

FRANCIS MARION UNIVERSITY

Human Resources Office

SUBJECT: Sexual Harassment Policy

Revised: 2/1/99

Revised: 2/1/02

Revised: 3/2/04

SEXUAL HARASSMENT POLICY

THE LANGUAGE USED IN THIS POLICY DOES NOT CREATE A BINDING EMPLOYEE CONTRACT BETWEEN THE EMPLOYEE AND THE UNIVERSITY. THE UNIVERSITY RESERVES THE RIGHT TO REVISE THE CONTENTS OF THIS POLICY, IN WHOLE OR IN PART.

I. Policy

It is the policy of Francis Marion University, in keeping with efforts to maintain an environment in which the dignity and worth of all students, employees and visitors of the University are respected, that sexual harassment of students, employees and visitors at Francis Marion University is unacceptable conduct and will not be tolerated. Sexual harassment may involve the behavior of a person of either sex against a person of the opposite or same sex, when that behavior falls within the definition as outlined below.

Offenders of sexual harassment will be subject to disciplinary action, which may include, but is not limited to, oral or written warnings, demotions, transfers, suspension without pay, or dismissal for cause.

Sexual harassment is a form of sex discrimination, which is prohibited under Title VII of the Civil Rights Act of 1964 for employees and under Title IX of the Education Amendments of 1972 for students. The South Carolina State Human Affairs Law also prohibits sex discrimination.

A. Definition

Sexual harassment of students, employees and visitors at Francis Marion University is defined as any unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature, when:

1. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or academic status, or
2. Submission to or rejection of such conduct is used as the basis for employment or academic decisions affecting that individual, or
3. Such conduct has the purpose or effect of unreasonable interference with an individual's work performance or educational experience, or creates an intimidating, hostile, or offensive work or educational environment.

B. Examples of Prohibited Behavior

Prohibited acts of sexual harassment may take a variety of forms ranging from subtle pressure for sexual activity to physical assaults. Examples of the kinds of conduct included in the definition of sexual harassment include, but are not limited to:

1. Threats or intimation of sexual relations or sexual contact that are not freely or mutually agreeable to both parties;
2. Continued or repeated verbal abuses of a sexual nature including graphic commentaries about a person's body, or sexually suggestive objects or pictures placed in the work or study area that may embarrass or offend the person, sexually degrading words to describe the person, or propositions of a sexual nature;
3. Threats or insinuations that the person's employment, grade, wages, promotional opportunities, class or work assignments, or other conditions of employment or academic status may be adversely affected by not submitting to sexual advances.

It is a violation of this policy for a faculty or staff member to undertake an amorous and/or sexual relationship or permit one to develop with a student or supervisee who is enrolled in the person's class or is subject to that person's supervision or evaluation, even when both parties appear to have consented to the relationship.

Amorous and/or sexual relationship between faculty or staff members and students outside the instructional and supervisory context are also strongly discouraged.

The University does recognize that consensual amorous and/or sexual relationships may exist prior to the time a student is assigned to a faculty or staff member, as a member of that person's class or is placed in a situation where the faculty or staff person must supervise or evaluate the student. It is also recognized that such a relationship may exist between co-employees prior to the time when one of those employees becomes the supervisor of the other. An amorous and/or sexual relationship is a recent amorous and/or sexual relationship if it is ongoing or has been in existence at any time within the six (6) months immediately preceding the assignment of the students or supervisee to the faculty or staff member. Where the faculty or staff member has, or has had a recent amorous and/or sexual relationship with the student or supervisee, the following procedures shall be followed:

1. If, at all possible the students should be advised by the faculty member with whom the relationship exists or existed in his or her course selections to avoid course sections taught by the instructor with whom the student has or has had a recent consensual relationship. Efforts should likewise be made to place a subordinate under the supervision of another supervisor where the supervisor has or has had a recent consensual amorous and/or sexual relationship with the subordinate.
2. In the event it is not possible for the student to avoid the class taught by the faculty member or for the supervisee to avoid the supervision of the supervisor, the faculty member shall advise his or her division chair and the supervisor shall advise his or her supervisor of the present or recent consensual amorous and/or sexual relationship and the following steps shall be taken:

- The Department chair shall appoint another instructor to evaluate the student's written work, such as essays, research papers, essay tests, etc.
 - The Department chair shall appoint another instructor to evaluate the student's non-written work or performance such as artistic performances, teaching practica or clinical practica.
 - When an appropriate instructor is not available to evaluate the student's work, the Department chair will provide the evaluation.
 - A supervisor will request that his or her supervisor evaluate the supervised employee; and if such evaluation is not practical, he/she will request that another supervisor or department in a related area evaluate the employee.
 - The supervisor will remove himself or herself from the consideration of the employee for promotion, hiring or determination of salary.
 - A student may not be assigned to a faculty advisor with whom that student has or has had a recent consensual amorous and/or sexual relationship. The faculty advisor must request that the student be reassigned.
3. A faculty or staff member who fails to follow the policy set forth in subparagraph 2 above, or who does not withdraw from participation in activities or decisions which may reward or penalize a student or supervisee with whom the faculty or staff member has or has had a recent consensual amorous and/or sexual relationship will be in violation of this policy and appropriate disciplinary action will be taken.

Persons who are married, or were married, are included within the definition of those persons having, or who have had, a consensual amorous and/or sexual relationship.

C. Consensual Relationships

Romantic and sexual relationships, though they may be appropriate in other settings, are inappropriate when they occur between members of the teaching faculty/staff and students or between a supervisor and an employee. A professional power differential exists in these situations in terms of the influence and authority, which the one can exercise over the other. If a charge of sexual harassment is lodged regarding an once-consenting relationship, the burden may be on the alleged offender to prove that the sexual harassment policy was not violated.

D. Responsibility

Each dean, department chair, director, and supervisor is responsible for providing a work and educational environment free from sexual harassment.

E. Policy of Non-Reprisal

No faculty or staff employee, applicant for employment, student, or member of the public may be subject to restraint, interference, coercion or reprisal for seeking information about sexual harassment, filing a sexual harassment complaint, or serving as a witness.

II. Procedure

- A. Any University employee who feels that she or he has been sexually harassed under the above definition and who wishes further information or who wishes to file a complaint should contact the Vice President for Administration immediately.
- B. Any student who feels that she or he has been sexually harassed under the above definition and who wishes further information or who wishes to file a complaint should contact immediately one of the following: the Vice President for Student Affairs or the Vice President for Administration.
- C. Any faculty or staff member receiving a complaint of sexual harassment should seek the advice of the Vice President for Administration.