Policy: Sexual Harassment

Title: Sexual Harassment
Type: Human Resources

| No: HR7450 | Approval Date: 11/15/2016 |
| Responsible Office: Human Resources | Approved By: Non-Substantive Updates |
| Next Review: | Revision No: |

I. Purpose/Introduction/Rationale

A. It is the policy of Rollins College to promote a cooperative work and academic environment in which there exists mutual respect for all College students, faculty, and staff. Sexual harassment is inconsistent with this objective and contrary to the College policy of equal employment and academic opportunity without regard to age, sex, sexual orientation, gender identity or expression, alienage or citizenship, religion, race, color, national or ethnic origin, disability, and veteran or marital status. Sexual harassment is illegal under Federal, State, and City laws, and will not be tolerated within the College.

B. The College will disseminate this policy and take other steps to educate the College community about sexual harassment. The College will establish procedures to ensure that investigations of allegations of sexual harassment are conducted in a manner that is prompt, fair, thorough, and as confidential as possible under the circumstances, and that appropriate corrective and/or disciplinary action is taken as warranted by the circumstances when sexual harassment is determined to have occurred. Members of the College community who believe themselves to be aggrieved under this policy are strongly encouraged to report the allegations of sexual harassment as promptly as possible. Delay in making a complaint of sexual harassment may make it more difficult for the college to investigate the allegations.

II. Definition

A. Unwanted and unsolicited sexual advances, requests for sexual favors, and other deliberate or repeated communication of a sexual nature, whether spoken, written, physical or pictorial, shall constitute sexual harassment when:
   1. Submission to such conduct is made either implicitly or explicitly a term or condition of an individual's employment, academic status or participation in College-sponsored activities;
   2. Rejection of such conduct is used as the basis, implicitly or explicitly, for imposing adverse terms and conditions of employment, academic status or participation in College-sponsored events; or
   3. Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive working or learning environment.

B. Sexual Harassment can occur between individuals of different sexes or of the same sex.

C. Although sexual harassment most often exploits a relationship between individuals of unequal power (such as between faculty/staff member and student, supervisor and employee, or tenured and untenured faculty members), it may also occur between individuals of equal power (such as between fellow students or co-workers), or in some circumstances even where it appears that the harasser has less power than the individual harassed (for example, a student sexually harassing a faculty member).
D. A lack of intent to harass may be relevant to, but will not be determinative of whether sexual harassment has occurred.

III. Procedure or Application
A. Prohibited Conduct
   1. It is a violation of the College policy for any member of Rollins community to engage in sexual harassment or to retaliate against any member of the Rollins community for raising an allegation of sexual harassment, for filing a complaint alleging sexual harassment, or for participating in any proceeding to determine if sexual harassment has occurred.

B. Examples of Sexual Harassment
   1. Sexual harassment may take different forms. Using a person's response to a request for sexual favors as a basis for an academic or employment decision is one form of sexual harassment. Examples this type of sexual harassment (known as quid pro quo harassment) include, but are not limited to, the following:
      a. Requesting or demanding sexual favors in exchange for employment or academic opportunities (such as hiring, promotions, grades, or recommendations);
      b. Submitting unfair or inaccurate job or academic evaluations or grades, or denying training, promotion, or access to any other employment or academic opportunity, because sexual advances have been rejected.
   2. Other types of unwelcome conduct of a sexual nature can also constitute sexual harassment, if sufficiently severe or pervasive that the target does find, and a reasonable person would find, that an intimidating, hostile, offensive or abusive work or academic environment has been created. Examples of this kind of sexual harassment (known as hostile environment harassment) include, but are not limited to, the following:
      a. Sexual comments, teasing, or jokes;
      b. Sexual slurs, demeaning epithets, derogatory statements, or other verbal abuse;
      c. Graphic or sexually suggestive comments about an individual's attire or body;
      d. Inquiries or discussions about sexual activities;
      e. Pressure to accept social invitations, to meet privately, to date, or to have sexual relations;
      f. Sexually suggestive letters or other written materials;
      g. Sexual touching, brushing up against another in a sexual manner, graphic or sexually suggestive gestures, cornering, pinching, grabbing, kissing, or fondling;
      h. Coerced sexual intercourse or sexual assault.

C. False and Malicious Accusations
   1. Members of the College community who make false and malicious complaints of sexual harassment, as opposed to complaints which, even if erroneous, are made in good faith, will be subject to disciplinary action.

D. Responsibilities of supervisors and managers
   1. Sexual harassment is illegal. It is behavior that is perceived as offensive. It is important for supervisors and managers to understand their responsibilities and obligations under this policy.
   2. Supervisors and managers:
      a. Are responsible for acting to prevent sexual harassment by all available means. This includes, but is not limited to, communicating the College's policy on sexual harassment as needed to student, employees, customers, vendors, and other visitors that may interact with students and employees; providing counseling and training to increase awareness of
College policies and procedures regarding sexual harassment; expressing strong disapproval of inappropriate behavior; and taking prompt action to correct and sanction inappropriate behaviors.

b. Are responsible for the actions of subordinate employees with regard to sexual harassment when they have knowledge or reasonably should have known about inappropriate conduct and fail to take immediate corrective action. Supervisors and managers may be exempted from personal liability if they take immediate action, which may include referring the matter to their superior or the Assistant VP of Human Resources and Risk Management.

c. Are responsible for any employment action or decision regarding an individual when these actions or decisions can be shown to be a result of sexual favors that were granted or denied by the individual(s) effected.

d. Are responsible for acts of sexual harassment against employees by nonemployees if they have knowledge or reasonably should have been known about offensive conduct and failed to take action.

3. If supervisors and managers are unable to demonstrate that they have satisfied their responsibilities properly, they:
   a. May be named in a complaint and subjected to administrative investigations or civil proceedings; and/or
   b. Could, as an individual, be made liable for part or all of the monetary damages assessed to the defendant(s) by the court.

4. Managers should contact the Assistant VP of Human Resources and Risk Management as soon as possible after being made aware of a complaint, and provide any written documentation.

E. Implementation

1. The President of the College, through the Assistant VP of Human Resources and Risk Management is responsible for the dissemination of this policy. The Assistant VP will work closely with the Vice Presidents and the Deans, who have responsibility for the implementation of the policy.

2. Each dean, director, department chair, administrative officer or other person with supervisory responsibility is to cooperate with the Assistant VP of Human Resources and Risk Management in the dissemination of this policy within his or her area of responsibility. These persons will also be responsible for referring grievances to the Assistant VP of Human Resources and Risk Management when sexual harassment or reprisal for reporting sexual harassment is alleged to have occurred.

IV. Related Policies or Applicable Publications

See also: Discrimination Grievance Procedure for Exempt and Non-Exempt Staff or Faculty

V. Appendices/Supplemental Materials

N/A

VI. Rationale for Revision

N/A