the College, and act as responsible members of the community. Sexual harassment and nonconsensual activity undermine the dignity of individuals and the principles of equality and respect for others.

Le Moyne College will not condone or tolerate any verbal or physical conduct that would constitute sexual harassment or nonconsensual activity as defined in this policy. Any student, faculty, staff or administrator who engages in such conduct will be subject to disciplinary action in accordance with the guidelines stated in this policy.

Definitions
Sexual Harassment is defined as any unwelcome sexual advance, request for sexual favors, or other verbal or physical conduct that relates to the gender or sexual identity of an individual.

- Submission to such conduct is made either explicitly or implicitly a term or condition of a person's employment or academic advancement.
- Submission to or rejection of such conduct by an individual is used as the basis for decisions affecting an individual's employment or academic standing.
- Such conduct is so severe or pervasive as to have the effect of unreasonably interfering with an individual's work or academic performance or creating an intimidating, hostile, offensive working, educational or social environment.

Examples of Sexual Harassment
A determination as to whether conduct meets one or more of the three conditions listed above, will be based on a review of the totality of circumstances. The following examples of conduct that would violate this policy are not intended to be all inclusive.

- Continued unwelcome sexual flirtations, advances or propositions
- Direct or implied threats or suggestions that submission to or rejection of sexual advances will determine and/or affect working conditions, work status, promotion, tenure, grades, letters of recommendation, etc.
- Gender or homophobic harassment: persistently intimidating, hostile, derogatory, contemptuous, demeaning or trivializing remarks directed at one sex, or sexual orientation
- Repeated staring or ogling
- Sexual innuendoes or sexually explicit statements, comments, questions, jokes or anecdotes
- Spreading false statements of a sexual nature
- Subtle pressure for sexual activity including inappropriate or offensive sexual advances
- Unnecessary patting or constant brushing against the body
- Verbal abuse of a sexual nature
- Verbal or physical harassment of a person on the basis of sexual orientation

Any sexual activity without mutual consent is prohibited. Violations of this policy shall include but not be limited to:

1. Any form of nonconsensual sexual intercourse committed by physical force, coercion, threat, or intimidation, actual or implied by a person (s) known or unknown to the victim (which generally correlates with what the New York Penal Code defines as a rape in the first degree, a felony offense).
2. Any actual or attempted nonconsensual sexual activity, by a person (s) known or unknown to the victim, including but not limited to:
   a) Sexual intercourse or touching without consent, committed without physical force, coercion, threat, or intimidation (which correlates with the New York Penal Code definition of "sexual misconduct," a misdemeanor offense)
   b) Public exhibitionism
   c) Sexual language of a threatening nature
3. Sexual activity involving a person unable to consent due to unconsciousness, mental incapacity, or physical helplessness resulting from alcohol or drug consumption regardless of whether the consumption was with the victim's consent.

Consensual Relationships
Romantic and/or sexual relationships that might be acceptable in other circumstances always pose inherit risks that they will result in sexual harassment or nonconsensual sexual activity when they occur between members of the College community where a significant power or status differential between the parties exists. Voluntary consent by a student or subordinate in a dating relationship, even if present, is always suspect, given the fundamentally asymmetrical nature of status of power. Professionalism within the College demands that those with authority not abuse, nor seem to abuse, the power with which they are entrusted.

This policy thus *prohibits* College personnel from pursing romantic and/or sexual relationships with students they teach, advise or evaluate. For all other types of dating relationships involving a significant power or status differential, Le Moyne College has adopted the policy that such relationships are *ill-advised* and that, even in a seemingly consensual relationship, there are very limited after-the-fact defenses against charges of sexual harassment or nonconsensual sexual activity. The person with the power or status advantage in the relationship almost always bears the responsibility for reducing the potential for coercion and favoritism.

Sexual Harassment Officer
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