

KNEISEL  
 HALL  
CHAMBER MUSIC  
SCHOOL AND FESTIVAL

**POLICY AND GUIDANCE ON HARASSMENT AND SEXUAL HARASSMENT**

This document provides information to increase awareness about discriminatory and nondiscriminatory harassment, including but not limited to sexual harassment. It:

- Identifies discriminatory harassment and explains how it differs from non-discriminatory harassment;
- Describes what to do about all forms of harassment, and who must report it;
- Explains where to get help if you believe you may be experiencing harassment.

Kneisel Hall strives to foster an educational and work environment in which all students and employees of the Kneisel Hall community are treated fairly, equitably, and with dignity, and which is free from unlawful discrimination of any kind, including harassment and bias-related conduct.

Words and actions can damage morale, motivation, and community. The pain inflicted might be intentional or accidental, but if it sufficiently serious enough to deny or limit a student's or an employee's ability to participate in or benefit from Kneisel Hall's programs or employment, it is inappropriate and may violate Kneisel Hall policy.

We must be sensitive to the harmful effects of behavior. We can express our opinions, and voice even strong disagreement, without using statements or actions that harass others. Balancing individual and group rights and responsibilities and promoting respect, civility, and a sense of community are sensitive matters that require attention by each student, faculty, and staff member at our institution.

**Equal Opportunity Statement**

In compliance with the letter and spirit of applicable laws, and pursuing its own goals of decency, equity, and diversity, Kneisel Hall shall not

discriminate on the grounds of race, color, religion, sex, sexual orientation, transgender status, gender expression, national origin, citizenship status, age, disability, genetic information, or veteran status in employment, education, and all other programs and activities. Kneisel Hall regards freedom from discrimination and discriminatory harassment as an individual employee and student right which will be safeguarded as a matter of policy.

### **Sexual Harassment Statement**

Kneisel Hall is committed to providing a safe environment that promotes the dignity and worth of each member of the community. In complying with the letter and spirit of applicable laws, and in pursuing its own goals of decency, equity, and diversity, Kneisel Hall does not discriminate on the basis of sex in employment, education, and all other programs and activities. For this reason, Kneisel Hall will not tolerate sex discrimination, sexual harassment, sexual assault, dating violence, domestic violence, stalking, or retaliation in any form.

### **Campus Violence Statement**

Kneisel Hall will not tolerate acts of violence against or by any member of the Kneisel Hall community. Campus violence is any physical assault, or threatening or harassing verbal or physical behavior occurring on Kneisel Hall premises, in Kneisel Hall facilities, or while conducting Kneisel Hall business.

### **WHAT IS HARASSMENT?**

Harassment is **unwelcome** behavior that is **serious enough** to deny or limit a student or employee's ability to participate in or benefit from Kneisel Hall's programs or employment. It is behavior which goes **beyond** mere disagreements or arguments, is **more** than occasional poor manners or lack of consideration, and which is **unrelated** to whether two people get along with each other or become friends. Members of the Kneisel Hall community are free to hold their own beliefs, to express those beliefs, and to decide with whom they choose to be friends. What members of the community may **not** do, however, is treat another community member in a demeaning manner so as to limit that person's participation in the community.

Harassing behavior may be verbal, written, physical, or graphic (including on-line postings and messages). It includes threats, derogatory language, demeaning "jokes," innuendos, and solicitations. **All** types of harassment – whether discriminatory or not – are prohibited by Kneisel Hall policies.

**Discriminatory harassment** occurs when the harassment is directed toward an individual based on protected class status, including race, color, religion, sex, sexual orientation, transgender status, gender expression, age, national origin, citizenship status, genetic information, or veteran status. Discriminatory harassment is also prohibited by law.

**Additional information about discriminatory harassment based on sex (specifically, sexual harassment) appears starting at p. 6 of this guidance.**

**Non-discriminatory harassment** is harassment that is not based on a protected class. Examples of non-discriminatory harassment include harassing a student or employee for having different political or social views, or harassing a student or employee who is new to Kneisel Hall.

**All forms of harassment** constitute misconduct when committed by a student or employee. Discriminatory harassment is also a violation of Kneisel Hall's equal opportunity and sexual harassment policies.

Not every unpleasant interaction, offensive comment, or disagreement constitutes harassment. Harassment occurs when **unwelcome** behavior is sufficiently **serious** to deny or limit a student or an employee's ability to participate in or benefit from Kneisel Hall's programs or employment. However, even if inappropriate conduct does not meet the narrow definition of harassment under Kneisel Hall policies or the law, it may be misconduct in the workplace or the educational environment and could lead to corrective or disciplinary action.

## **WHAT IS A HOSTILE ENVIRONMENT?**

As noted above, a hostile environment is created when **unwelcome** behavior is **serious enough** that the behavior limits or denies a student's or an employee's ability to participate in or benefit from Kneisel Hall's programs or employment. As also noted above, however, mere disagreements or arguments, or occasional poor manners or lack of consideration, do not necessarily create a hostile environment.

An **isolated incident** may or may not be serious in isolation, but may become serious if repeated. However, conduct does not necessarily have to be repeated to constitute harassment. If sufficiently serious, single or isolated incidents can create a hostile environment. While there is no single definition of what constitutes "serious" behavior, seriousness may be determined by whether the behavior is physically threatening or harmful as opposed to being merely offensive. A series of lesser incidents may also have a cumulative effect over time of creating a hostile environment.

## WHAT YOU CAN DO ABOUT HARASSMENT

If you are a student or employee who experiences or who witnesses harassment: **speak up**. If someone's behavior makes you uncomfortable, say so clearly and without delay. Tell the person that the behavior is unwanted and that it needs to stop. You are not required to talk with the person directly, but that is often the simplest and most effective way to get the behavior to stop.

**Keep records**. Write down what happened. Include names, dates, times, witnesses, and a description of what the person did or said as well as your response.

**Tell someone**. Being quiet or stoic about unwelcome behavior allows it to continue. If you need assistance approaching the person whose behavior is harassing or if the behavior is severe, talk to the Executive Director, the Artistic Director, a trusted faculty member, or a Kneisel Hall counselor. If the person you believe is harassing you is in a position of authority over you, go to someone else.

**If you are a faculty member or an employee: You have a responsibility to take action** when you become aware of any form of harassment by reporting it to the Executive Director or the Artistic Director, or a member of the Kneisel Hall Board of Trustees. You **must** report perceived or alleged sexual harassment. If someone reports harassing behavior to you, listen carefully and encourage the person to contact the Executive Director or the Artistic Director. If the person does not wish to initiate contact or if you witness harassing behavior directed toward a student or employee, it is essential that you advise the Executive Director or the Artistic Director. In the event that the person alleged to have engaged in harassment (or to have condoned the harassment) is the Executive Director or the Artistic Director, you should advise a member of the Kneisel Hall Board of Trustees.

**If you are a faculty member: Be aware** of classroom and practice room behavior and interactions with students that may constitute or be perceived as harassment. Be aware of how interactions with other faculty may cross the line between energetic discussion and harassment that creates a hostile environment. If a student engages in harassing conduct in your class, you have a responsibility to take action to intervene effectively. Contact the Artistic Director or the Executive Director to report the situation and get assistance in addressing it.

## HOW TO REPORT HARASSMENT OR DISCRIMINATION AND GET HELP

**If you are a student**, report the harassment or discrimination to the Executive Director, the Artistic Director, a trusted faculty member, or a Kneisel Hall counselor. The faculty member will advise the Executive Director and/or the Artistic Director or other appropriate person on your behalf.

**If you are a staff member or faculty member**, report the harassment or discrimination to the Executive Director or the Artistic Director.

If you are a student, a staff member, or a faculty member and you have reason to believe that the Executive Director or the Artistic Director is a party to the circumstances giving rise to your complaint, report the harassment or discrimination to the President of the Kneisel Hall Board of Trustees.

Sexual harassment or discrimination complaints based upon the victim's protected legal status under the Equal Opportunity and Sexual Harassment Statements appearing at pp. 1-2 of this guidance may also be filed by students or employees with the Maine Human Rights Commission, State House Station 51, Augusta, ME 04333, (207) 624-6290.

After you make a report of harassment within Kneisel Hall, an appropriate person will be assigned to work with you, and will discuss both informal and formal options with you for resolving the problem.

The goal of an informal process is to assist you in resolving the matter in a way that is acceptable to everyone. However, if you do not want to pursue an informal process, or if a problem cannot be resolved informally, you may file a formal complaint.

In a formal complaint, you should do your best to set forth the following in as much detail as you can:

- **Who** committed the harassment?
- **What** did the harassment consist of?
- **Where** did the harassment take place?
- **When** did the harassment take place?
- Are there any **witnesses** to the harassment?
- Is there any written, text, photographic, audio or video **evidence** of the harassment?

Your formal complaint will be investigated, which will ordinarily consist of a review of evidence and interviews of you, of the person(s) alleged to have been involved in the harassment, and of any persons identified as potential witnesses to the harassment. At the end of the investigation, you and the person(s) alleged to have been involved in the

harassment will be advised of the findings of the investigation; and remedial action will be taken as appropriate.

### **RETALIATION IS PROHIBITED**

**A good-faith complaint of harassment or discrimination is absolutely protected**, and neither Kneisel Hall nor anyone affiliated with Kneisel Hall may take any adverse action against you for making a harassment complaint. If you believe that you are being retaliated against for having made a complaint of harassment, you should immediately advise the Executive Director, the Artistic Director, or the President of the Kneisel Hall Board of Trustees as soon as possible.

Similarly, **anyone who participates in an investigation** of alleged harassment or discrimination (such as reporting a concern, being interviewed, or volunteering information or evidence) **may not be retaliated against** for having done so,

**Any person who engages in an act of retaliation against someone who has filed a harassment or discrimination complaint, or who has participated in an investigation of harassment or discrimination, is subject to disciplinary action.**

### **ADDITIONAL CONSIDERATIONS REGARDING SEXUAL HARASSMENT**

**Sexual harassment** includes **unwelcome** sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature, including sexual assault and sexual violence. Sexual harassment, including sexual assault, can involve persons of the same or opposite sex. Sexual harassment can include: sexual assault, stalking, deliberate touching, pinching, caressing, attempts to fondle, pressure for dates or sex, requests for sex in exchange for grades or promotions, unwelcome sexual jokes and innuendos, and other sexually suggestive behavior.

There are two types of sexual harassment: *quid pro quo* and hostile environment.

**Tangible employment or educational action (*quid pro quo*) sexual harassment):** This type of sexual harassment occurs when the terms or conditions of employment, educational benefits, academic grades or opportunities, living environment or participation in a Kneisel Hall activity are made an explicit or implicit condition of submission to or rejection of unwelcome sexual advances or requests for sexual favors, or such submission or rejection is a factor in decisions affecting an individual's employment, education, living environment, or participation in a Kneisel Hall program or activity. Generally, a person who engages in this type of sexual harassment is an agent or employee with some authority conferred by Kneisel Hall.

**Hostile environment sexual harassment** is conduct that creates a hostile environment based on sex, and exists when the harassment: (a) is subjectively and objectively offensive; and (b) is so severe or pervasive as to alter the conditions of a person's employment, education or living situation that it creates an abusive working, educational or living environment. A hostile environment can be created by anyone involved in a Kneisel Hall program or activity, such as an administrator, faculty or staff member, student, or campus guest. Offensiveness alone is not enough to create a hostile environment. Although repeated incidents increase the likelihood that a hostile environment has been created, a single serious incident, such as a sexual assault, can be sufficient.

Sexual harassment often occurs in situations where one person has power or authority over another, but it can also occur between equals. Both men and women can be sexually harassed. Sexual harassment can also occur between members of the same sex.

## **WHAT TO DO ABOUT (ALL TYPES OF) SEXUAL HARASSMENT**

**Set your own boundaries:** Say "NO" emphatically and clearly when you are asked to go places, do things, respond to questions, or engage in situations that make you uncomfortable. Do not worry about offending the other person or hurting their ego. Take care of yourself.

**In an uncomfortable situation, be direct and honest, and remove yourself from the situation immediately.** Regardless of your previous behavior, or any "signals" you may have given earlier, **you have the absolute right to halt any sexual exchange at any time.** Accept this right and act on it. If someone tells you to stop an encounter, **listen to them and respect that request.** Anything else is harassment.

**Tell someone. Being quiet or stoic about sexual harassment permits it to continue.** Talk to other students or co-workers; you may not be the only one harassed by this person.

**Keep records.** Write down dates, places, times, witnesses, and the nature of the harassment – what was done, what was said, and your response. Later, it may be important for you to remember details of incidents.

**Know that you are protected from retaliation.** You are protected from anyone retaliating against you for reporting the incident, filing a formal complaint, or participating in the investigation.

## EFFECTS OF SEXUAL HARASSMENT

People who are subjected to sexual harassment often feel powerless to stop the situation. Especially in a culture, where “no” is often heard as “yes,” verbal refusals are frequently ineffective. People may also fear retaliation if they say “no.” People who experience sexual harassment often blame themselves. Others may also blame them for the problem, rather than holding the harasser responsible for the behavior.

**All effects of sexual harassment are harmful.** Sexual harassment is not funny: it is degrading and upsetting. It is not “just the way things are.” People who feel harassed have dropped courses, changed majors, avoided advisors, even quit jobs or school. Physiological effects can really make you sick. People who have experienced sexual harassment have experienced headaches, tiredness, weight gain or loss, digestive problems, and sleep disorders. Psychological effects can be just as bad as physiological ones. A person can feel anger, fear, shame, self-doubt, guilt, depression, and embarrassment. Career related effects can be just as upsetting and harmful. Some people may call in sick or not show up; receive poor job performance reviews; drop courses; stop participating in activities; and/or leave their job or school.

You may report sexual harassment by following the same processes as are described at pp. 4-5. of this guidance. **The same prohibitions against retaliation** as appear at pp. 5-6 of this guidance apply to all reports of sexual harassment and all participation in investigations of sexual harassment.

Kneisel Hall will respond promptly and effectively to complaints and reports of violations of this policy and guidance, and will also make every effort to address incidents of sexual harassment that it knows or should know about, even when a complaint or report is not filed.

### **ALL KNEISEL HALL FACULTY AND STAFF ARE MANDATORY REPORTERS**

It is never easy to report sexual assault or sexual harassment. But it is always the right thing to do. All of us have responsibility for contributing to a safe campus and for forwarding information about allegations of sexual harassment and sexual assault. When allegations like these arise, all Kneisel Hall faculty and staff should report what they witnessed or heard to the Executive Director or the Artistic Director for further inquiry and action.

If a student, faculty colleague or co-worker reports harassment to you, listen carefully, explain the Kneisel Hall sexual harassment policy, and encourage the person to contact the Executive Director or the Artistic Director as soon as possible. In addition, it is essential that you promptly report the situation to the Executive Director or the Artistic Director.