



SOUTHERN UTAH UNIVERSITY
Policies and Procedures

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Date Approved: 11/02/90
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SUBJECT: SEXUAL HARASSMENT

I. PURPOSE: To establish University policy on sexual harassment.

II. POLICY:

An atmosphere of mutual respect among members of the academic community is necessary for the University to function as a center of academic freedom and intellectual advancement. Any violation of mutual trust, any form of intimidation or exploitation, damages an institution's educational process by undermining the essential freedoms of inquiry and expression. Students, teachers, and staff must feel personally secure for real learning to take place.

As a place of work and study, the University must be free of sexual harassment and all forms of sexual intimidation and exploitation. All students, staff, and faculty must be assured that the University will take action to prevent such misconduct and that anyone who engages in such behavior may be subject to disciplinary procedures.

- A. It is the policy of Southern Utah University to prohibit harassment of employees or students on the basis of sex. This policy is related to and is in conformity with the equal opportunity policy of the University to recruit, employ, retain, and promote employees without regard to sex, age, race, color, religion, marital status, national origin or disability.
- B. It is a violation of policy for any member of the University community to engage in sexual harassment. It is a violation of policy for any member of the University community to take action against an individual for reporting sexual harassment. It is also a violation of policy for a member of the University community to make groundless allegations of sexual harassment in an attempt to intimidate, exploit or influence an individual's otherwise appropriate conduct.

III. DEFINITION OF SEXUAL HARASSMENT

- A. According to guidelines issued by the Equal Employment Opportunity Commission and followed by the Office of Civil Rights of the United States Department of Education, sexual harassment in the academic community may involve sexual advances, requests for sexual favors, and other intimidating verbal or written communications or physical conduct of a sexual nature.
- B. Sexual harassment may take various forms; such as: inappropriate sexually related remarks or behavior; solicitation of sexual activity or other sex-linked behavior by promise of reward; coercion of sexual activity by threat of



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punishment; sexual assaults; and inappropriate and offensive sexual advances without explicit threats of promises of reward.

- C. Sexual harassment may involve a male or female student, university staff employee, university faculty or administrator as offender and any of the foregoing as victim.

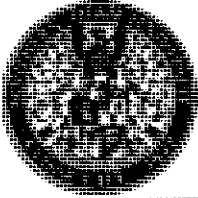
IV. SEXUAL HARASSMENT/UNIVERSITY PART-TIME OR FULL-TIME EMPLOYEES

For the purposes of this policy "sexual harassment" is defined as conduct of a sexual nature, physical or verbal, by a University part-time or full-time employee or other individual in an official University position when:

- A. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or academic standing.
- B. Submission to or rejection of such conduct by an individual is used as the basis for employment or academic decisions affecting that individual.
- C. Such conduct has the purpose or effect of interfering with an individual's academic or work performance or creating an intimidating, hostile, or offensive academic or working environment.

V. CONSENSUAL RELATIONSHIPS

- A. Inside the Instructional Context: Faculty members exercise power over students, whether in giving them praise or criticism, evaluating them, making recommendations for their further studies or their future employment, or conferring any other benefits on them. Amorous relationships between faculty members and students are wrong when the faculty member has professional responsibility for the student. Such situations greatly increase the chances that the faculty member will abuse his or her power and sexually exploit the student. Voluntary consent by the student in such a relationship is suspect, given the fundamentally asymmetric nature of the relationship. Moreover, other students and faculty may be affected by such unprofessional behavior because it places the faculty member in a position to favor or advance one student's interest at the expense of others and implicitly makes obtaining benefits contingent on amorous or sexual favors.
- B. Outside the Instructional Context: Amorous relationships between faculty/staff members and students occurring outside the instructional context



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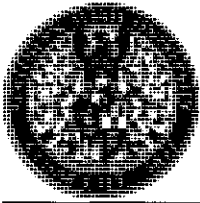
are wrong and may lead to difficulties. Particularly when the faculty/staff member and student are in the same unit or in units that are academically allied, relationships that the parties view as consensual may appear to others to be exploitative. Further, in such situations (and others that cannot be anticipated), the faculty/staff member may face serious conflicts of interest and should be careful to distance himself or herself from any decisions that may reward or penalize the student involved.

- C. Complaints - Faculty, Staff, Students: When a complaint of sexual harassment is filed by a student against a faculty member (or teaching/lab assistant) because of conduct of a sexual nature occurring in an apparently welcome/unwelcome romantic or sexual relationship, the student's allegation shall be examined as sexual harassment if that conduct occurred while the student was enrolled in the faculty member's class or while the faculty member was otherwise in a position to influence the student's academic performance, career, or advancement.

Similarly, when a complaint of sexual harassment is filed by an employee against a supervisor or other University official because of conduct of a sexual nature occurring in an apparently welcome/unwelcome romantic or sexual relationship, the employee's allegation shall be examined as sexual harassment if that conduct occurred while the University official was supervising the employee or was otherwise in a position to influence the conditions of the employee's employment when the conduct occurred.

VI. COMMITTEE ON SEXUAL HARASSMENT

- A. The President will appoint a Committee on Sexual Harassment (The Committee). The members of the Committee shall be as follows: three faculty who are selected by the Faculty Senate, one administrative staff member, one classified staff member and one student. The chairperson of this Committee will be determined by the President of the University. If any member of this Committee is involved in the incident of alleged sexual harassment under investigation, that individual will be exempt from serving on the Committee.
- B. Appointees on this Committee will serve staggered two-year terms and may be reappointed.
- C. The chairperson of the Committee shall be responsible for seeing that training is provided for Committee members regarding sexual harassment; for disseminating information regarding this policy; for providing guidance, in a



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confidential manner, to individuals seeking advice in implementation of this policy; for scheduling meetings of the Committee to review problems which have arisen in the handling of complaints.

- D. All meetings of the Committee during an investigation (informal or formal) shall be closed to the general public.

VII. REPORTING INCIDENTS OF SEXUAL HARASSMENT

- A. Any student, staff member, or faculty member is encouraged to discuss incidents of possible sexual harassment with:

1. an immediate supervisor or the Affirmative Action Officer of the University
or
2. an instructor, department head or dean of the specific college
or
3. the chairperson of the Sexual Harassment Committee
or
4. the entire Sexual Harassment Committee when appropriate to do so.

- B. Anyone who then feels that they have been subjected to sexual harassment or anyone who has become aware of inappropriate conduct which may reasonably constitute sexual harassment must report the circumstances, whenever practical, within twenty-one calendar days from the date the incident occurred. These discussions will be kept confidential and no formal complaint is necessary.

- C. Within five calendar days, whenever practical, of hearing these circumstances individuals described in numbers one and two listed above may (1) resolve the matter at that level or (2) request that the complainant sign a Release of Confidential Information form or (3) give verbal permission to contact alleged offender or (4) contact or assist the victim in contacting the chairperson of the Sexual Harassment Committee.

- D. Following the report of an incident of sexual harassment, the chairperson will:



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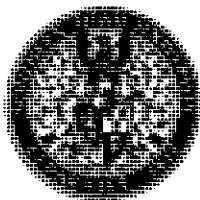
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- * give advice and guidance on both informal and formal procedures for resolving the problem
 - * give the person a copy of the Sexual Harassment Policy Statement
 - * make a record of the contact
 - * keep all information confidential
- E. No specific circumstances, including the names of the people involved will be reported to the Committee by the chairperson of the Sexual Harassment Committee without the written permission of the complainant.

VIII. PROCEDURES FOR INFORMAL PROCESSING OF COMPLAINTS

- A. If the person making the informal report or bringing the complaint is willing to be identified to the Committee but not to the alleged offender, and, the complainant is not willing to release the name of the offender, the Committee will make a confidential record of the circumstances and will provide guidance about various ways to remedy the problem or avoid future occurrences.
- B. If the complainant makes the name of the alleged offender known, but the complainant still desires to remain anonymous, then the Committee may, at its discretion, discuss the circumstances of the complaint with the alleged offender or with other persons to whom the complainant has communicated the facts of the case.
- C. If the complainant is willing to be identified to the alleged offender and wishes to attempt informal resolution of the problem, the Committee will make a confidential record of the circumstances (signed by the complainant) and suggest and/or undertake appropriate discussions with the people involved.
- D. The Sexual Harassment Committee will attempt to conclude informal reports or complaints expeditiously. Whenever practical, the Committee will investigate and conclude the matter within fifteen calendar days from the time the Committee receives the complaint.
- E. An informal report or complaint that is filed after the preceding prescribed dates may be rejected by the Sexual Harassment Committee unless the Committee determines that the delay of filing was justifiable. The



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Committee's acceptance of such a report or complaint will signify that it was filed in a timely manner.

- F. When a number of people report incidents of sexual harassment that have occurred in a public context (for example, offensive sexual remarks in a classroom lecture) or when the Sexual Harassment Committee receives repeated complaints from different people that an individual has engaged in other forms of sexual harassment, the Committee may inform the alleged offender without revealing the identity of the complainants.
- G. At any time during the procedures, both the complainant and the alleged offender may have a representative present in discussion with Committee members.

IX. FORMAL COMMITTEE PROCEDURES

- A. **Written Statement:** A formal complaint of sexual harassment must include a written statement signed by the complainant specifying the incident(s) of sexual harassment. Whenever practical, the statement should be presented to the Sexual Harassment Committee within twenty-one calendar days from the date that the incident occurred. Any false statements included in a complaint may be grounds for disciplinary action against the complainant.
- B. **Investigations of Formal complaints:**
 - 1. The chairperson, after initial discussion with the complainant and with that person's written consent, will deliver the complaint to the committee specifying the individuals involved.
 - 2. A complaint that is filed after the preceding prescribed dates may be rejected by the Sexual Harassment Committee unless the Committee determines that the delay of filing was justifiable. The Committee's acceptance of such complaint deems that it was filed in a timely manner.
 - 3. The Sexual Harassment Committee will investigate the complaint in order to determine what happened. The alleged offender will be informed of the name of the complainant as well as of the substance of the complaint.
 - 4. The Committee chairperson may request assistance of the Affirmative Action Officer to investigate the complaint. This investigation will be



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conducted according to institutional policies and procedures and be limited to what is necessary to conclude the complaint or make a recommendation. If it appears necessary for the Committee members to speak to any people other than those involved in the complaint, they will do so only with permission from the complainant and after notifying the alleged offender with appropriate time given for review of any objections by the Committee.

5. The Sexual Harassment Committee's first priority will be to attempt to conclude the problem through a mutual agreement of the complainant and the alleged offender.
6. One member of the Committee, usually the chairperson, will be in communication with the complainant until the committee's written findings and recommendations are submitted unless otherwise concluded.
7. The Sexual Harassment Committee will resolve complaints as expeditiously as circumstances permit. Whenever practical, the Committee will complete its investigation and make its recommendations within thirty calendar days from the time the formal investigation is initiated.

C. **Reporting and Corrective Action:** After an investigation of a complaint, the Sexual Harassment Committee will:

1. decide if there is sufficient evidence to support the complaint.
2. resolve the complaint to the satisfaction of the complainant and the alleged offender.

D. After conducting its investigation, the Sexual Harassment Committee's written findings and recommendations shall be forwarded to the Provost or the appropriate Vice President, if an employee is involved in a complaint or Vice President for Student Services if a student is involved. The Provost, appropriate Vice President or Vice President for Student Services will each receive copies if the incident involves both a student and an employee.

E. If the Sexual Harassment Committee determines that there has been sexual harassment and corrective action is recommended to the Provost or appropriate Vice President, the report will specify the circumstances as well as the recommended corrective action.



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- F. The Provost or appropriate Vice President will review the Sexual Harassment Committee's recommendations and shall, in writing, render a decision to both the complainant and the alleged offender within ten (10) working days, whenever practical, after the receipt of the Committee's recommendation. This decision is only to determine if the complaint represents adequate grounds for further investigation.
- G. If appropriate, the decision of the Provost or appropriate Vice President along with the Committee's findings and recommendations shall be forwarded to the appropriate supervisor of the alleged offender for processing action in accordance with the applicable SUU Academic Freedom, Professional Responsibility and Tenure Policy and/or the SUU Personnel Policies and Procedures and/or SUU Student Disciplinary Board.

X. RECOMMENDED CORRECTIVE ACTION BY THE COMMITTEE

- A. The purpose of any action to resolve a complaint will be to correct or to remedy the injury, if any, to the complainant and to prevent further harassment. Recommended action may include written or verbal reprimand of the offender; warning, probation, temporary suspension, dismissal, or transfer of the offender; a change of grade or other academic record for a student who has been the victim of harassment; a change in employment responsibilities for an employee who has been victimized; or other appropriate action. The Sexual Harassment Committee has no power to take corrective action beyond making recommendations to the Provost or appropriate Vice President.
- B. If the complaint involves a grade in a course or if appropriate corrective action involves a change of grade, the Sexual Harassment Committee may recommend that the Provost take such action.

XI. FALSE CHARGES

- A. If the Sexual Harassment Committee determines that a complaint was made by a student with the knowledge that the facts were false, the Committee shall so notify the Vice President for Student Services who may take action according to Students Responsibilities and Rights Policy.
- B. In the case of a false complaint made knowingly by an employee, the Sexual Harassment Committee shall state this finding in its recommendations to the Provost or appropriate Vice President who may take action according to the Southern Utah University Academic Freedom, Professional Responsibility



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and Tenure Policy and/or the Southern Utah University Personnel Policies and Procedures.

FORMER POLICY
DO NOT USE