

DISCRIMINATION, HARASSMENT, AND SEXUAL MISCONDUCT POLICY FOR STUDENTS

This policy addresses OTS' commitment to providing a learning environment that is free from sexual misconduct, harassment, and discrimination based on any category protected by law. In pursuit of this goal, OTS adheres to all relevant and applicable country, as well as state and local, laws and regulations regarding sexual misconduct, harassment, and discrimination.

SCOPE

This policy applies to applicable to all students (undergraduate, graduate, and professional, or any student enrolled in any OTS program) alleged to have engaged in sexual misconduct against anyone (e.g., a student, employee, or a third party), regardless of the complainant's or respondent's sex, gender, sexual orientation, or gender identity. This policy applies to all OTS program and/or course-related settings and activities, whether inside or outside OTS properties, and includes field trips and OTS-sponsored social events. OTS property (including computers and computer systems) may not be used to engage in conduct prohibited by this policy. Note that a violation of this policy may also constitute a crime, which can be independently reported to the appropriate law enforcement agency.

GENERAL NONDISCRIMINATION PLEDGE

OTS is committed to maintaining a learning environment that is free from discrimination or harassment based on race, color, religion, sex, sexual orientation, pregnancy or conditions related to pregnancy, marital status, gender identity, gender expression, age, national origin, citizenship status, disability, medical condition, genetic information, veteran status or any other category protected by law.

OTS prohibits acts of harassment and any other conduct that creates an intimidating, hostile, or offensive learning environment based on any protected category. In addition, OTS prohibits retaliation against anyone for involvement in reporting or investigation of harassment claims. OTS provides reasonable accommodation to qualified students with known disabilities, unless doing so would present an undue hardship.

HARASSMENT DEFINED

Harassment includes any act or omission that directly or indirectly alters students' learning environment, unreasonably interferes with students' academic performance, or creates an intimidating, hostile, or offensive learning environment.

While harassment encompasses a wide range of conduct, some examples of specifically prohibited conduct include:

- ethnic slurs or epithets;

- racial jokes;
- unwanted or unwelcome physical contact
- displaying, storing, or transmitting offensive or harassing materials; and
- engaging in bullying.

Any harassing conduct that occurs using electronic communication equipment and media, such as through email or social media, is a serious offense and violates OTS' harassment policy.

SEXUAL MISCONDUCT

"Sexual misconduct" is unwelcome physical or verbal conduct of a sexual nature that is sufficiently persistent or offensive to unreasonably interfere with a student's academic performance or create an intimidating, hostile or offensive learning environment. Sexual misconduct is unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature when, for example: a) submission to such conduct is made either explicitly or implicitly a term or condition of an student's education, b) submission to or rejection of such conduct by an individual is used as the basis for academic or employment decisions affecting such individual, or c) such conduct has the purpose or effect of unreasonably interfering with an individual's academic or work performance or creating an intimidating, hostile or offensive work or learning environment.

Sexual misconduct can be physical and psychological in nature. An aggregation of a series of incidents can constitute sexual misconduct even if one of the incidents considered on its own would not be harassing. Students are prohibited from harassing other students, employees, or third parties, whether or not the incidents of harassment occur on OTS premises and whether or not the incidents occur during program/course hours.

While sexual misconduct encompasses a wide range of conduct, some examples of specifically prohibited conduct include:

- physical assault of a sexual nature, such as rape, sexual battery, molestation or attempts to commit these assaults, domestic violence, dating violence, stalking, and intentional physical conduct that is sexual in nature, such as touching, pinching, patting, grabbing, brushing against another person's body or poking another person's body;
- Preferential treatment or promises of preferential treatment to a student for submitting to sexual conduct, including soliciting or attempting to solicit any student to engage in sexual activity for academic advantages, compensation, or reward;
- Sexual or discriminatory displays or publications;
- unwanted sexual advances and requests;

- repeated requests for dates;
- verbal or physical conduct of a sexual nature;
- sexually suggestive or degrading jokes, gestures, or noises;
- vulgar, demeaning or offensive comments;
- comments regarding another person’s physical appearance, sexuality, or sexual experience;
- teasing or other conduct directed toward a person because of his or her gender;
- sexually suggestive or explicit objects or pictures, including revenge porn; or
- leers, stares, or gestures.

This policy forbids harassment based on gender regardless of whether it rises to the level of a legal violation.

SEXUAL VIOLENCE

Sexual violence is defined as any physical act of a sexual nature perpetrated against someone without consent or when the victim is unable to freely give consent. Such acts include, but are not limited to, touching or attempted touching of an unwilling person’s breasts, buttocks, inner thighs, groin, or genitalia, either directly or indirectly; and/or sexual penetration (however slight) of another person’s oral, anal, or genital opening with any body part or object.

CONSENT

“Consent” is the granting of permission for something to happen or agreement to do something. Consent for sexual activity is clear, informed, voluntary, mutually understandable words and/or actions that signals a willingness to participate. Silence, passiveness, or a lack of resistance does not imply consent. Non-verbal communication alone may or may not be sufficient to constitute consent.

A current or previous dating or sexual relationship, or consent previously given, does not imply consent to another sexual act. Consent cannot be coerced.

Consent is determined based on the actions and interpretations of a reasonable person in the same or similar set of circumstances. Consent can be withdrawn at any time by communicating verbally and/or by actions before or during a sexual act. If a person becomes unconscious or falls asleep, consent is automatically withdrawn.

COMPLAINT PROCEDURES

If students believe that they have been subject to discrimination, harassment, or witness harassment or discrimination, they immediately should report such conduct to the Chief Administrative Officer. (Reports may be made in either English or Spanish.) Note: If the Chief Administrative Officer is the person toward whom the complaint is directed, you should contact the President and CEO.

Jennifer Kelley
Chief Administrative Officer
Organization for Tropical Studies
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Employees who receive complaints or learn of policy violations involving sexual misconduct, harassment, and/or discrimination are required to forward complaints to the Chief Administrative Officer within 24 hours. Employees who fail to report violations of this policy will be subject to discipline.

All harassment, sexual misconduct, and discrimination complaints are promptly and thoroughly investigated. Anyone involved in filing complaints or in investigations can expect confidentiality to the extent possible and as protected by law. Any information obtained during investigations also is kept confidential to the extent possible and as protected by law.

In response to a complaint, OTS will take all action that is appropriate under the circumstances. An investigation will take place, and immediate actions may be taken as well. Interim measures may occur (e.g., a “no contact” directive, exclusion from areas of the premises, interim suspension, etc.), reasonable academic and/or housing modifications, or other actions designed to minimize the potential recurrence of, and reduce the effects of, the alleged conduct.

An internal Harassment Committee will interview the complainant and respondent to provide each the opportunity to present his/her statement, gather information, and gain a fuller understanding of the alleged incident. The complainant and the respondent will have the opportunity to submit names of individuals with knowledge of the situation, and the committee will interview those individuals as well as any other relevant witnesses that come to light during course of the investigation. Interviews with the committee may not be recorded by the interviewees. After collecting all relevant information and any available evidence, the committee will submit a written report of relevant information to the Chief Administrative Officer. A hearing body, including the Chief Administrative Officer, at least one representative of senior administration, and at least one representative of the education staff will review the report and all evidence before rendering the final decision on the case.

In addition to the above, if you believe you have been subjected to sexual misconduct, harassment, and/or discrimination, the alleged conduct may also be criminal in nature. You have the right to report – or not to report – the conduct to the appropriate local law enforcement agency. A criminal report does not preclude disciplinary action on behalf of OTS.

The complainant and respondent are strongly encouraged to seek counseling and support services, which can be coordinated by OTS throughout the complaint and resolution process.

SANCTIONS

Sanctions include, but are not limited to, expulsion, suspension, probation, recommended counseling, and/or other educational sanctions. Determination of what sanction applies include factors such as, but not limited to, the nature of the conduct at issue, prior disciplinary history of the respondent with OTS (shared with the hearing body only upon a finding of responsibility for the allegation), previous similar conduct, and OTS interest in providing a safe environment for all students, employees, and visitors. All decisions on applied sanctions are final.

ANTI-RETALIATION

OTS ensures that visitors, employees, and students who complain about harassment, sexual misconduct, and/or discrimination, oppose any practice involving harassment, or participate in the investigation of such complaints are protected against retaliation.

OTS does not discourage or obstruct any visitors, employees, or students from filing complaints with the relevant and applicable country and/or state and local law enforcement agenc(ies).

No adverse actions are taken against visitors, employees, or students because a complaint is filed or for opposing any actions involving harassment or participating in the investigation of complaints. Employees and students also are protected against retaliation for talking about harassment when responding to questions during internal investigations.

TRAINING

All OTS students will be provided with a copy of the Discrimination, Harassment, and Sexual Misconduct Policy as well as training during student orientation. OTS students must affirm the policy as a condition of participation in OTS courses.