

# Sexual and Non - Sexual Harassment Policy (Title VII)

**Policy Owner** Human Resources

**Responsible Office(s)** Human Resources

## Policy

Harassment disrupts the environment the University seeks to maintain. The University is committed to maintaining a working and learning environment that is free from harassment. The University does not approve of harassment of any type within the workplace and will not tolerate the harassment of its employees or students by anyone, including faculty, staff, managers, administrators, customers, vendors, or students. Harassment consists of unwelcome conduct that is based upon an individual's protected status such as race, color, religion, genetic information, sex, pregnancy, national origin, citizenship, disability, veteran status, age, sexual orientation, or any other characteristic protected by law. While all forms of unlawful harassment are prohibited, sexual harassment deserves special mention.

## Definition of Sexual Harassment

The Equal Employment Opportunity Commission (EEOC) has issued guidelines regarding sexual harassment in the workplace. Under these guidelines, sexual harassment will be treated as unlawful sex discrimination in violation of Title VII of the Civil Rights Act of 1964, as amended.

"Sexual Harassment" is defined by the EEOC guidelines as follows:

Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when: (1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment; (2) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or (3) such conduct has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment.

Sexual harassment includes threats or insinuations, either explicitly or implicitly, that an employee's refusal to submit to sexual advances will adversely affect the employee's employment, evaluation, wages, advancement, assigned duties, shifts, or any other conditions of employment.

Sexually harassing conduct at the University, whether committed by faculty, staff, managers, administrators, co-employees, customers, vendors, or students, is prohibited. Such conduct may include, but is not limited to, unwanted sexual flirtations, advances, or propositions; verbal abuse of a sexual nature; unwanted graphic verbal comments about an individual's body; the display in the workplace of inappropriate and sexually suggestive objects, pictures, writing, language or drawings; or unwelcome touching or physical contact. Such conduct, whether committed by persons of the same or opposite sex, is prohibited whether or not it rises to a level that might legally constitute unlawful harassment.

## Definition of Non-Sexual Harassment:

Harassment for purposes of this policy is verbal or physical conduct that is derogatory or that shows hostility toward an individual because of his or her race, color, religion, genetic information, sex, pregnancy, national origin, citizenship, disability, veteran status, age, sexual orientation, or any other characteristic protected by law, and that creates an intimidating, hostile, or offensive working environment. Harassment may include but is not limited to epithets, abusive language, slurs, jokes, or

other verbal or physical conduct relating to an individual's race, color, religion, genetic information, sex, pregnancy, national origin, citizenship, disability, veteran status, age, sexual orientation or any other characteristic protected by law.

### Commitment to Academic Freedom:

As an academic institution, teaching, doing research, and learning are subject to the protection of "academic freedom." Actions or words used in the context of the academic curriculum and teaching environments that serve legitimate and reasonable educational purposes will not be evaluated as sexual harassment or other unlawful discrimination because of the principles underlying academic freedom.

### Responsibility and Complaint Procedure:

Each department head, manager, and supervisor should maintain his or her workplace free from harassment, sexual harassment, and intimidation. In addition, department heads, managers, and supervisors should discuss this policy with their department members and employees and assure them that they are not required to endure insulting, degrading, or exploitative sexual treatment or unlawful harassment of any type. Department heads, managers, and supervisors must immediately report to their Vice President and the Director of Human Resources any complaints received from employees or students concerning harassment, including, but not limited to, sexual harassment. Department heads, managers, and supervisors must also report to their Vice President or the Director of Human Resources any other potentially harassing conduct or incidents of which they might see, hear, or otherwise become aware.

Any employee or student affected by any type of visual, verbal, or physical harassing conduct, whether from faculty, staff, managers, administrators, customers, vendors, or students, should report the matter to his or her supervisor, a Dean, or the Director of Human Resources. It is your responsibility as an employee or student without fear of reprisal to bring any form of harassment, including, but not limited to, sexual harassment, to the attention of the administration or management. An investigation of the complaint will be handled with confidentiality to the fullest extent possible. Any employee who subjects another to harassment or other inappropriate conduct will be subject to disciplinary action up to and including termination. Any student who subjects another to harassment or other inappropriate conduct will be subject to disciplinary action, including the possibility of suspension or expulsion from the University. It is the responsibility of the University to make the preponderance of evidence determination of whether harassment actually has occurred and determine what, if any, disciplinary or corrective action will be taken.

If it is determined that an individual willfully made a false accusation of harassment, he or she may be subject to appropriate disciplinary action consistent with current University policies and procedures, up to and including termination of employment, or in the case of a false accusation by a student, suspension or expulsion.

### Prohibition Against Retaliation:

The University also prohibits retaliation against the person(s) who, in good faith, bring a complaint of harassment to the administration's or management's attention. If you believe you have been retaliated against for reporting discrimination or harassment, or for making such a complaint, or for participating in an investigation related to discrimination or harassment, you should immediately report the alleged retaliatory action to the Director of Human Resources or your Vice President.

### Version History

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