

Sexual Harassment Policy

The Frostburg State University community is committed to maintaining a working and learning environment in which students, faculty and staff can develop intellectually, professionally, personally and socially. Sexual harassment is inconsistent with maintaining such an environment and is a form of discrimination prohibited by federal and state law. The position of this University is that sexual harassment within the campus community will not be tolerated.

By law, sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature constitute sexual harassment when:

- 1) Submission to such conduct is made explicitly or implicitly a term or condition of an individual's educational or career advancement;
- 2) Submission to or rejection of such conduct by an individual is used as the basis for decisions affecting such individual's career or educational advancement; or
- 3) Such conduct has the purpose or effect of substantially interfering with an individual's performance or creating an intimidating, hostile, or offensive employment or educational environment.

Sexual harassment includes a variety of behaviors and may occur within a variety of relationships, including relationships between persons of the same or different genders or persons of equal or unequal power. For example, sexual harassment may be as undisguised as a direct solicitation of sexual favors or solicitation accompanied by overt threats. Harassment may also be implied by unwelcome physical contact; sexual remarks about a person's clothing, body or sexual relations; conversations or jokes and stories of a sexual nature; or the display in the work place or use in the classroom of sexually explicit materials which are inappropriate or without defensible educational purpose. Such acts are more likely than not to result in allegations of sexual harassment. In assessing whether a particular act constitutes sexual harassment forbidden under this policy, the rules of common sense and reason shall prevail. The standard shall be the perspective of a reasonable person within the campus community.

Members of the university community with personal knowledge of incidents of harassment are encouraged and university employees are required to report such knowledge to the Director of ADA/EEO Compliance. All allegations of

sexual harassment will be expeditiously, thoroughly and confidentially investigated following the Office of ADA/EEO Compliance Allegation of Discrimination/Harassment Procedures. The rights of both the alleged offender and the offended will be protected, including protection from retaliation. Frivolous or false reports of sexual harassment will be treated as seriously as the offense itself. Sanctions for sexual harassment may vary from reprimand to termination of employment or dismissal from the University. In addition, an individual may be criminally prosecuted for sexual harassment.

The University's commitment to maintaining a learning environment in which the intellectual, professional, personal and social development of members of the campus community is assured requires that all members of the community adhere to ethical and professional standards of conduct, as well as to legal standards. Therefore, consenting romantic or sexual relationships between faculty or staff member and student or between supervisor and employee, while not expressly forbidden, are generally deemed very unwise. Power differences between faculty and students or between supervisors and supervisees make the subordinate's voluntary consent to even an apparently consensual relationship questionable. Sexual relationships between a professor or supervisor and a subordinate may result in conflicts of interest or raise questions of favoritism. Wherever a power differential exists between persons who are romantically or sexually involved, the parties must realize that if a charge of sexual harassment is subsequently lodged; mutual consent will not necessarily be accepted as a reasonable defense.

Procedures for Filing Complaints of Discrimination or Sexual Harassment Overview

Note: This information is only a summary. Complete details necessary for filing complaints are available in the text of "Procedures for Filing Complaints of Discrimination or Sexual Harassment." Copies are available on-line at www.frostburg.edu, ADA/EEO Compliance or at the Office of ADA/EEO Compliance, 307 Hitchins Administration Building, Frostburg, Maryland (301)687-4102.

An allegation of discrimination/harassment should be related to a violation of Federal or State mandates or University policy based on race, color, national origin, ethnic background, sex/gender (sexual harassment is a form of sex/gender discrimination), sexual orientation, age, creed, political or religious opinion or affiliation, disability, veteran's status, or marital status. A complaint may be filed by any student or former student or by any employee or former employee.

Members of the campus community may at any time discuss matters involving allegations of discrimination/harassment in an informal and confidential manner with the Director of the ADA/EEO Compliance Office.

University policy requires all University employees, and students are encouraged to report knowledge of sexual harassment or discriminatory situations to the Director of the ADA/EEO Compliance prior to taking any action to investigate or resolve the matter. A complaint should be registered with the ADA/EEO Compliance Office within 60 calendar days of reasonable knowledge of the occurrence of the alleged act(s).

When an allegation of discrimination is brought to the Director of the ADA/EEO Compliance the Director will either act as mediator to resolve the issue or make a recommendation for resolution.

The Director's recommendation for resolution may be appealed by the person(s) alleged to have committed the act(s) of discrimination/harassment. Any appeal will be directed to the University's ADA/EEO Committee for a hearing.

After a hearing, the ADA/EEO Committee will make recommendation for resolution, which shall be non-binding and submitted to the President of the University for review. The President's recommendation will constitute the final decision.

Office of ADA/EEO Compliance
(Revised 7/06)

(Internal)