

Sexual and Other Unlawful Harassment Policy and Procedures

(Excerpt from Personnel Policies and Procedures Manual)

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Approved by: Stetson University Board of Trustees, September 8, 2000

Administrative Edit by President's Staff, March 25, 2002

(Revised 3-23-07) Section 4 Personnel Policies Revised through January 19, 2012

A. Rationale:

Stetson University has established the following policy in order to protect the right of all Stetson students, faculty and staff (hereinafter referred to as the "Stetson community") to an environment free from sexual and other unlawful harassment. Stetson's sexual and other unlawful harassment policy and procedures are designed to encourage confidentiality, to protect persons filing complaints from retaliation, and to observe due process.

B. Definitions:

- 1) Sexual harassment is a form of sex discrimination that violates Title VII of the Civil Rights Act of 1964 and Title IX of the Education Amendments of 1972. The law defines sexual harassment as any unwelcome sexual advances or requests for sexual favors or any conduct of a sexual nature when:
 - a. Submitting to such conduct is made either explicitly or implicitly a term or condition of employment or academic decisions;
 - b. Submitting to such conduct is used as the basis for employment or academic decisions affecting the individual as an employee or student; or
 - c. Such conduct has the purpose or effect of substantially interfering with an individual's work performance or creates an intimidating, hostile, or offensive working or learning environment.
- 2) Unlawful Employment harassment is defined as verbal or physical harassment based on a legally protected category, and when such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating hostile or offensive environment.
 - a. Protected Groups under Stetson University policies are: Race, Color, Religion, Gender, National or Ethnic Origin, Age, Marital Status, Disability or Sexual Orientation

C. Behavior:

- 1) Sexual Harassment: The key to making the determination that behavior is sexual harassment is whether the conduct is unwelcome and whether the conduct is sexual in nature. Sexual harassment may include, but is not limited to:
 - a. Physical, including unwelcome touching or gesturing
 - b. Verbal, including unwelcome requests for a date or sexual favors, lewd remarks, or sounds
 - c. Visual, including unwelcome exposure to sexual photos, cartoons, or drawings.
- 2) Unlawful Employment Harassment: Examples of behavior that could be considered unlawful harassment may include, but are not limited to:
 - a. Telling racial or ethnic jokes, whether in verbal or written form

- b. Slurs based on race, religion, or national origin
- c. Inappropriate gestures
- d. Insensitive comments targeting membership in a protected category

D. Consensual Romantic/Sexual Relationships:

The University has adopted a consensual relations policy which prohibits certain consensual relations (see Consensual Relations Policy).

E. Types Of Claims:

1. **Quid Pro Quo:** This is the demand for sexual favors in exchange for some job or academic benefit (something for something). For example, a supervisor's demand that an employee have sex with him/her in order to get a promotion is quid pro quo harassment and is unlawful.
2. **Hostile Environment:** This is harassing conduct which unreasonably interferes with an individual's work or creates a hostile, intimidating, or offensive work or learning environment. The "hostile work or learning environment" form of sexual and unlawful harassment may include offensive language, jokes, emails, gestures, comments, pictures, calendars, or graffiti. In order to determine whether a hostile environment exists, the standard applied shall be what type of conduct a "reasonable person" would think is offensive, intimidating, or hostile.
3. **Acts of Retaliation:** This exists when a member of the Stetson community takes any adverse action in any manner against a complainant for reporting sexual or other unlawful harassment. Such an act of retaliation will be processed in the same manner and to the same extent as any other act of unlawful harassment.
4. **Same Sex Harassment:** This occurs when a member of the Stetson community is sexually harassed in the workplace or the academic environment by a person of the same sex. It is the harassing conduct itself, not the motivation or the gender of the people involved, that determines whether sexual harassment amounts to "discrimination because of sex."
5. **False Complaints:** This occurs when a member of the Stetson community makes an intentional false accusation of sexual harassment or related retaliation.

II. GRIEVANCE PROCEDURES

A. Reporting Complaints:

Any member of the University community who feels he/she may have been sexually or otherwise unlawfully harassed is strongly encouraged to report the episode(s). In the event of a student-to-student harassment complaint, the complainant will normally follow procedures established by the Office of Campus Life.

1. Written or oral complaints may be made by persons experiencing harassment or by concerned persons not directly involved. The complainant is encouraged to consult with supervisors, department heads, vice presidents, or deans. On the DeLand campus, the complainant also is encouraged to consult with a member of the Diversity Council or the Women's Council.
2. All faculty and staff not legally bound by client-counselor privilege, who receive direct reports of sexual or other unlawful harassment from the victim, have the obligation immediately to forward the complaint to the appropriate Vice President or Academic Dean to facilitate the counseling and grievance process.

B. Investigation, Disposition and Grievance:

The investigation of a complaint against faculty or staff, the University's disposition of the matter and the grievance procedure to challenge the decision will follow the guidelines set forth in the University's Faculty and Staff Grievance Procedures. In the event of a student-to-student harassment complaint, the complaint will be investigated by a designated representative(s) from the Office of Campus Life and will follow procedures in the Student Code of Conduct.

C. Education:

The University shall provide educational opportunities to acquaint all members of the Stetson community with the specific provisions of the Sexual and other Unlawful Harassment Policy and Procedures.