

POLICY STATEMENT

In accordance with Minnesota State Colleges and Universities (MnSCU) policy, St. Cloud State University (SCSU) is committed to creating and maintaining a community in which all persons who participate in University programs and activities can come together to learn and work collectively in an atmosphere free from all forms of harassment, exploitation, discrimination or intimidation. It is the responsibility of the University to prevent acts of sexual orientation harassment or discrimination if possible, correct it when it occurs, and to recommend appropriate disciplinary action, as necessary, against behavior that is a violation of the policy. Every member of the University community should be aware that the University will not tolerate discrimination based on sexual orientation and that such behavior is prohibited by state law and University policy.

The MnSCU policies specifically prohibit discrimination, harassment, or violence against persons on the basis of their sexual orientation by employees and students of MnSCU.

SCOPE

The scope of this policy applies to but is not limited to all employees, applicants for employment in all positions, students involved in academic or recreational programs, as well as applicants in the admission process and recipients of SCSU's programs and services. This includes students, staff, and faculty at SCSU and in SCSU's international programs.

This policy is directed at conduct that constitutes discrimination based on sexual orientation, gender identity and gender expression under state law. Individuals' rights to free speech shall be considered in cases involving verbal statements or other forms of expression. **However, discrimination and harassment are not within the protections of academic freedom or free speech.**

DEFINITIONS

State law prohibits sexual orientation discrimination.

Sexual orientation discrimination is defined as conduct that is directed at an individual because of their sexual orientation, gender identity, gender expression or perceived sexual orientation and that subjects the individual to different treatment by agents or employees so as to interfere with or limit the ability of the individual to participate in, or benefit from the services, activities or privileges provided by the system, colleges and universities or otherwise adversely affect the individual's employment or education.



SEXUAL ORIENTATION HARASSMENT

is a form of sexual orientation discrimination, which is prohibited by state law. Sexual orientation harassment is defined as verbal or physical conduct that is directed at an individual because of their sexual orientation or perceived sexual orientation and that is sufficiently severe, pervasive or persistent so as to have the purpose or effect of creating a hostile work or educational environment. Sexual orientation harassment may occur in a variety of relationships, including faculty and student, supervisor and employee, student and student, staff and student, employee and employee, and other relationships with other persons having business at or visiting the educational environment.

In addition to the internal complaint process, you may also file a complaint with the following organizations:

MN Department of Human Rights

(612) 296-5663 or 800-657-3704
TTY: (651) 296-1283
190 East 5th Street, Ste 700
St. Paul, MN 55101
www.humanrights.state.mn.us

Office for Civil Rights/ U.S. Department of Education

(312) 730-1560 or TDD: 877-521-2172
FAX: 312-730-1576
Email: OCR.Chicago@ed.gov (preferred)
www2.ed.gov/about/offices/list/ocr/index.html?src=oc

U.S. Equal Employment Opportunity Commission

1-800-669-4000 TTY: 1-800-669-6820
Chicago District Office
www.eeoc.gov/field/chicago

Other Resources:

- **LGBT Resource Center**
(320) 308-5166
www.stcloudstate.edu/lgbt
- **Human Resources Office**
(320) 308-3203
www.stcloudstate.edu/humanresources
- **Mediation Program**
(320) 308-5289
www.stcloudstate.edu/mediation
- **Student Disability Services**
(320) 308-4080
www.stcloudstate.edu/sds
- **Student Life & Development**
(320) 308-3111
www.stcloudstate.edu/sld
- **Student Judicial Affairs**
(320) 308-4247
- **University Public Safety**
(320) 308-3453
www.stcloudstate.edu/publicsafety
- **Women's Center**
(320) 308-4958
www.stcloudstate.edu/womenscenter
- **Union/Bargaining Unit Representative**
www.stcloudstate.edu/humanresources/bargainingunits.asp

Sexual Orientation Discrimination & Harassment or Intolerance

*What it is and What you
can do when it occurs*



ST. CLOUD STATE UNIVERSITY

Office of Equity & Affirmative Action

CONDUCT CONSIDERED SEXUAL ORIENTATION HARASSMENT OR DISCRIMINATION INCLUDE BUT ARE NOT LIMITED TO:

- Telling “jokes” or making comments that perpetuate stereotypes related to lesbian, gay and bisexual individuals.
- Engaging in mail, electronic or telephone communication designed to harass a person because of their sexual orientation, gender identity, or gender expression. This includes threatening to “out” someone.
- Using vulgar language or physical violence to intimidate or ridicule or injure someone due to their sexual orientation.

IS IT OR ISN'T IT PROHIBITED DISCRIMINATION? START BY ASKING YOURSELF:

- 1) Does this person have power over me or do I have responsibility for them? Or are they a peer?
- 2) Am I or are they, the only one(s) this person treats this way, or are there others?
- 3) Not all discrimination is prohibited; what exactly makes me believe this is discrimination because of my sex/race/color/sexual orientation/creed/religion/ disability/ national origin/ age/marital status/veteran status/ status with regard to public assistance?
- 4) Are the conduct and words –
 - a. Abusive/profane/threatening/sexual/ racial? Verbal? Physical? Unwelcome?
 - b. Repeated?
 - c. How has it harmed me? Did it prevent me from:
 - Access to an educational benefit?
 - Getting a raise?
 - Getting a good assignment?
 - Getting a benefit I am entitled to?
 - Or do I just find it offensive?
- 5) Do I believe this conduct is based solely on my race, color, religion, sex (including pregnancy, gender identity, gender expression), national origin, age (over 40 years), disability, status with regard to public assistance, or sexual orientation?

WHAT TO DO IF YOU WITNESS OR FEEL YOU ARE A VICTIM OF HARASSMENT BASED ON SEXUAL ORIENTATION:

- 1) If you are a victim, realize that you are protected from harassment by policies established by St. Cloud State University, Minnesota State Colleges and Universities, Federal and State law (Matthew Shepard and James Byrd, Jr. Hate Crimes Prevention Act 10-28-09). Campus incidents may lead to complaints or grievances. Check with the Office of Equity & Affirmative Action to review procedures.
- 2) Tell the person that their actions are personally offensive. While each individual must decide how to respond, confronting the individual can be very effective.
- 3) Talk it over; make an appointment or call the Equity & Affirmative Action Officer (EAAO). You can also visit with the people listed elsewhere in this brochure or someone else with whom you feel comfortable. However, if discrimination or illegal behavior is reported, employees/supervisors/managers are required to report such behavior to their supervisors or to the Office of Equity & Affirmative Action in order to stop and prevent such behavior.
- 4) Keep a careful record of the dates, times, places, witnesses and nature of the behavior you believe is improper.
- 5) If you are a student, you may wish to talk with a member of the counseling center staff, academic adviser, Residence Hall Director, faculty and staff members, and/or supervisors.

Be an advocate for yourself or those you are responsible for!!

CONFIDENTIALITY

In accordance with existing privacy policies and laws, information about complaints, complaint investigation and the resolution process will be maintained in confidence to the fullest extent possible. However, confidentiality cannot be guaranteed (see MnSCU confidentiality guidelines).

www.mnscu.edu/board/procedure/1b03p1.html (Part 4)

RETALIATION

University policy and state law prohibit retaliation against any individual who opposes discrimination, files a complaint, or assists or participates in any manner in an investigation or proceeding conducted by the University or an external agency. Violators of this policy are subject to disciplinary action, up to and including dismissal from the University. Sexual orientation harassment, in any form, will not be tolerated

If you have any question about SCSU/MnSCU's policy against discrimination or harassment, or the procedure for filing complaints, you are encouraged to contact the Office of Equity & Affirmative Action at (320) 308-5123.

For full text of SCSU/MnSCU's 1B.1 Policy:

www.stcloudstate.edu/affirmativeaction/policies

PREVENTING DISCRIMINATION

As part of institutional strategy, SCSU provides anti-racism and anti-discrimination training to faculty, staff and students. SCSU provides continuing and targeted training of new and existing employees through:

Two online/web-based training modules available 24/7:

A) Preventing Employment Discrimination

B) Preventing Sexual Harassment

Direct link to the training:

http://training.newmedialearning.com/top_level/stcloudu/index.htm

St. Cloud State University is committed to providing equal education and employment opportunities to all students and employees regardless of race, color, creed, religion, national origin, sex (including pregnancy), marital status, status with regard to public assistance, membership or activity in a local commission, disability, sexual orientation, age or genetic information. SCSU is an affirmative action/equal opportunity educator and employer.

This information is available on the OEAA website: www.stcloudstate.edu/affirmativeaction/

Minnesota Relay Service (MRS): 1-800-627-3529

This material can be made available in an alternative format. Contact us at:

Office of Equity & Affirmative Action

102 Administrative Services
720 Fourth Avenue South
St. Cloud, MN 56301-4498
Telephone: (320) 308-5123
Fax: (320) 308-6600

Email: affirmativeaction@stcloudstate.edu

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A MEMBER OF THE MINNESOTA STATE COLLEGES AND UNIVERSITIES SYSTEM