



POLICY MANUAL

GENERAL

Number 339

Subject: Sexual Harassment

Covered Employees: University Employees

Date of Origin: January 24, 1997

339.1 POLICY

In accordance with the Equal Employment Opportunity Commission's regulations and amended guidelines of November 1980, the University has an established policy to address sexual harassment in the workplace and classroom setting. Sexual harassment is a violation of Section 703 of Title VII of the Civil Rights Act of 1964, which holds employers responsible for seeing that this type of behavior does not occur. Title IX prohibits sexual harassment in an educational institution.

Sexual harassment of any employee, student, or recipient of the services of this University is absolutely forbidden. Anyone who feels that he/she is the victim of sexual harassment or any supervisor or manager who is made aware of an alleged incident of sexual harassment must take immediate action to resolve the matter. Any individual may contact the University's Affirmative Action/Equal Opportunity (AA/EO) Office for advice, counseling, or clarification, leading to an informal resolution of the matter. If an informal resolution is not accomplished or is not possible, further action, including the filing of a complaint and undertaking a formal inquiry/investigation, may be taken to facilitate a resolution pursuant to this policy.

For questions regarding workplace harassment, please review the University's Employee Rights Policy (321).

339.2 DEFINITION

2.1 Sexual Harassment

Sexual harassment is defined under the EEOC Guidelines to Title VII as unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature, when:

- submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or a student's academic success,
- submission to or rejection of such conduct by an individual is used as the basis for employment or academic decisions affecting such individuals, or
- such conduct unreasonably interferes with an individual's work or academic performance or creates an intimidating, hostile or offensive working or learning environment.

339.3 PROCEDURES

3.1 Awareness and Prevention

In order to promote appropriate social interaction between men and women in the workplace and in the classroom, efforts will be made to sensitize employees and students to the nature of sexual harassment, including the range of behaviors associated with it, and the University's policy and procedures regarding it.

Toward this goal, this policy is available to all faculty, staff and students. In addition, the AA/EO Office shall conduct on-going training in the prevention of sexual harassment and will provide additional training, with specialized focus or to specific groups upon request.

3.2 Filing a Complaint

The University has established a complaint procedure to handle all types of discrimination complaints, including sexual harassment. The University has designated the AA/EO Director as the official responsible for receiving and investigating complaints of sexual harassment.

3.3 Investigation of Reported Incidents

The AA/EO Office will investigate all reported incidents. The University intends that the following principles will govern all sexual harassment investigations:

(1) Interviews may be conducted with the parties involved, supervisors, and any other employees or involved parties who may provide helpful information.

(2) Interviews and all other investigatory activities will be conducted with the utmost discretion and respect for the privacy of all parties. The AA/EO Office will attempt to maintain confidentiality throughout the investigation (refer to 305).

(3) For faculty the procedures described in 407.9 will govern.

3.4 Retaliation

An individual who has been named as an alleged offender may not retaliate in any way against either the complainant or witnesses involved in investigations. Retaliation is strictly forbidden by the Equal Employment Opportunity Commission Sexual Harassment guidelines under Title VII.

3.5 Disciplinary Actions

If the investigation shows that an employee has engaged in prohibited or unlawful harassment or retaliation, appropriate action will be taken (311, 407).

3.6 Consensual Relationships

Amorous relationships between a supervisor and an employee, or between a faculty member and a student (407.1) are discouraged due to the imbalance of power that exists. The party with lesser authority or power may fear reprisal or retaliation if he/she rejects the amorous or sexual requests. Should a complaint of sexual harassment be filed, the party with the greater authority may not be able to use perceived mutual consent as the sole defense if the relationship is considered "unwelcome" by the party filing the complaint.

339.4 RESPONSIBILITY

4.1 Affirmative Action/Equal Opportunity Office

Responsible for receiving and investigating all complaints of sexual harassment, providing advice and counseling to employees, and protecting confidentiality to the extent possible.

4.2 University Administrators

It is the obligation of all University administrators to guarantee the rights and dignity of employees. If they become aware of situations within their area which violate this policy, they should consult the AA/EO Office.

4.3 Employees

Responsible for responding to *perceived* sexual harassment according to the guidelines in this policy. For additional assistance, employees should contact the AA/EO Office.