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Joint Human Rights Policy for the Order of Saint Benedict, Inc., Collegetown, and the College of Saint Benedict

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I. Policy Statement

The College of Saint Benedict and the Order of Saint Benedict, Inc., Collegetown, are committed to creating and maintaining an environment in which all members of the community are aware of and respect the rights and human dignity of every other member. Therefore, we will investigate and promptly seek the equitable resolution of allegations of discrimination relating to race, religion, color, national origin/ethnicity, sex, sexual orientation, age, marital status or disability.

Sexual harassment or other forms of harassment based on race, religion, color, national origin/ethnicity, sex, sexual orientation, age, marital status or disability are reprehensible, are antithetical to the mission of these institutions, and will not be tolerated. In institutions such as ours, which espouse Catholic and Benedictine values, every community member's awareness of and respect for the rights and human dignity of every other member undergird community life. Attitudes of condescension, hostility, stereotyping, and other forms of bigotry and intolerance weaken the health of the community. Furthermore, discrimination and harassment compromise the integrity of a liberal arts education because they make the learning, residential and working environments hostile, intimidating, and offensive; they destroy opportunities to develop strong positive self-concepts and the sense of self-confidence which is essential to living out the ideals of a liberal education. In addition, persons who harass others compromise their own integrity and credibility. Consequently, neither the College of Saint Benedict nor the Order of Saint Benedict, Inc., Collegetown, will knowingly permit the violation of this policy.

II. The Law

Discrimination or harassment relating to race, religion, color, national origin/ethnicity, sex, sexual orientation, age, marital status or disability is prohibited by both state and federal law under such Acts as Title VII of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, the Americans with Disabilities Act of 1992, and/or the Minnesota Human Rights Act.

A. Sexual Harassment

Sexual harassment, a form of discrimination based on sex, is defined in part as follows:

Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual or gender-based nature when:

- submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or academic advancement; or submission or rejection of such conduct by an individual is used as the basis of employment decisions or academic decisions affecting such individual (Quid Pro Quo Sexual Harassment); or
- such conduct has the purpose or effect of substantially and unreasonably interfering with an individual's work or academic performance or creating an intimidating, hostile or offensive working, residential or academic environment. When the institution knows or should have known of the existence of the harassment and fails to take timely and appropriate corrective action it, together with the individual harasser(s), may become the subject of a complaint (Hostile Environment Sexual Harassment).

Examples of Sexual Harassment

The determination of what constitutes sexual harassment depends upon the specific facts of each situation in the context in which the conduct occurs. Sexual harassment may take many forms. It may be subtle and indirect, or blatant and overt. It may be conduct affecting an individual of the opposite sex or conduct affecting an individual of the same sex. It may occur between peers or between individuals in a hierarchical relationship. If it meets the conditions set forth in the above definition, conduct such as the following may be considered sexual harassment:

- non-verbal harassment may include suggestive or insulting sounds, leering, whistling, obscene gestures and visual displays;
- verbal harassment may include statements (written or spoken) drawing upon sexual innuendo, suggestive comments, insults, humor or jokes emphasizing

gender-specific traits or clothing, sexual propositions (including repeated unwelcome invitations to social engagements) or sexual threats;

- physical harassment may include unwanted touching, pinching, patting, hugging or brushing of one's body. In its most extreme form, sexual harassment includes coerced sexual intercourse (e.g., acquaintance or date rape) and sexual assault — both of which are covered by a separate Joint Policy on Sexual Assault.
- gender-based harassment may include non-verbal, verbal or physical harassment directed at an individual or a group of individuals solely on the basis of gender, whether or not such conduct is sexual in nature.
- consensual sexual or romantic relationships may also form the basis for a claim of sexual harassment. These relationships are particularly complex when there is a power imbalance between the individuals involved in the relationship which can diminish the subordinate's freedom of choice and thus make it difficult to prove consent in the event of a complaint of sexual harassment. Such relationships may also provide grounds for complaint when the relationship gives undue access or advantage, restricts opportunities or creates a hostile and unacceptable environment for others.

B. Other Forms of Harassment

Harassment based on race, religion, color, national origin/ethnicity, sexual orientation, age, marital status or disability is defined in part as follows: Verbal, non-verbal, or physical conduct that denigrates or shows hostility or aversion toward an individual or a group of individuals because of the race, religion, color, national origin/ethnicity, sexual orientation, age, marital status or disability of an individual, or that of an individual's relatives, friends or associates when:

- such conduct has the purpose or effect of substantially and unreasonably interfering with an individual's work or academic performance or creating an intimidating, hostile or offensive working, residential or academic environment. When the institution knows or should have known of the existence of the harassment and fails to take timely and appropriate corrective action it, together with the individual harasser(s), may become the subject of a complaint (Hostile Environment Type Harassment).

Examples of Harassment

The determination of what constitutes harassment depends upon the specific facts of each situation in the context in which the conduct occurs. Harassment may take many forms. It may be subtle and indirect, or blatant and overt. It may occur between peers or between individuals in a hierarchical relationship. If it meets the conditions set forth in the above definition, conduct such as the following may be

considered discriminatory harassment:

- epithets, slurs, negative stereotyping or threatening, intimidating or hostile acts that relate to race, religion, color, national origin/ethnicity, sexual orientation, age, marital status or disability;
- written or graphic material that is used for the purpose of denigrating or showing hostility or aversion toward an individual or a group of individuals because of race, religion, color, national origin/ethnicity, sexual orientation, age, marital status or disability.

C. Hostile Environment

A "hostile environment," as referred to in Paragraphs A and B above means a pervasive pattern of unwelcome behaviors (verbal, non-verbal, and/or physical) which substantially and unreasonably alter, affect or interfere with the working, residential or academic environments, making those environments intolerable.

Academic Setting. Saint John's University and the College of Saint Benedict are committed to the principles of free inquiry and free expression within the context of the Catholic and Benedictine traditions and in accordance with the principles of human rights and dignity, as outlined in the respective Faculty Handbooks. Within that context, all members of the community have the right to hold and to vigorously defend and promote their opinions, entering them into the life of the community, there to flourish or wither according to their merits. Respect for this right requires that members of the community tolerate the expression of opinions they may find to be distasteful or even abhorrent, keeping in mind that it is not the purpose nor the intent of this policy to chill or otherwise discourage the open discussion of controversial issues or the free exchange of opinions and ideas occurring within the academic setting.

Saint John's University and the College of Saint Benedict are also committed to the principles of equal opportunity and non-discrimination. All members of the academic community have the right to participate in the academic enterprise without discrimination on the basis of race, religion, color, national origin/ethnicity, sex, sexual orientation, age, marital status or disability. Discriminatory harassment on the basis of these categories is not protected expression. Such harassment compromises the integrity of these institutions, their tradition of intellectual freedom, and the trust placed in our community. Harassment on the basis of any of these characteristics contributes to a hostile environment that makes access to the academic enterprise inherently less than equal.

The purpose of this section is to provide guidance in the sensitive area where the right to free expression ends and prohibited, discriminatory harassment begins. Such

prohibited harassment includes discriminatory conduct, both verbal and non-verbal, which has the purpose or reasonably foreseeable effect of insulting, stigmatizing, humiliating or otherwise interfering with the rights of an individual or a group of individuals on the basis of race, religion, color, national origin/ethnicity, sex, sexual orientation, age, marital status or disability, as outlined elsewhere in this policy. Ordinarily such conduct employs insulting, intimidating or otherwise outrageous words or non-verbal symbols that convey contempt, hostility or aversion on the basis of these categories, and is either addressed directly to the individual or individuals whom it insults or stigmatizes or can reasonably be understood to be directed toward such individuals, even if the conduct is not explicitly so addressed.

Whatever the boundaries of free inquiry and expression, the members of an educational community such as ours should be attentive to the feelings and sensibilities of others, and should voluntarily adopt the high standards of civility and good taste that reflect mutual respect, understanding and sensitivity among all members of our diverse community. In particular, members of the faculty represent the colleges and have a special role and position of authority with respect to students. They should treat students with respect and dignity and should be particularly sensitive to the impact of their words and opinions.

III. To Whom the Policy Applies

All community members will abide by this policy at all times, whether on campus or away from campus, when engaged in activities sponsored by the institution or which otherwise relate to the institution or its business. Such activities include, but are not limited to, professional meetings, classes, practica, seminars and all other activities involving or relating to the institution. Those who contract to use our campuses, instruct our students, supervise our students, or are employed by independent enterprises located on campus or seek to provide goods and services to our campuses are expected to adhere to the principles established by this policy.

Exclusion. The monks of Saint John's Abbey are vowed to mutual respect between persons and a celibate way of life. Saint John's Abbey views sexual assault and other violations of a person's human rights as reprehensible. Should any infractions of human rights occur within the monastery between monk and monk (including novices and candidates) or between monks and visiting guests of the monastery, complaints to that effect will be investigated and resolved according to specific abbey policies and the procedures of ecclesiastical law.

IV. Responsibilities

All Community Members. All community members are responsible for ensuring that their conduct does not violate this policy. All community members who have

observed others experiencing what they believe to be incidents of discrimination or harassment are encouraged to confront such conduct and to report such conduct to the human rights officer at once. Any community member who feels that he or she has experienced discrimination or harassment in violation of this policy has the responsibility for giving notice of the discriminatory behavior to the institution. (See Section V below.)

Supervisors. Institutional supervisors (See Section X, Definition of Terms) have the further responsibility to use their best efforts to assure that discrimination and harassment do not occur. Supervisors are responsible, therefore, for being fully familiar with the human rights policies, for informing those they supervise of the human rights policies, and for encouraging discussion of the implications of these policies in the learning, residential, and working environments of these institutions. When a supervisor receives a report of or otherwise identifies a problem as being one involving a potential claim of discrimination or harassment in violation of this policy, the supervisor shall report the alleged incident to the human rights officer at once.

V. Reporting and Complaint Procedure

Members of the community who believe their human rights have been violated are encouraged to discuss the situation and to seek advice as soon as possible from the human rights officer and/or any of the following: a supervisor, an administrator, a faculty member, a department chair, a resident director or faculty resident, and/or the director of human resources.

Any member of the community who is contacted by a person with a complaint which may involve the person's human rights is strongly encouraged to contact the human rights officer immediately to report the factual basis of the potential complaint and to receive information regarding the proper approach for addressing the complaint.

All complaints involving human rights issues will be processed and considered pursuant to the Joint Complaint Procedure for Human Rights Violations. After consulting with the human rights officer, a complainant may or may not choose to proceed with a complaint under the Joint Complaint Procedure for Human Rights Violations and/or civil and/or criminal legal processes.

All who are involved in complaints of human rights violations have the right to request the prompt and competent investigation of the allegations. All who are involved or implicated in internal complaint procedures have the right to fair and impartial treatment.

VI. Confidentiality

Because of the sensitive nature of human rights complaints, the need to protect the

privacy of the parties, the need to ward against retaliation and adverse publicity, and the interest in resolving complaints as quickly and effectively as possible, the institutions will rigorously defend the confidentiality interests of all parties involved in a human rights complaint process. These institutions will attempt to protect the identity of all complainants and respondents and ensure that the actions resulting from the initiation of the Joint Complaint Procedure for Human Rights Violations are kept confidential, informing only those officials and individuals with a need to know in order to respond to the case. Confidentiality shall be observed by all persons involved in a complaint process.

Notwithstanding the preceding paragraph, respect for due process requires that the requirement of confidentiality not be interpreted as unduly limiting the ability of either party to a complaint to prepare and present his or her case, particularly during the formal stage of the complaint process. Furthermore, the requirement of confidentiality shall not be interpreted as unduly limiting the institution's responsibility to investigate and take corrective action in response to human rights complaints.

VII. Retaliation

Any person who initiates a complaint under any human rights policy shall do so without coercion or fear of reprisal. Retaliation against or harassment of any person involved in a complaint process (the complainant, the respondent, the investigator, a witness, a member of the hearing panel, etc.) may in and of itself constitute a human rights violation and may be prosecuted as such under the Joint Complaint Procedure for Human Rights Violations. Encouraging others to retaliate also violates this policy.

VIII. Malicious, False Reporting

A complainant whose allegations are found to be both false and brought with malicious intent will be subject to disciplinary action as recommended by the human rights officer.

IX. Sanctions

If a mutually agreeable resolution is not reached at the consultive or informal complaint stage and a formal complaint is filed, upon a finding that a violation of the Human Rights Policy has occurred, disciplinary action as set forth in the appropriate handbook(s), up to and including termination of employment or expulsion from the academic community, may be imposed.

X. Definition of Terms

Terms used in this and related human rights documents shall be defined as follows:

1. The Order of Saint Benedict, Inc. Collegeville, includes the following corporate "Divisions": Saint John's University, Saint John's Preparatory School, The Liturgical Press, and the Benedictine Division.
2. Community and institutions are used here to refer to the College of Saint Benedict and the Order of Saint Benedict, Inc., Collegeville, and all their employees and students.
3. Campus refers to the grounds which include Saint John's Preparatory School and The Liturgical Press as well as Saint John's University and the College of Saint Benedict.
4. Employee refers to any member of the community who is employed by these institutions, excluding student workers.
5. Student refers to any person enrolled in the College of Saint Benedict, Saint John's Preparatory School, or Saint John's University, whether undergraduate, graduate or post-graduate.
6. Supervisor refers to administrators, department chairs, faculty, residence directors, faculty residents, staff persons and others who have the responsibility for employees' or students' terms and/or conditions of employment or education. For the purposes of this definition, student workers shall not be considered to be supervisors.
7. Joint Complaint Procedure for Human Rights Violations refers to the published Complaint Procedure, as revised from time to time by administrative update, in effect at the time a complaint is filed.

For information regarding the Joint Human Rights Policy or to obtain a complete copy of the complaint procedures, contact [Nadine Schnettler](#), faculty/staff human rights officer, (320) 363-5071 or [Sherry Smolik-Day](#), student human rights officer, (320) 363-5485.

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