

## Sexual Harassment

**Issue Date:** August 1990; revised June 1997, January 2002, October 2004

**Policy Number:** 31

**Policy Applies to:** All Employees

It is the intent of Nova Southeastern University to protect all employees and students from sexual harassment. Nova Southeastern University will not tolerate sexual harassment. Sexual harassment is an insidious practice. It demeans individuals being treated in such a manner, and creates unacceptable stress for the entire organization. Persons harassing others will be dealt with swiftly and vigorously. Normal, non-coercive interaction that is acceptable to both parties is not considered to be sexual harassment.

Sexual harassment is a violation of Title VII of the Civil Rights Act of 1964 and Title IX, Education Amendments of 1972. Sexual harassment undermines the integrity of the employment and academic environment, debilitates morale, and interferes with the effectiveness of employees and students. In accordance with the Equal Employment Opportunity Commission's promulgated guidelines, unwelcome sexual advances, unwanted requests for favors of a sexual nature, and any other unwanted verbal or physical conduct of a sexual nature are considered sexual harassment if:

- a. Explicit or implicit submission to sexual overtones is made a term or condition of employment or academic program status.
- b. Employment or academic program status decisions are made on the basis of whether submission to or rejection of sexual overtones occurred.
- c. A sexually intimidating, hostile, or offensive atmosphere unreasonably interferes with an individual's work or academic program status performance.

All allegations of sexual harassment of or by an employee, client, vendor or student must be promptly reported to the Director of Human Resources or designee. (Any complaints regarding a student should also be reported to the Office of Student Affairs.) Upon receipt of an allegation of sexual harassment, the Office of Human Resources will conduct a thorough investigation. If the allegation involves only students, the complaint will be forwarded to the Office of Student Affairs for investigation and resolution.

Any time a supervisor is made aware of a situation that may be construed as sexual harassment, he/she must contact the Office of Human Resources for an investigation and follow up. The supervisors must not conduct the interview or the investigation. NSU is obligated by law to investigate any complaint, even if the person lodging it states that he/she does not wish to pursue it further. Failure by a supervisor to report an allegation of sexual harassment to the Director of Human Resources or designee may result in disciplinary action up to and including dismissal for cause.

The Office of Human Resources, while conducting its investigation, will interview the person making the complaint, the alleged harasser, as well as any witnesses. This investigation will be kept confidential to the extent possible.

Employee(s) filing the complaint and the alleged harasser will be notified of the status of the investigation of the complaint and the final determination of the charge(s). If there is a finding of sexual harassment, the Office of Human Resources will work with the supervisor to determine the appropriate disciplinary action.

Consequences will vary depending on the circumstances, but disciplinary action will be taken up to and including dismissal if warranted.

A. At Nova Southeastern University, sexual harassment of or by employees or students includes, but is not limited to:

1. Unwelcome or unwanted sexual advances. This includes unwelcome verbal or physical contact or conduct or sexual advances considered unacceptable by another individual. Unwelcome physical conduct includes, but is not limited to, patting, embracing, pinching or touching.
2. Requests or demands for sexual favors. This includes subtle or blatant pressures or requests for any type of sexual favor, accompanied by an implied or stated promise of preferential treatment or negative consequence concerning one's employment or academic program status. This includes situations when:
  - a. Submission to such conduct is made to appear to be a term or condition of employment, enrollment, attendance or participation in class,
  - b. Submission to or rejection of such conduct affects employment or academic decisions, or
  - c. Such conduct has the purpose or effect of unreasonably interfering with an employee's work performance or a student's academic performance, or creating an intimidating, hostile or offensive academic environment
3. Verbal abuse that is sex-oriented or considered unacceptable by another individual, as well as sexually derogatory comments. This includes, but is not limited to, commenting about an individual's body or appearance when such comments go beyond mere courtesy, telling jokes that are clearly unwanted and considered offensive by others, or other tasteless sexually-oriented comments, innuendoes, or actions that offend others. Examples include, but are not limited to, sexual remarks, jokes or gestures communicated verbally, in writing or through electronic means.
4. Engaging in any type of sexually oriented conduct that would unreasonably interfere with another's work or academic program status performance. This includes extending unwanted sexual attention to someone that reduces personal productivity or time available to work on assigned tasks.
5. Creating a work or academic program environment that is intimidating, hostile, or offensive because of unwelcome or unwanted sexually-oriented conversations, suggestions, requests, demands, physical contacts, or attentions.

At Nova Southeastern University, romantic and sexual relationships between a faculty member and a student are subject to the prohibition against sexual harassment.

Romantic or sexual relationships between a faculty member or administrator who can influence the student's academic standing and a student then enrolled in the faculty member's class (including supervised student activities for which academic credit is given) may appear to be coercive, and are prohibited. Even when no coercion is present, such relationships create an appearance of impropriety and favoritism, which can impair the academic experience of all students. It is prohibited for a faculty member or administrator to engage in a romantic or sexual relationship with a student then enrolled in the faculty member's class or during the course of the administrator's supervision of the student.

Students aggrieved by a violation of this policy may file a grievance under their center's grievance procedure, or may report the conduct to the dean of the center, any other faculty member, the Director of Human Resources, or to the Dean of Student Affairs or their designee. All reports of sexual harassment will be thoroughly investigated by the Office of Human Resources.

Any individual who violates any portion of this policy will be subject to disciplinary action, up to and including dismissal for cause.