SEXUAL HARASSMENT
UAPB is committed to its mission of providing an academic and employment environment that fosters excellence. Sexual harassment violates the trust and respect essential to the preservation of such an environment, and threatens the education, employment, and well-being of its community members. University members have the right to work and study in an environment free of any form of sexual harassment. This right is protected by Title VII of the 1964 Civil Rights Act for employees and Title IX of the Educational Amendments of 1972 for students. Sexual harassment is destructive to students, faculty, staff, and the UAPB community as a whole, and it will not be tolerated.

This policy may not be used to infringe upon academic freedom. Students, faculty, staff, and guests must be aware of the need for freedom of inquiry and openness of discussion in its educational and research programs, and must strive to create and maintain an atmosphere of intellectual seriousness and mutual tolerance in which these essential features of academic life can thrive. No university can or should guarantee that every idea expressed in its classrooms or laboratories will be inoffensive to all; pursued seriously, education and scholarship necessarily entail raising questions about perceived opinions and conventional interpretations. If, however, UAPB determines that credible accusations of inappropriate sexual remarks or actions have been made, UAPB shall investigate such accusations promptly, thoroughly, and fairly.

Sexual harassment is particularly serious when it threatens relationships between teacher and student, or supervisor and subordinate, because of the potential to exploit the power inherent in these relationships and to undermine the ability of UAPB to carry out its mission. UAPB strongly encourages all community members to report incidents of sexual harassment. To the extent possible, reporting and investigating procedures are supportive of and sensitive to the alleged victim while adequately safeguarding the rights of the alleged offender.

UAPB opposes all forms of sexual harassment, whether subtle or direct, and is committed to the thorough, timely, and confidential investigation, in a fair and impartial manner, of all complaints from it students or employees. The Office of Affirmative Action is responsible for investigating employee sexual harassment complaints. However, student complaints of sexual harassment will be handled by the Office of Student Affairs.

The sexual harassment of UAPB faculty, staff, and students by non-university employees and guests doing business or providing services on campus (for example, contractors, vendors, delivery persons) is also prohibited by this policy. Incidents of sexual harassment involving visitors should also be reported directly to the Office of Affirmative Action or Office of Student Affairs, as appropriate. During non-business hours, sexual harassment complaints may be reported to the UAPB Police Department who will then refer the complaint to the Office of Affirmative Action or the Office of Students Affairs, as appropriate, for review and action. Finally, if a visitor to the UAPB campus or a UAPB-sponsored event experiences an incident of sexual harassment, that person should contact the Office of Affirmative Action for assistance with options for resolution.
UAPB will take appropriate actions within the scope of its legal authority to prevent, correct, and discipline behavior that violates this policy.

**Definition**
Sexual harassment generally includes any unwanted or unsolicited sexual gesture, physical contact, or statement which, when viewed from the perspective of a reasonable person similarly situated, is offensive, threatening, humiliating, or interferes with a person’s ability to perform his or her job, educational pursuit, or participation in campus life.

**Prohibited Acts**
For the purpose of this policy, sexual harassment may take many forms — subtle or indirect, or blatant and overt. It may consist of repeated actions or may even arise from a single incident if sufficiently extreme. In assessing whether a particular act or acts constitute sexual harassment under this policy, the standard shall be the perspective of a reasonable person similarly situated.

Sexual harassment includes any behavior of a sexual nature where:

1. Submission to or rejection of the conduct is made either explicitly or implicitly a term or condition of employment or status in a UAPB-sponsored course, program, or activity;
2. Submission to or rejection of the conduct is used as a basis for employment or academic decisions affecting that individual; or
3. Such conduct unreasonably interferes with an individual’s work or academic performance, or creates an intimidating, hostile, or offensive environment for work or learning.

Sexual harassment may occur within a variety of relationships. It may occur between individuals of the opposite sex – male against female, or female against male – or, between individuals of the same sex. Incidents may occur between supervisor and subordinate, faculty member and student, or between fellow employees and fellow students; they may also take place between employees and campus visitors and between employees and those who do business with UAPB. Especially injurious, however, is harassment in relationships characterized by an imbalance of power and authority. Typically, such relationships are found between:

1. Employer and employee (usually, supervisor and subordinate)
2. Faculty and student (undergraduate or graduate)
3. Administrator and student
4. Employee and student
5. Senior and junior faculty
6. Graduate assistant and undergraduate student
7. Administrator and faculty
Examples
The perception of conduct which constitutes sexual harassment may vary from individual to individual; what is offensive to one person may be less so to another. The following examples are intended as illustrations only; they do not cover all possible situations.

1. Physical assault;
2. Suggestions that submission to or rejection of sexual advances will influence decisions regarding an individual’s employment or educational status;
3. Repetitive remarks or actions of a sexual nature (including, but not limited to, statements, questions, jokes, and anecdotes) which constitute a pattern where actions unreasonably cause discomfort or humiliate an individual;
4. Unwelcome visual contact or body language that communicates a sexual message;
5. Whistling, cat calls, leering, or other improper gestures;
6. Persistent, unwelcome flirtations, and outright advances or propositions of a sexual nature;
7. Unwelcome remarks or actions about an individual’s appearance;
8. Unwelcome repetitive touching, such as patting, pinching, hugging, or brushing against an individual’s body;
9. Unwarranted displays of sexually suggestive objects or pictures;
10. Unwelcome exposure to sexually explicit music, letters, or written notes;
11. Unwelcome descriptions of sexual activity or speculation about previous sexual experiences.

Appropriate action will be taken if harassment is found to have occurred.

Anonymous complaints of sexual harassment will be taken seriously and may be formally investigated.

Consensual Relationships
The basic function of a university is the discovery and the transmission of knowledge, which is founded upon the free and open exchange of ideas. In order for productive learning and the work that supports it to occur, members of the campus community (faculty, staff, and students) should pursue their responsibilities guided by a strong commitment to principles of mutual trust, confidence and professional codes of conduct. For purposes of this policy, a faculty member or a teacher is any member of the full-time or part-time faculty, an academic advisor, or any other person making academic judgments about a student’s work.

It is a serious breach of professional ethics for a faculty member to initiate or acquiesce in a sexual relationship with a student who is under the personal supervision of the faculty member. Therefore, UAPB prohibits consensual sexual relationships between a faculty member and a student enrolled in a course taught by the faculty member or whose academic work is supervised by the faculty member. This applies even when both parties appear to have consented to the relationship. A faculty member who is or has been involved in a consensual sexual relationship with a person should not enter into a student/teacher relationship with that person.
Consenting romantic relationships between supervisors and subordinates are **strongly discouraged**. Supervisors exercise power over subordinates, whether in promotions, raises, evaluations, recommendations, job duties, assignments, or other benefits. This difference in power increases the opportunity for abuse of power, thus endangering the professional environment. The element of power implicit in sexual relationships occurring in the supervisory context has the potential to diminish a subordinate’s freedom of choice. It is incumbent upon those with authority not to abuse, or appear to abuse, the power with which they have been entrusted. Employees involved in a consenting relationship in the actual or equivalent context of employment supervision and evaluation should be and are deemed to be aware of the possible costs of even an apparently consenting relationship, including the possible difficulty in defending a future sexual harassment charge on the grounds of mutual consent.

**Disciplinary Action**

Disciplinary action for violations of the Sexual Harassment Policy may include, but are not limited to, the following: oral or written reprimand, reassignment, probation, suspension, expulsion, counseling, demotion, termination, or any combination thereof. Sanctions for sexual harassment depend upon the circumstances in each case. In addition to disciplinary action, those who engage in sexual harassment may be subject to legal consequences, including civil and criminal penalties and monetary damages. All individuals accused of sexual harassment shall be given the opportunity to respond to the complaints prior to any final employment and academic decisions.

**Confidentiality**

UAPB understands that some individuals may be reluctant to tell anyone about harassment or to have their names disclosed. Every reasonable effort will be made to maintain confidentiality of all parties, all conversations, and all documents concerning a sexual harassment complaint. However, UAPB’s obligation to stop sexual harassment means that it cannot fail to take appropriate action and, as such, confidentiality cannot always be guaranteed. The appropriate administrative officials will be kept informed on a “need to know” basis. All persons involved should maintain confidentiality to the greatest extent possible, except to the extent needed for processing complaints under this policy.

**Retaliation**

Reprisals or retaliatory action against an individual who, in good faith, reports or provides information in an investigation about behavior that may violate this policy will not be tolerated. Such action should be regarded as a separate and distinct cause for disciplinary action.

**Malicious Allegations/Complaints/False Information**

UAPB is committed to protecting the due process rights it provides to the accused as well as the accuser. Allegations of sexual harassment that are malicious, intentionally false, or without foundation are very serious with potential for great harm to all persons involved and are prohibited by this policy. Such actions constitute grounds for disciplinary action that may include, but is not limited to, written warning, demotion, transfer, suspension, expulsion or dismissal. Further, repeated filing of frivolous complaints is considered a malicious action and
may be grounds for disciplinary action.

The failure to substantiate a sexual harassment complaint does not automatically constitute a malicious or frivolous complaint. In the event that allegations are not substantiated, every reasonable effort will be made and all reasonable steps taken to restore the reputation of the accused if it was damaged by the proceedings.

**Recordkeeping**
Each complaint should be documented and kept in a confidential file separate from the personnel or student files normally maintained by the offices of Human Resources or Student Affairs. UAPB has determined sexual harassment files will be maintained by the Office of Affirmative Action. Documentation should include the name of the complainant, the name of the accused, the nature of the complaint, date(s), witnesses, the name(s) of the person(s) who received the complaint, the name(s) of the person(s) who prepared the written documentation and the date of the written documentation, and any other information relevant to the case. If some of this information is not available, the reason(s) for unavailability, if known, should be documented. Such file will be maintained as provided by law.

**Procedure**
Complaints of sexual harassment, submitted in writing or accepted orally, are taken seriously and will be dealt with promptly. Allegations of sexual harassment shall be judged on the facts of the particular case and the context in which the alleged incident(s) occurred. The complainant has the responsibility of proving the alleged sexual harassment. The specific action taken in any particular case depends on the nature and gravity of the conduct reported and may include intervention, mediation, investigation and the initiation of disciplinary action as described above. Where a violation of the Sexual Harassment policy is found to have occurred, UAPB will act to stop the harassment, prevent its recurrence, and discipline those responsible.

**Reporting**
Employees with complaints of sexual harassment are encouraged to notify their immediate supervisor. However, if the accused harasser is the employee’s immediate supervisor, the complaint should be submitted to the next person in the line of responsibility. Alternatively, the employee may notify the Office of Affirmative Action. Students should report incidents of sexual harassment to the Office of Student Affairs. Individuals who need to report an incident of sexual harassment after regular business hours should report the incident to the UAPB Police Department if the employee’s supervisor is unavailable or other administrative offices are closed. The UAPB Police Department will take appropriate action and will notify the Office of Affirmative Action or the Office of Student Affairs, as appropriate, at the beginning of the next business day, i.e., Monday through Friday, excluding holidays.

Individuals who witness possible sexual harassment should report their concerns to the Office of Affirmative Action or the Office of Student Affairs, as appropriate.
When a UAPB employee receives a report of sexual harassment, he or she must immediately notify the Office of Affirmative Action or the Office of Student Affairs, as appropriate, prior to taking any action to investigate or resolve the matter informally and must act only on direction from such office.

UAPB recommends that all reports of suspected sexual harassment be made within 180 days of the alleged incident to assist in the investigation process.