

## **Title IX and Sexual Harassment Policies**

The Institute for Advanced Study is committed to maintaining an educational, working, and living environment free from discrimination and harassment, and fostering an environment where all individuals may pursue their studies, work, careers and social interactions without being subjected to sexual misconduct. “Sexual misconduct” refers to a broad range of inappropriate sexual behaviors, including but not limited to, sexual harassment and sexual assault, which not only are prohibited by state and federal law but also are a violation of the ethical vision that informs the mission of the Institute.

The Institute regards acts of sexual misconduct as serious offenses, and as unacceptable conduct. Sexual misconduct of any kind is not acceptable behavior. The Institute will take such action as it deems appropriate to prevent, correct, and if necessary, discipline behavior constituting sexual misconduct. Sanctions that may be applied include, but are not limited to, warning, probation, suspension (with or without pay for Staff, Faculty and/or Members) and dismissal. In addition, sexual misconduct by a vendor, contractor, or other third-party having an agreement or contract with the Institute may be grounds for the abrogation of such agreement or contract.

In adopting this policy, the Institute seeks to ensure that all members of its community, including guests and visitors, have the right to learn and work in the safest possible community and environment, and to be free from all forms of gender-based misconduct, including gender discrimination, sexual harassment, hostile work environment, sexual violence, and gender-based harassment. This commitment by the Institute complies with the Title IX of the Education Amendments of 1972 (“Title IX”), a comprehensive federal law that prohibits discrimination on the basis of gender in any federally funded education program or activity. Title IX applies, with a few specific exceptions, to all aspects of federally funded education programs or activities. In addition to traditional educational institutions such as colleges, universities, and elementary and secondary schools, Title IX also applies to any education or training program operated by a recipient of federal financial assistance. Title IX and its implementing federal regulations prohibit discrimination on the basis of gender in The Institute’s programs and activities.

### Scope of this Policy

This policy applies to all of the Institute’s Staff, Faculty, Members, family members, vendors and Visitors. It applies at all times, and in all places, in any connection to the Institute. This policy also applies to those who do business here. Compliance with this policy is a term and condition of employment and association with the Institute.

### Prohibited Conduct

The Institute’s review of prohibited conduct under this policy will be made by applying a preponderance of the evidence standard, and will consider the totality of the facts and circumstances involved in the incident, including the nature of the alleged conduct and the

context in which it occurred. Any of the prohibited conduct defined in this policy can be committed by individuals of any gender, and it can occur between individuals of the same gender or different genders. It can occur between strangers or acquaintances, as well as people involved in intimate or sexual relationships.

### *Sexual Harassment*

Sexual harassment is any threatening, demeaning, or offensive conduct or situation that unreasonably interferes with an individual's work setting or creates a hostile academic environment. Sexual harassment in education includes any unwanted and unwelcome sexual behavior that significantly interferes with an individual's access to educational opportunities, as well as unwelcome verbal, or physical conduct of a sexual nature (such as sexual advances or requests for sexual favors) sufficiently serious that it unreasonably interferes with or limits a person's ability to participate in or benefit from the Institute's educational programs, activities, and/or employment. Sexual harassment may be based on a power differential, the creation of a hostile environment, or retaliation.

Sexual harassment can take many forms, occurs in a variety of circumstances and may be directed at an individual or group of individuals. It is not the intention of the harasser but the conduct itself and the impact on the recipient which determines what constitutes harassment. The impact of harassment can result in the recipient feeling discomfort or humiliation and/or may adversely affect the recipient's academic or job performance, undermine academic or job security or prospects or create a threatening or intimidating work or study environment. It can also provoke aggressive, retaliatory attitudes and actions. Certain behavior will be unwelcome even on a single occasion.

Social interaction involving mutually acceptable behavior should be distinguished from harassment. However, it should be borne in mind that what is initially acceptable to some may be offensive to others, and what is acceptable between persons A and B may not be acceptable to person C. The key element to sexual harassment is that it is conduct that is unwanted, unreasonable and offensive to the recipient. Where harassment is unintended, but still has the effect of violating the dignity of, or creating a hostile environment for, the recipient, the conduct would be considered as harassment only after consideration of all the circumstances, which will include the perception of the recipient.

Examples of sexual harassment include, but are not limited to, lewd or sexually suggestive comments; off-color language or jokes of a sexual nature; slurs, verbal or graphic expressions, or physical conduct relating to an individual's gender; inappropriate or off-color email communication; or any public or unwelcome private display of sexually explicit pictures, greeting cards, articles, books, magazines, photographs, devices, toys or cartoons in the absence of a valid educational purpose. However, verbal expression or physical conduct need not be overtly sexual to constitute sexual harassment.

Sexual Harassment also includes harassment of a sexual nature directed at gay or lesbian persons that is sufficiently serious to limit or deny the ability to participate in or benefit from the Institute's educational and employment programs. Likewise, sexual harassment can occur where the Complainant and Respondent are members of the same gender.

### *Sexual Assault*

Sexual assault is a crime punishable by both civil and criminal legal action and is a serious violation of the Institute's policies. Sexual assault is any type of sexual contact without Consent or permission. It can include touching of private body parts over or under the clothing or any form of penetration.

Sexual assault occurs when the act is intentional and is committed either by: (a) physical force, violence, threat, or intimidation; (b) ignoring the objections of another person; (c) causing another's intoxication or impairment through the use of drugs or alcohol; or (d) taking advantage of another person's incapacitation (including voluntary incapacitation caused by the use of drugs or alcohol), state of intimidation, helplessness, or other inability to consent.

Conduct will be deemed sexual assault whether obtained by Force or threat of Force, and whether completed or attempted. Sexual exploitation (taking non-consensual or abusive sexual advantage of another for your own benefit) may also be considered a form of sexual assault, depending on the circumstances

Forced intercourse or other unwanted sexual contact may be rape or sexual assault whether the assailant is a stranger or an acquaintance of the Complainant. The Institute also recognizes that while most victims are female and most assailants are male, a perpetrator or victim can be of either gender.

These are only a few examples of possible sexual assault scenarios. Individuals who are not sure if their case meets the definition of sexual assault are strongly encouraged to promptly contact either a member of the Misconduct Panel (listed below) or the local police department by dialing 911.

### *Gender-based Harassment*

Gender-based harassment is a form of sexual harassment. Gender-based harassment includes acts of a verbal or nonverbal nature or physical aggression, intimidation, or hostility based upon gender or gender-stereotyping (even if those acts do not involve conduct of a sexual nature) that are sufficiently serious to limit or deny the ability to participate in or benefit from the Institute's programs and activities or the terms and conditions of employment.

### *Gender Based/Sexual Misconduct*

Refers to a broad range of inappropriate sexual behaviors, including but not limited to, sexual harassment and sexual assault, which not only are prohibited by state and federal law but also are a violation of the ethical vision that informs the mission of the Institute.

### *Gender Discrimination*

Consists of treating a person differently because of his/her gender in the terms and conditions of educational programs, activities, and/or employment.

### Other Prohibited Behaviors

#### *Stalking*

Repetitive and/or menacing pursuit, following, harassment, and/or interference with the peace and/or safety of a member of the Institute community and/or any immediate family of members of the community. Stalking may be accomplished by physical act or electronic means, such as computer or cell phone. Stalking is a form of sexual harassment.

#### *Retaliation*

Retaliation against any person in the Institute community either for alleging discrimination prohibited by Title IX or for cooperating in this policy is strictly prohibited. Any person who is found to have retaliated against another for making a complaint under Title IX or this policy, being a witness for purposes of any such investigation, or being otherwise involved in the complaint and/or investigative process, will be subject to discipline, up to and including termination or expulsion, depending on the circumstances, even if no responsibility is found for the alleged gender-based misconduct. Retaliation should be reported immediately to the Institute's Title IX Coordinator.

### Submission of a Complaint

If you believe that you or another individual has been subjected to any conduct of the type prohibited by the Equal Employment Opportunity and Anti-Harassment policies or the Title IX and Sexual Harassment Policies, there are several reporting options you may consider. You are urged and expected to report the relevant facts promptly to your supervisor or an individual who had been designated by the Institute to hear such complaints.

Jennifer Richardson, the Institute's Chief Human Resources Officer, is responsible for coordinating the Institute's compliance with Title IX of the Education Amendments of 1972, and serves as the Institute's Title IX Coordinator.

The responsibilities of the Title IX Coordinator include (but are not limited to) the following:

- Communicating with all members of the Institute community regarding Title IX, and providing information about how individuals may access their rights;
- Reviewing applicable Institute policies to ensure institutional compliance with Title IX;
- Monitoring the Institute's administration of its own applicable policies, including record keeping, timeframes, and other procedural requirements;
- Responding to any complaint or report regarding conduct that violates this policy.

Contact information for the IAS's Title IX Coordinator is:

Jennifer Richardson

Chief Human Resources Officer/Title IX Coordinator

Human Resources

Fuld Hall, Room 101

(609) 734-8245

Email: [jrichardson@ias.edu](mailto:jrichardson@ias.edu)

Questions may also be directed to:

William Spain

Administrative Services Assistant/Deputy Title IX Coordinator

Fuld Hall, Lower Level

(609) 951-4550

Email: [wspain@ias.edu](mailto:wspain@ias.edu)

The Institute has a mandated reporting responsibility. All Faculty and Administration are considered responsible employees, meaning that if there is knowledge of a situation that is a violation of the Title IX policy, they are required to report it to the Title IX Coordinator.

The Institute has also created a Misconduct Panel, from which hearing committees are drawn to handle complaints and which performs related functions described below. Members of the Misconduct Panel are appointed every three years (on staggered terms).

Members of the Misconduct Panel typically include the following, although the composition of the Panel may be modified at the sole discretion of the Associate Director for Finance and Administration:

- Two Co-chairs: one representative from the Administrative Staff and one member of the Faculty; one of who will serve as a presiding member of the Hearing Committee.

Professor Nicola Di Cosmo, School of Historical Studies

Mary Mazza, Chief Fiscal Officer

- At least two School Administrative Officers

Nicole Maldonado, School of Mathematics

Michelle Sage, School of Natural Science

- At least two employees of the exempt Institute Staff

Jeffrey Berliner, Chief Information Officer

Jonathan Peele, IT Manager, Information Technology Group

- At least two employees of the non-exempt Institute Staff

Sharon Tozzi, Facilities Housing Specialist

Yuchao Wang, Human Resources Benefits Administrator

- At least one active Member

Elizabeth Tolman, Member, School of Natural Sciences

Panel members are trained in all aspects of the grievance process, and can serve in any of the following roles, at the direction and delegation of the Title IX Coordinator:

- To serve in a mediation role in conflict resolution
- To act as advisors to those involved in grievances
- To serve on hearing committees for grievances

Any member of the Institute community may file a complaint concerning gender-based misconduct in the treatment of other members of the Institute community or third parties.

Individuals who wish to remain anonymous may also report their concerns through the Institute's phone and Internet-based reporting system, managed by an independent third party, NAVEX Global. Upon submission of a report, NAVEX Global will promptly forward the report to Chief Human Resources Officer for review and investigation, unless it conflicts with the nature of the complaint. All reports will be handled promptly and discreetly, receiving careful consideration with the objective of addressing any improper conduct or violation of Institute policy. In all cases, your anonymity will be protected by NAVEX Global.

Reports can be filed on the web at [www.ias.ethicspoint.com](http://www.ias.ethicspoint.com), or via telephone at 855-227-1988.