



Student Handbook



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Sexual Harassment Policy

I. PREAMBLE

As a Catholic institution of higher education, Seton Hall University embraces Judeo-Christian values that proclaim the dignity and rights of all people. Sexual harassment is morally offensive to students, faculty, administrators, staff members and employees of the University. It is also a form of unlawful sexual discrimination prohibited by Title IX of the Education Amendments of 1972, Title VII of the 1964 Civil Rights Act and the New Jersey Law Against Discrimination. Seton Hall University is committed to fostering an environment that protects the members of the University Community from all forms of sexual harassment. The University requests and expects the cooperation of every member of the community in realizing this goal. All members of the University community have an obligation to take appropriate action to eliminate sexual harassment.

II. APPLICABILITY

This Policy Against Sexual Harassment applies to all University students, faculty, administrators, staff members and employees, as well as vendors and guests, on and off campus. It is also applicable to those members of the University Community who are involved in the University's extension programs, such as Cooperative Education, internships, clinical practica, student teaching, etc. This policy does not replace or supersede an individual's rights and remedies under the law.

III. DEFINITION OF SEXUAL HARASSMENT

For the purpose of this policy, sexual harassment is defined as sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature towards any individual, student, faculty member, administrator, staff member or employee when:

- submission to such conduct is made explicitly or implicitly a term or condition of an individual's academic evaluation or employment;
- submission to or rejection of such conduct by an individual is used as the basis for academic decisions or employment affecting such individual; or
- such conduct has the purpose or effect of unreasonably interfering with an individual's academic performance or employment by creating an intimidating, hostile or offensive academic or work environment.

Sexual harassment manifests itself in many forms. This

behavior may include but is not limited to the following:

- conduct or comments directed at an individual, based on the individual's gender, that are abusive in nature;
- sexual innuendoes in the guise of humor to coerce sexual favors;
- sexual teasing, jokes, remarks or questions;
- sexual remarks about a person's body, clothing or behavior;
- patting, pinching or other unwanted touch of another's body;
- leering or ogling;
- uninvited letters, e-mails and telephone calls;
- uninvited pressure for dates;
- inappropriate and offensive sexual advances;
- solicitation of sexual favors or other sexually related behavior by promise of rewards;
- coercion of sexual activity by threat or punishment; or
- sexual crimes, including rape, acquaintance rape, attempted rape or sexual assault.

IV. UNIVERSITY COUNCIL AGAINST SEXUAL HARASSMENT

In furtherance of its goal to eliminate sexual harassment, Seton Hall created a University Council Against Sexual Harassment in July, 1991. The purposes of the Council are:

- to monitor the implementation of the University's Policy Against Sexual Harassment;
- to propose amendments to the Policy as the need arises;
- to assist in conducting education and training programs throughout the Seton Hall community;
- to assist in development and implementation of online information and training programs, utilizing the University's computer media.

A list of Council members is available from the University Compliance Officer, or online, at the University's web site, Compliance Program home page.

The website address is

<http://admin.shu.edu/complianceprogram/>. The Compliance Officer can be reached at (973) 313-6132.

V. PROCESS FOR INVESTIGATING AND RESOLVING AN INCIDENT OF ALLEGED SEXUAL HARASSMENT

Any individual who becomes aware of an incident of sexual harassment has a duty to report it to the Compliance Officer immediately. Investigation of an alleged incident is intended to achieve resolution in a timely and appropriate manner.

The process for investigation and resolution of complaints is outlined in the University Guidelines on Complaints of Sexual Harassment. The guidelines are available online at the

University's Web site, Compliance Program home page,
<http://admin.shu.edu/complianceprogram/>

During interviews or other proceedings that may occur in the course of investigation and resolution of an instance of alleged sexual harassment, either the complainant or the respondent (the individual(s) about whom the complaint has been made) may be accompanied by another individual from the University for support purposes. This support individual is not permitted to participate in the process. No attorney, whether accompanying the complainant or the respondent, may be present during interviews or other proceedings unless he/she is from the University, and is attending only for support purposes.

VI. SANCTIONS

Misconduct will be dealt with appropriately. Responsive action may include training, referral to counseling, and disciplinary action such as warnings, reprimands, withholding of a promotion, reassignment, temporary suspension without pay or discharge for cause. False charges may result in corrective action or sanctions against the accuser, countercharges, or any other appropriate response.

VII. NON-RETALIATION

Retaliation against an individual who has made a claim of sexual harassment is prohibited. Retaliation will subject an individual to disciplinary action.

VIII. STATEMENT ON CONSENSUAL RELATIONSHIPS

The University considers it inappropriate for any member of the community to establish an intimate relationship with a student, subordinate or colleague on whose academic or work performance he or she will be required to make professional judgments. The University requires that the individual cease such conduct and divest himself/herself of the professional responsibility for supervision or oversight, should an intimate relationship develop.

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