

CHAPTER 15

SEXUAL HARASSMENT AND AMOROUS RELATIONSHIPS

Sections:

- 15.010. Sexual Harassment
- 15.020. Amorous Relationships

15.010. Sexual Harassment. The policy regarding sexual harassment is set forth in the following manner.

15.010.1. Purpose. The University is committed to the advancement of knowledge, to freedom of thought and inquiry, and to the personal, social, and intellectual development of its students. The University has a professional and ethical responsibility to provide a healthy living, learning, and working environment and a climate of academic freedom for all its members—students, faculty, and staff. To foster educational development and promote true academic freedom, the University requires an environment in which no person is intimidated, exploited, or coerced. These goals cannot be attained where sexual harassment exists. This policy is designed to promote behavior that supports personal and social development in an environment that fosters academic performance and intellectual growth. Its purpose is to ensure the academic freedom of everyone while protecting the rights of all.

15.010.2. Definition.

1. Sexual harassment is a form of sex discrimination which may violate Title VII of the Civil Rights Act of 1964 (employee rights) or Title IX of the Education Amendments of 1972 (employee and student rights). The following definition adapts the 1980 Equal Employment Opportunity Commission guidelines to the academic setting.
2. Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when:

- a. Submission is made an express or implied term or condition of employment or status in a class, program, or activity;
 - b. Submission to or rejection of the behavior is used to make an employment or educational decision (such as hiring, promotion or grading a course);
 - c. The conduct may unreasonably interfere with a person's work or educational performance or creates an intimidating, hostile, or offensive environment for working or learning.
3. Both men and women can be sexually harassed. Sexual harassment can occur between equals, but most often occurs in situations where one person has power over another.
- 15.010.3. Coverage. This sexual harassment policy applies to all members of the University community: students, faculty, and staff, in both on-campus and off-campus settings, when involved in University employment, classes, programs, or activities.
- 15.010.4. Procedures. Alleged sexual harassment shall be dealt with through procedures, both formal and informal, to be established by the President of the University. The procedures established by the President shall include provisions for hearings and appeals.
- 15.010.5. Sanctions. Violations of this policy on sexual harassment shall be subject to a variety of sanctions, including formal reprimand, reassignment, probation, suspension, or dismissal.
- 15.010.6. Retaliation Prohibited. Retaliatory action of any kind against any individual as a result of a person's attempt to seek redress under the applicable procedures dealing with sexual harassment is prohibited. Retaliatory action shall be regarded as a separate and distinct cause for complaint under this policy and any other applicable policies.
- 15.010.7. Malicious Complaints. If it is determined that a report or complaint of sexual harassment is totally without foundation, and if there is evidence of malicious intent, the unfounded report or complaint shall be a violation of this policy, and the reporter or complainant shall be subject to disciplinary action under this policy and any other applicable policies.

- 15.010.8. Prevention. The best tool for eliminating sexual harassment is prevention. This sexual harassment policy seeks to emphasize the need for, first, prevention and second, elimination of offending behaviors rather than only response to crises and punishment. The keys to successful prevention are campus-wide education and wide dissemination of information on the University's policies and procedures as well as the nature of sexual harassment.
- 15.010.9. General Responsibility. Preventing sexual harassment is the responsibility of all members of the campus community. Students, faculty, and staff should educate themselves about the range of behavior included within the definition and should become sensitive to the potential impact of various actions, however intended, on others. All members of the campus community should become informed about their rights and responsibilities.
- 15.010.10. Specific Responsibility.
1. All supervisory personnel of the University are responsible for understanding and upholding this policy on sexual harassment. The President of the University shall be responsible for the implementation of campus-wide educational programs on prevention of sexual harassment, as well as informal and formal means of dealing with alleged sexual harassment.
 2. EEOC guidelines stipulate that: An employer should take all steps necessary to prevent sexual harassment from occurring, such as affirmatively raising the subject, expressing strong disapproval, developing appropriate sanctions, informing employees of their right to raise the issue of harassment under Title VII, and developing methods to sensitize all concerned.
 3. While all members of the campus community should work to eliminate prohibited behaviors from their own actions and to create an environment free of sexual harassment and intimidation, academic deans, supervisors, and administrators have a

special responsibility for preventing and/or responding to instances of sexual harassment.

Source: Resolutions of the Board dated June 27, 1992, April 12, 2014 and June 13, 2015.
Cross-reference: Section 15.020 of the Code

15.020. Amorous Relationships. The policy regarding amorous relationships is set forth in the following manner.

15.020.1. General. The University's mission is promoted by professionalism, which is fostered by an atmosphere of mutual trust and respect. These are diminished when persons in positions of authority abuse or appear to abuse their authority, as in the case of amorous relationships between University employees and students. For purposes of this policy, amorous relationships exist when two individuals mutually and consensually understand a relationship to be romantic and/or sexual in nature except when those two individuals are married to each other.

15.020.2. Rationale. An amorous relationship between a University employee and a student is wrong when the University employee has professional responsibility, such as, but not limited to, grading, evaluating, supervising or advising, for the student. Such situations can result in abuse of power. The University will view it as unethical if University employees engage in amorous relationships with students for whom they have professional responsibility as defined below. The behavior is unethical even when the relationship is thought to be consensual (i.e., both parties have consented), because the voluntary consent of the student is in doubt, given the power imbalance in the student-employee relationship. Even if consent were to be shown, a clear conflict of interest would still exist which might create the appearance of discrimination or favoritism in grading or access to educational or employment opportunities.

15.020.3. Coverage. Relationships between a graduate student and an undergraduate student, when the graduate student has some professional responsibility for the undergraduate, are

covered by this policy. Relationships between a student and any University employee, including but not limited to a faculty member, administrator, coach, advisor, program director, counselor, or residential staff member who has professional responsibility for that student also are covered.

- 15.020.4. Disciplinary Actions. Faculty or employees engaged in unethical conduct of the type described in this policy are subject to the normal disciplinary procedures of the University, including but not limited to suspension and termination. Such unethical conduct may or may not involve sexual harassment as proscribed by the Sexual Harassment Policy. Further, such unethical conduct shall constitute “dishonesty” and “immoral conduct” within the meaning of those terms as used in Section 6.020.4.5 of the Code of Policies regarding termination of employment for holders of academic faculty positions having either continuous tenure or serving under a specified term appointment. .

Source: Resolutions of the Board dated June 27, 1992 and December 5, 2015.
Cross-reference: Section 15.010 of the Code