



Brandeis University

Employee Sexual Assault, Domestic Violence, Dating Violence and Stalking Policy

Policy Statement

Brandeis University is committed to providing its employees with an environment conducive to learning, and working, and where all people are treated with respect and dignity. Toward that end, and consistent with the federal Violence Against Women Act of 1994, as amended, Brandeis strictly prohibits sexual assault, domestic violence, dating violence and stalking by any employee against any other employee or student. Violations of this policy will not be tolerated and may result in corrective actions up to and including termination from employment. Certain conduct described below may also violate the University's Sexual Harassment Policy and/or Non-Discrimination and Harassment Policy. Any allegation filed under this policy will be reviewed under those policies as well.

Applicability

This policy applies to all Brandeis employees, i.e., faculty and staff members. In addition, the University encourages visitors, parents, prospective students, and third-party vendors (e.g., Sodexo and Follett) to report instances of sexual assault, domestic violence, dating violence or stalking that occur on University property or at University-sponsored events to the Office of Equal Opportunity and/or the Title IX Coordinator.

Understanding Prohibited Conduct

Sexual Assault is defined as any intentional sexual touching, however slight, with any body part or object by a person upon another person, without consent or upon a person unable to consent. Examples of Non-Consensual Sexual Contact/Activity include but are not limited to: touching or penetration of an unwilling person's intimate parts (such as but not limited to genitalia, groin, breast, buttocks, mouth, and/or clothing covering them); touching an unwilling person with one's own intimate parts; making an unwilling person touch you or another; or any intentional bodily contact in a sexual manner, even if it does not involve breasts, buttocks, groin, genitals, mouth, or other orifice. Sexual contact/activity with a person who is incapacitated (by use of drugs, alcohol, or any other means) or otherwise unable to consent (i.e. asleep, mentally impaired, etc.) is always considered non-consensual.

Domestic violence is defined as the occurrence of one or more of the following acts between family or members of a household (which can include roommates in a residence hall):

- a. attempting to cause or causing physical harm;
- b. placing another in fear of imminent serious physical harm;
- c. causing another to engage involuntarily in sexual relations by force, threat or duress.

"Family or household members" includes persons who:

- a. are or were married to one another;
- b. are or were residing together in the same household (which can include roommates in a residence hall);
- c. are or were related by blood or marriage;
- d. have a child in common regardless of whether they have ever married or lived together; or
are or have been in a substantive dating or engagement relationship, which is determined by considering the following factors (1) the length of time of the relationship; (2) the type of relationship; (3) the frequency of interaction between the parties; and (4) if the relationship has been terminated by either person, the length of time elapsed since the termination of the relationship.

Dating violence means violence by a person who has been in a romantic or intimate relationship with the victim/survivor. Whether there was such relationship will be gauged by its length, type, and frequency of interaction.

Stalking is defined as: "Whoever (1) willfully and maliciously engages in a knowing pattern of conduct or series of acts over a period of time directed at a specific person which seriously alarms or annoys that person and would cause a reasonable person to suffer substantial emotional distress, and (2) makes a threat with the intent to place the person in imminent fear of death or bodily injury." The threatening conduct may be written or verbal and includes mail, phone calls, email and other internet communications, text messages, and other instant messages.

Consent is defined as communication about sexual contact or sexual intercourse that is cognitively aware, explicit, affirmative, and free of coercion, force, or intimidation. While consent may be sought verbally or through actions, the manner of communication must be mutually understandable as clear permission (including conditions and boundaries) for sexual contact or sexual intercourse. Silence, in the absence of other modes of communication, cannot be interpreted as constituting consent. A person need not resist sexual advances in order to demonstrate a lack of consent.

When a person files a complaint, the University will determine whether this policy has been violated based on consideration of the facts and circumstances surrounding the alleged conduct. The University may take action on conduct that it deems to be inappropriate, regardless of whether it rises to the level of a violation of law.

Management and Faculty Responsibility

Faculty, managers, and supervisors are responsible for being knowledgeable of the types of actions that constitute sexual assault, domestic violence, dating violence and stalking and for demonstrating unwillingness to tolerate such actions, including taking appropriate action to maintain an environment free from sexual assault, domestic violence, dating violence, and stalking.

Employee Responsibility to Report

All employees who witness or are made aware of allegations of sexual assault, domestic violence, or stalking are required to promptly report such allegations to the Office of Equal Opportunity and/or the Title IX Coordinator. You may also report any such incident on the Brandeis Report It Web Page

(<http://www.brandeis.edu/studentlife/srcs/reportit.html>) Employees of the University who fail to promptly report such allegations may be subject to disciplinary action. Employee whose positions legally require confidentiality (i.e. clergy and counseling staff) or who are designated by the University as confidential employees are exempt from reporting.

The Director of the Office of Equal Opportunity and/or the Title IX Coordinator will discuss with the reporting party informal and formal options for resolution. In some cases, depending on the scope of events, the history of the responding party, and the needs of the University, the Director of the Office of Equal Opportunity and/or the Title IX Coordinator will have to conduct a formal investigation even if the reporting party would prefer an informal resolution to the situation.

Employees who would like to discuss their situation with a confidential resource can meet with the University Ombuds (<https://www.brandeis.edu/ombuds/>) and/or the University Chaplains and/or the Prevention, Advocacy and Resource Center (<https://www.brandeis.edu/parc/support/index.html>).

Title IX Coordinator

Complaints of violations of this policy or concerns about sexual harassment can be made to Brandeis Title IX Coordinator Sonia Jurado, sjurado@brandeis.edu, 781-736-4802.

Formal Investigation and Resolution

Complaints filed under this policy will be adjudicated pursuant to the University's [Non-Discrimination and Harassment Problem Resolution and Appeal Procedure for Claims of Harassment/Discrimination against Staff or Faculty](#). In addition to the procedures outlined in the Non-Discrimination and Harassment Problem Resolution and Appeal Procedure for Claims of Harassment/Discrimination against Staff or Faculty, the investigation will:

- Include a prompt, fair, and impartial process from the initial investigation to the final outcome;
- Be conducted by an official who, at a minimum, receives annual training on the issues related to dating violence, domestic violence, sexual assault, and stalking and on how to conduct an investigation and hearing process that protects the safety of victims and promotes accountability;
- Provide the complaining party and the responding party with the same opportunities to have others present during the proceeding, including the opportunity to be accompanied to any related meeting or proceeding, by an advisor of their choice;
- Provide simultaneous notification, in writing, to both the complaining party and the

responding party of the outcome of the proceeding

- Provide the procedures for the accused and the accuser to appeal the result of the proceeding;
- Inform the parties of any changes to the outcome as a result of an appeal; and
- Inform the parties when the outcome becomes final.

Role of the Advisor

The reporting party and the responding party may each select an advisor of their choice. An advisor may provide emotional support and assistance in navigating the process; however, the role of the advisor is passive and an advisor may not speak or write to the investigator on behalf of a party. The failure of a party to select an advisor will not delay the process.

Prohibition on Retaliation

No employee may retaliate, intimidate, threaten, coerce, or otherwise discriminate against any individual for exercising their rights or responsibilities under any provision of this policy. Retaliation against another individual is a separate violation that law and this policy strictly prohibit. Retaliation occurs when a person engages in a protected activity, e.g., in good faith, initiates a complaint of harassment or discrimination or cooperates in its investigation; when another party, who knows of that activity, takes an adverse action against the person engaged in it; and when the adverse action was caused or motivated by the protected activity. Retaliation may result in corrective action, up to and including termination from employment or loss of privileges.

Examples of retaliatory action may include the following:

- Termination;
- Denial of promotion;
- Demotion in title or duties;
- Transfer to a less favorable position or location;
- Involuntary placement on leave;
- Hostile or abusive workplace treatment;
- Decreasing compensation or benefits;
- Coercion, threats, or intimidation;
- Interference with protected conduct;
- Removal of co-authorship from a publication;
- Interference with a job search.

This policy does not create an employment contract or any right to continued employment at Brandeis University. Brandeis University reserves the right to modify, revoke, suspend,

terminate and/or change any and all policies and procedures at any time, with or without notice.

Office for Equal Opportunity and Office of Human Resources 03/2019