



POLICY STATEMENT

NO. 2 14.01

COORDINATED BY: Office of Academic Affairs

EFFECTIVE: December 16, 1992

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SUBJECT: Sexual Harassment and Sexual Relationships Between University Employees and Students

I. PURPOSE

This policy establishes the University's position and responsibility regarding sexual harassment including sexual relationships between University employees and students and outlines methods for reporting violations of policy.

II. DEFINITIONS

Sexual harassment is a form of unlawful sexual discrimination. For the purposes of this policy, sexual harassment is defined as unwelcome verbal or physical behavior of a sexual or gender-based nature. A man as well as a woman may be the victim of sexual harassment, and a woman as well as a man may be the initiator. The victim may be of the same sex as the initiator.

Sexual harassment is any unwelcome sexual advance, request for sexual favors, or other verbal or physical conduct of a sexual or gender-based nature when:

1. Submission to such conduct is an explicit or implicit term or condition of employment or academic success;
2. Submission to or rejection of such conduct is used as the basis for an employment or academic decision that has the purpose or effect of:
 - a. Unreasonably interfering with an individual's work or academic performance; or
 - b. Creating an intimidating, hostile or offensive work or academic environment.
3. Additionally, sexual harassment may also include repeated, unwelcome sexual flirtations, advances or propositions, continued or repeated verbal abuse of a profane, vulgar, or sexual nature, graphic or degrading verbal comments about

an individual or his or her appearance, the display of sexually suggestive objects or pictures, or any offensive abusive physical conduct.

For the purposes of this policy, “direct supervision” includes the following activities (on or off campus): course teaching, examining, grades, advising for a formal project such as a thesis or research, supervising required research or other academic activities, and recommending in an institutional capacity for employment, fellowships, scholarships, or awards. “Employees” are defined as all persons having an employment relationship with the University and includes both full-time and adjunct faculty. “Students” refers to those enrolled in any and all programs of the University.

III. POLICY STATEMENT

The University is committed to maintaining a community free from all forms of sexual harassment. No employee, student, applicant for employment, or other person shall be subjected to unsolicited and unwelcome sexual conduct, either verbal or physical. Sexual harassment violates University policy as well as state, federal, and local laws. It is neither permitted nor condoned, but specifically prohibited.

It is a violation of this policy for any member of the University community, including employees and students, to attempt in any way to retaliate against a person who makes a claim of sexual harassment. Any individual who violates the University's policy against sexual harassment will be subject to disciplinary action, up to and including termination. Such determinations will be made on a case by case basis in consideration of the severity of the offense.

The integrity of the teacher-student relationship is the foundation of the University's educational mission. This relationship vests considerable trust in the teacher, who, in turn, bears authority and accountability as mentor, educator, and evaluator. The unequal institutional power inherent in this relationship heightens the vulnerability of the student and the potential for coercion. The pedagogical relationship between teacher and student must be protected from influences or activities that can interfere with learning consistent with the goals and ideals of the University. Whenever a teacher is responsible for directly supervising a student, a sexual relationship between them is inappropriate. Any such relationship jeopardizes the integrity of the educational process by creating a conflict of interest and may lead to an inhospitable learning environment for other students.

Therefore, no teacher shall have a sexual relationship with a student over whom he/she has direct supervisory responsibilities regardless of whether the relationship is consensual. Teachers must avoid sexual relationships with their students, including those for whom they are likely to have future direct supervisory responsibility. Conversely, teachers must not directly supervise any student with whom they have a

sexual relationship. Violations of or failure to correct violations of these conflict of interest principles by the teacher will be grounds for disciplinary action.

IV. COMPLAINT PROCEDURE

Any employee or applicant for employment who believes he/she has been sexually harassed has the right and obligation to file a complaint with his/her immediate supervisor or the Human Resources Office. Any faculty, administrator or staff member who receives a complaint will contact the Human Resources Office immediately. If this process is not a viable option or does not result in appropriate action, complaints should be addressed to members of the Chancellor’s Executive Committee: either the Vice Chancellor for Academic Affairs, Student Affairs, Business Affairs, or Development. Complaints will be investigated promptly.

Any student who feels he/she has been a victim of sexual harassment has the right and obligation to contact any faculty or staff member, department chair or dean. Any individual so contacted should immediately notify the Human Resources Office. If this process is not a viable option or does not result in appropriate action, complaints should be addressed to either the Vice Chancellor for Academic Affairs or Student Affairs.

The investigation may include interviews with the complaining employee or student, any witnesses, and the individual or individuals accused of violating this policy. Every effort will be made to keep the complaint confidential with only those with a need to know being informed about the complaint. The individuals involved in the complaint will be notified of the results of the investigation.

If sexual harassment is determined to have occurred, correction of the situation will be prompt and without retaliatory measures against the person who was harassed.

APPROVED BY UNIVERSITY ATTORNEY William Norfolk 10/24/00
Date

AUTHORIZED	Stuart E. Mills _____ Provost and Vice Chancellor for Academic Affairs	<u>10/24/01</u> Date
APPROVED	Vincent J. Marsala _____ Chancellor	<u>10/24/01</u> Date