



(B) Definitions. Sexual harassment is a form of sex discrimination which violates state and federal laws respecting both employees and students. The definitions used in this policy shall be interpreted consistent with such laws.

(1)

- (c) Inappropriate patting, pinching or fondling, pulling at clothes, or intentional brushing against a student's or an employee's body;
- (d) Demanding sexual favors accompanied by implied or overt threats concerning an individual's employment or educational status;
- (e) Demanding sexual favors accompanied by implied or overt promises of preferential treatment with regard to an individual's employment or educational status;
- (f)

- (C) Retaliation. Under this policy, retaliation is defined as the undertaking of adverse action against students or employees for the exercise of rights under this policy; or for having brought forward a charge of discrimination or sexual harassment, testified, assisted, or participated in any manner in an investigation or hearing or other proceeding under this policy or pursuant to procedures provided by law. The exercise of such legally protected rights shall not reflect upon an individual's status or affect future employment, grades, or assignments when such exercise is pursuant to the terms set forth in this policy.
- (D) Responsibility.



- (a) Should informal procedures not produce a resolution satisfactory to the complainant, the complainant has the right to file a formal written complaint with the affirmative action officer.
  - (b) Upon receiving a formal complaint, the affirmative action officer shall inform the alleged offender of the allegation and of the identity of the complainant. A written statement of the complaint shall be given to both parties. The affirmative action officer shall then conduct an investigation and fully inform the complainant and the accused of the results thereof.
- (F) Resolution of a complaint.
  - (1) There shall be an aggressive effort on the part of all parties involved to resolve informal or formal complaints promptly.
  - (2) Resolution of an informal complaint by the appropriate administrative person and/or the affirmative action officer shall occur within thirty calendar days of submission of complaint. For a formal complaint, the affirmative action officer shall report the results of his/her investigation and any recommendation within sixty calendar days.
  - (3) Any faculty or staff person accused of sexual harassment is entitled to due process as specified in the faculty or staff manual or applicable collective bargaining agreement. Any student accused of sexual harassment is entitled to due process in accordance with established university disciplinary procedures applicable to students.
  - (4)

oral reprimands, suspension with or without pay, termination, or referral to the criminal justice system.

(6) Nothing contained herein shall be deemed to restrict or otherwise prohibit the complainant from filing a complaint with an appropriate external governmental agency, nor shall this policy be deemed as discouraging individuals from seeking legal counsel. It shall, however, be the responsibility of such individuals to meet any agency filing deadlines.

(7) In the event allegations are not substantiated, reasonable steps shall be taken to ensure that the accused suffers no damage to his/her reputation which may have been caused by the proceedings. Any complainant found to be dishonest in making allegations or who has been found to have made them maliciously, shall be subject to university disciplinary action.

(G) Confidentiality. All complaints of sexual harassment shall be considered confidential and only those persons necessary for the investigation and resolution of the complaints will be given information about them. The university will respect the confidentiality of the complainant and the individual against whom the complaint is filed as much as possible consistent with the university's legal obligations to protect the rights and security of its employees and students.

Effective: ~~August 20, 2011~~

Certification: \_\_\_\_\_  
Secretary  
Board of Trustees

Prom. Under: 111.15

Rule Amp.: Ch. 3359

Prior Effective Dates: 5/13/98, 8/20/11