



Delaware State University Policy

Title: Sexual Harassment	Board Approval Date: 4/8/04
Related Policies and Procedures:	

In compliance with Delaware Code and Title VII of the Civil Rights Act (as amended), the University recognizes its obligation to protect students and employees from sexual harassment. The University believes that sexual harassment seriously damages the integrity of our academic institution, destroys the institution's positive work and educational atmosphere, and causes psychological and/or physiological damage to the victim. When sexual harassment rises to the level that it creates a hostile work or academic environment, it violates federal and State law. The University is strongly committed to promoting an educational and work environment free from sexual harassment of any kind. Sexual harassment is considered to be a form of discrimination, and is covered under the Non-discrimination Policy adopted by the University. This separate policy (Sexual Harassment) is intended to emphasize the importance of this issue.

It is a violation of this policy for any member of the University staff to harass a student or employee through conduct or communications of a sexual nature. It is also a violation of this policy for students to harass other students through conduct or communications of a sexual nature, for students to harass staff, or for students or employees to harass other members of the University community or visitors on campus property during University- sponsored activities off campus, or while transacting University business.

Sexual advances, requests for sexual favors and other oral, written or physical conduct of a sexual nature constitutes sexual harassment when the behavior is not welcome by the recipient and is offensive to a reasonable person (as judged by the University Administration). Such conduct violates federal law when:

1. submission to such conduct is made, either explicitly or implicitly, a term or condition of an individual's education or employment;
2. submission to or rejection of such conduct by an individual is used as the basis for academic or employment decisions affecting that individual; or
3. such conduct has the purpose or effect of substantially interfering with an individual's academic, professional or employment performance or creating an intimidating, hostile or offensive academic or employment environment.

This policy prohibits sexual harassment of others even when the conduct does not rise to the level of creating a hostile work environment under federal law. Conduct of a sexual nature that can be sexual harassment may include, but is not limited to the following examples:

1. verbal harassment or abuse of a sexual nature;

2. pressure for sexual activity;
3. repeated communications to a person, with sexual or demeaning implications;
4. unwelcome touching;
5. suggestive or demeaning sexual involvement accompanied by implied or explicit threats concerning one's grades, job, etc.

The President of the University will implement this policy by establishing a procedure to handle complaints made about sexual harassment or any other forms of harassment or discrimination protected in the Non-discrimination Policy. The procedure will provide:

1. that the right to confidentiality for the complainant and the accused will be respected consistent with the University's legal obligations, and with the necessity to investigate allegations of misconduct and take into corrective actions when this conduct has occurred; and
2. that persons filing complaints of sexual or other forms of harassment or discrimination will be protected against reprisals, but that the deliberate filing of false accusations of harassment or discrimination will be condemned and may lead to possible disciplinary action.

A substantiated charge against an employee of the University will subject that employee to disciplinary action that may include termination from employment. A substantiated charge against a student of the University will subject that student to disciplinary action including suspension or expulsion.