

**College of Visual Arts  
Policy on Sexual Harassment and Sexual Violence**

**Section 1: Statement of Principles**

The College of Visual Arts (CVA) strongly condemns any behavior that constitutes sexual harassment and/or sexual violence. CVA reaffirms the principle that its students, faculty, administrators, and staff should be free from sexual violence, sexual harassment, and sex discrimination within the academic community. Where investigations of complaints made under this policy confirm the allegations, appropriate corrective action will be taken, up to and including immediate termination or suspension of community members found to have violated this policy.

**Section 2: Scope and Jurisdiction**

This policy applies to all faculty, staff, administrators, and students, as well as to those who contract to do business on campus, including those agencies, businesses, education groups, and others that provide CVA students with internships.

**Section 3: Definition of Sexual Harassment**

CVA strives to provide a working and educational environment for all faculty, staff, and students that is free from sexual harassment. Sexual harassment in any form is unacceptable behavior and will not be tolerated. It is a form of misconduct that undermines the institutional mission of CVA. Sexual harassment may be defined as unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct or written communication of a sexual nature when:

- a) Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or educational experience; or
- b) Submission to or rejection of such conduct is used as the basis for employment or academic decisions affecting such individual; or
- c) Such conduct has the purpose or effect of unreasonably interfering with an individual's work, academic performance, participation in extracurricular activities, or creating an intimidating, hostile, or offensive working or learning environment.

Sexual harassment can take many forms, and the determination of what constitutes sexual harassment will vary according to the particular circumstances. Sexual harassment may be described generally as unwelcome sexual behavior that a reasonable person would find offensive and that adversely affects the working or learning environment. Sexual harassment may involve behavior by a person of either gender against a person of the same or opposite gender. Possible examples may include but are not limited to:

- a) Seeking sexual favors or relationships in return for the promise of a good grade or other academic opportunity; or
- b) Conditioning an employment-related action (such as hiring, promoting, salary increase, or performance appraisal) on a sexual favor or relationship; or
- c) Intentional and abusive conduct or utterance that implies hostility toward others because of their sex and that unreasonably interferes with the work of a faculty or staff member, or the academic performance of a student; or
- d) Intentional and undesired physical contact that adversely affects a person's ability to carry out his or her academic or employment responsibilities.

**Section 4: Consensual Amorous Relationships**

Consensual amorous relationships between faculty and students, or between a supervisor and his or her subordinate, present a difficult problem for CVA. While such relationships are not strictly forbidden at CVA, they are

considered to be very unwise since they may lead to a claim of sexual harassment against the faculty member or supervisor, and against CVA.

A faculty member or supervisor should be very careful before entering into an intimate relationship with a subordinate or student, due to the power differential between the two parties to the relationship. There is a great risk that the subordinate or student will feel compelled to enter into the relationship for fear of retaliation or other adverse consequences if he or she fails to do so. This may be true no matter how sincere the feelings of the supervisor or faculty member may be towards the subordinate or student. The subordinate or student may also be unaware, at first, of this motivation for his or her conduct.

It is important to also keep in mind the level of emotional maturity of the subordinate or student and the potential for coercion when considering an intimate relationship of this sort. A subordinate or student's consent to such an intimate relationship may be no defense to a claim of sexual harassment brought by the subordinate or student.

### **Section 5: Definition of Sexual Violence**

Sexual violence includes any of the following acts committed without the complainant's consent, except in those cases where consent is not a defense, and committed with sexual or aggressive intent:

- a) The intentional touching by the offender of the complainant's intimate parts; or
- b) The touching by the complainant of the offender's, the complainant's, or another's intimate parts effected by coercion or the use of a position of authority; or
- c) The touching by another of the complaint's intimate parts effected by coercion or the use of a position of authority; or
- d) In any of the cases above, the touching of the clothing covering the immediate area of the intimate parts.

### **Section 6: Complaints of Sexual Harassment or Sexual Violence**

Complaints concerning behavior that allegedly violates Sections 3 or 5 of this policy may be brought against students under the Student Conduct Code and Procedures, or against employees under the Conflict Resolution Process. In cases alleging sexual harassment or sexual violence, care will be taken to protect the health and well-being of the victims.

There shall be no retaliation in any form against anyone who brings a complaint under this policy.

### **Section 7: Community Services for Victims**

The Minnesota Office of Crime Victims Ombudsman (OCVO) offers assistance to crime victims who feel that their rights have been violated, or who feel that they have been treated unfairly by the criminal justice system or by victim assistance programs. Persons wishing to obtain a copy of the OCVO bill of rights, those wishing to file complaints, and those seeking referrals or other information may call (during business hours) the OCVO at 651/642-0550, toll-free at 800/247-0390, or e-mail at [ocvo@state.mn.us](mailto:ocvo@state.mn.us)

The Minnesota Crime Victims Reparations Board can provide help to crime victims to compensate for some of their financial losses. For information contact the Board's office at 661/282-6256 or 800/622-8799 or write to:

Minnesota Crime Victims Reparations Board  
246 East Sixth Street #705  
St. Paul, MN 55101