

APPENDIX N I

SEXUAL HARASSMENT AND FAMILIAL OR CONSENSUAL-SEXUAL RELATIONSHIPS

I. Sexual Harassment

~~This policy deals with sexual harassment of undergraduate and graduate students by an instructor or other university employee who is in a position to influence the student's grade or affect the student's academic success or professional future. However, the procedures described herein also may be used by any faculty or staff member who believes he or she is a victim of sexual harassment by a faculty member, chairperson or administrator. Sexual harassment is unethical and unacceptable, an abuse of authority that impairs the environment of trust essential to the academic enterprise. Sexual harassment shall subject the offender to possible disciplinary action up to and including suspension or dismissal.~~

~~Sexual harassment includes but is not limited to the following: verbal or non-verbal conduct with an inappropriate focus on gender or sexual history, characteristics, or preferences that is intimidating, demeaning, hostile or offensive; unwelcome verbal or physical advances; attempts to subject a person to unwanted sexual attention or to coerce a person into a sexual relationship; retaliation for a refusal to comply with sexual demands.~~

Sexual harassment is defined for purposes of this policy as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

- 1. submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or education;*
- 2. submission to or rejection of such conduct by an individual is used as the basis for academic or employment decisions affecting that individual; or*
- 3. such conduct has the purpose or effect of substantially interfering with an individual's academic or work performance or creating an intimidating, hostile, or offensive learning or employment environment.*

Examples of sexual harassment include intimidating, demeaning, or hostile behavior--either verbal or non-verbal--based upon an individual's gender or sexual preferences.

~~Any offer of special consideration to a student in return for sexual favors is also sexual harassment. Students~~ *Persons* receiving such offers should report them by using any of the channels provided for reporting sexual harassment.

A. Reporting

~~(This paragraph was originally the second paragraph, which is now moved to the first paragraph). A victim of sexual harassment should report the incident immediately. Any delay in reporting makes it more difficult to establish the facts of the case and may encourage the harasser to continue or repeat the offensive behavior. The University will do everything possible to protect the privacy of the individuals involved and to ensure that the complainant and the accused are treated fairly. Any attempt at retaliation by the accused (except legal action) will be treated as a new incident of sexual harassment.~~

All incidents of alleged sexual harassment by personnel in a school or college are handled by the Affirmative Action Coordinator of that division *who is appointed by the Dean. Each Dean's Office can provide the name and office location of the Affirmative Action Coordinator.*

~~—————To report an instance of sexual harassment, a student should see the Division Affirmative Action Coordinator, who is appointed by the dean. Any other employee of the university who is consulted concerning an incident of sexual harassment should determine who the Division Affirmative Action Coordinator is and arrange to have the complainant meet him or her.~~

Employees or students in an academic division who believe that they have been sexually harassed should report it to the Division Affirmative Action Coordinator. Any employee of the University who is consulted concerning an incident of sexual harassment should determine who the Division Affirmative Action Coordinator is and arrange to have the complainant meet him or her. Students who believe for any reason that they cannot communicate their concern effectively through the Division Affirmative Action Coordinator should consult the University Compliance Officer in the Office of Equal Opportunity Programs. University employees with a similar concern may consult either the University Compliance Officer or the Director of Human Resources.

The University will do everything consistent with enforcement of this policy to protect the privacy of the individuals involved and to ensure that the complainant and the accused are treated fairly. Any attempt at retaliation by the accused (except legal action) will be treated as a new incident of sexual harassment.

B. Procedures

The initial discussion between the complainant and the Coordinator will be kept confidential, with no written record. The Coordinator will explain the options available under this policy and will counsel the complainant. If the complainant, after an initial meeting with the Coordinator, decides to proceed, the Coordinator will ask the complainant to provide a written statement describing the complaint. After receiving the written statement, the Coordinator will, in conjunction with the complainant, determine whether informal or formal procedures should be followed. If the Coordinator believes that the matter is sufficiently grave because it seems to be part of a persistent pattern or because of the nature of the alleged offense, or because the complainant seeks to have a sanction imposed, the the Coordinator will initiate a formal procedure by reporting the matter to the dean.

C. Informal Procedures

Informal procedures will include notifying the alleged offender of the complaint and will consist of whatever steps short of formal sanctions the Coordinator deems appropriate to effect an informal resolution acceptable to both parties, paying due regard to the need to maintain confidentiality. If the complaint can be resolved informally to the satisfaction of ~~the complainant,~~ *both parties,* no written report will be made to the dean or other administrators, and no record will be placed in the offender's personnel file. However, the Coordinator will make a record of the case (providing a copy to the accused) and this record will be available to the dean in the event of a subsequent allegation that the same individual has committed an act of sexual harassment. If an informal resolution of the complaint cannot be achieved, the Coordinator will report the matter to the dean, who will follow the formal procedure described below.

D. Formal Procedures

In formal procedures the dean initially may conduct whatever inquiry he/she deems necessary and also will arrange conferences with the complainant, the alleged offender, and any other

appropriate persons. The dean may act alone or in conjunction with an advisory committee which may be a standing divisional committee or an ad hoc committee appointed by the dean, but the dean shall make the decision. The dean will make a record of the case, noting his or her decision, and will provide a copy to the alleged offender, but no record will be placed in the alleged offender's personnel file unless a sanction is imposed. Possible sanctions against the offender range from a letter or reprimand to suspension or termination of employment*. *The dean will notify the complainant of the decision as soon as it is made. The complainant should treat this information as confidential and private.* A complainant not satisfied with the resolution achieved by the dean may discuss the matter further with the University-Affirmative Action Compliance Officer.

II. *Personal, Familial and Consensual-Sexual Relationships*

~~Instructional personnel are expected to avoid or to recuse themselves from any situation which requires them to evaluate a person with whom they have a relationship which could make their evaluations suspect.~~

~~Moreover, every effort should be made to avoid having a faculty member teach a person in his or her immediate family; such an undesirable situation should occur only after consultation with the departmental chairperson or the dean and only when alternative arrangements are unreasonable.~~

~~Any amorous or sexual relationship, except marriage, is unethical when it occurs between an instructor or employee of the University and any student for whom he or she has a professional responsibility which could influence the student's grade or affect the student's academic success or professional future. Inherent in such professional responsibility is an element of power which the person in authority must not abuse or seem to abuse. Persons having professional responsibility for students may be subject to disciplinary action if a complaint is filed as a result of an amorous or sexual relationship with a student, even if both parties consented to the relationship.~~

~~Every effort should be made to avoid having faculty members teach or supervise members of their immediate family or anyone else with whom they have a relationship that could interfere with impartiality. Such an undesirable situation should occur only with approval of the departmental chairperson or the dean, and only when alternative arrangements are unreasonable. Otherwise, amorous or sexual relationships between instructors or supervisors and persons over whom they have professional authority are prohibited and may result in disciplinary action against the instructor or supervisor.~~

~~Persons who have an instructional or supervisory role over family members or those with whom they have consensual-sexual or personal relationships may be subject to charges of bias or coercion brought by the persons directly involved or by third parties who perceive that their own legitimate interests have been compromised. A complaint regarding consensual-sexual or personal relationships may allege sexual harassment, discrimination against the student person involved, preferential treatment for that student person, or actions which indicate a relationship with a student that could make evaluation of that student person suspect. Filing and disposition of such complaints will follow the process and disciplinary procedure described for complaints of sexual harassment (see Reporting in Section I A of this policy).~~

* ~~The procedure for imposing a major sanction is described in Appendix B.~~ *In cases where an administrator seeks a severe sanction, such as suspension or dismissal, an opportunity for a formal hearing shall be provided (see Appendix B, Section IIC).*