



## SEXUAL HARASSMENT POLICY

### Statement of Policy

Sexual harassment violates federal civil rights laws and University nondiscrimination policy. The University of Alabama is committed to providing and promoting an atmosphere in which employees can realize their maximum potential in the workplace and students can engage fully in the learning process. Toward this end, all members of the University community (including faculty, staff and students) must understand that sexual harassment will not be tolerated, and that they are required to abide by the following policy.

#### A. Sexual Harassment Defined

This policy prohibits “quid pro quo” and “hostile environment” sexual harassment as defined below.

##### 1. Quid Pro Quo Sexual Harassment

Unwelcome sexual advances, requests for sexual favors, and other verbal and physical conduct of a sexual nature by one in a position of power or influence constitutes “quid pro quo sexual harassment” when 1) submission by an individual is made either an explicit or implicit term or condition of employment or of academic standing, or 2) submission to or rejection of such conduct is used as the basis for academic or employment decisions affecting that employee or student. As defined here, “quid pro quo sexual harassment” normally arises in the context of an authority relationship. This relationship may be direct as in the case of a supervisor and subordinate or teacher and student or it may be indirect when the harasser has the power to influence others who have authority over the victim.

##### 2. Hostile Environment Sexual Harassment

Unwelcome sexual advances, requests for sexual favors, and other verbal and physical conduct of a sexual nature constitute “hostile environment sexual harassment” when such conduct is directed toward an individual because of his or her gender and has the purpose or effect of 1) creating an intimidating, hostile, or offensive work or academic environment, or 2) unreasonably interfering with another’s work or academic performance. Generally, a single sexual joke, offensive epithet, or request for a date does not constitute hostile environment sexual harassment; however, being subjected to such jokes, epithets or requests repeatedly may constitute hostile environment sexual harassment.

In determining whether alleged sexual harassing conduct warrants corrective action, all relevant circumstances, including the context in which the conduct occurred, will be considered. Facts will be judged on the basis of what is reasonable to persons of ordinary sensitivity and not on the particular sensitivity or reaction of an individual.

In cases of alleged sexual harassment, the protections of the First Amendment must be considered if issues of speech or artistic expression are involved. Free speech rights apply in the classroom and in all other education programs and activities of public institutions, and First Amendment rights apply to the speech of students and teachers. Great care must be taken not to inhibit open discussion, academic debate, and expression of personal opinion, particularly in the classroom. Nonetheless, speech or conduct of a sexual or hostile nature which occurs in the context of educational instruction may exceed the protections of academic freedom and constitute prohibited sexual harassment if it meets the definition of sexual harassment noted above and 1) is reasonably regarded as non-professorial speech (i.e., advances a personal interest of the faculty member as opposed to furthering the learning process or legitimate objectives of the course), or 2) lacks accepted pedagogical purpose or is not germane to the academic subject matter.

#### B. Reporting of Sexual Harassment Allegations

Persons who believe they have been victims of sexual harassment should report the incident(s) immediately to appropriate administrative officials as set forth below. Delay in reporting makes it more difficult to establish the facts of a case and may contribute to the repetition of offensive behavior.

## **1. Confidentiality**

The University will do everything consistent with enforcement of this policy and with the law to protect the privacy of the individuals involved and to ensure that the complainant and the accused are treated fairly. Information about individual complaints and their disposition is considered confidential and will be shared only on a “need to know” basis.

## **2. Assurance Against Retaliation**

This policy seeks to encourage students, faculty, and other employees to express freely, responsibly, and in an orderly way opinions and feelings about any problem or complaint of sexual harassment. Retaliation against persons who report or provide information about sexual harassment or behavior that might constitute sexual harassment is also strictly prohibited. Any act of reprisal, including internal interference, coercion, and restraint, by a University employee or by one acting on behalf of the University, violates this policy and will result in appropriate disciplinary action.

This sexual harassment policy shall not, however, be used to bring frivolous or malicious complaints against students, faculty and other employees. If a complaint has been made in bad faith, as demonstrated by clear and convincing evidence, disciplinary action may be taken against the person bringing the complaint.

## **C. Reporting Channels**

The following sections identify appropriate sexual harassment resource persons and complaint-receiving officials students and employees should contact regarding sexual harassment.

### **1. Responsibilities of Supervisory Personnel**

All members of the university community have a general responsibility to contribute in a positive way to a university environment that is free of sexual harassment. Supervisory personnel, however, have additional responsibilities. Supervisory personnel are not only responsible for educating and sensitizing employees in their units about sexual harassment issues, but they are also directed to take all appropriate steps to prevent and stop sexual harassment in their areas of responsibility. Supervisory personnel who are contacted by an individual seeking to file a complaint about sexual harassment in their unit or area of responsibility shall assist the complainant in contacting the appropriate complaint-receiving officials identified below.

### **2. Student Complaints**

Students with complaints of sexual harassment against faculty members, graduate assistants, and staff members in academic departments, schools, or colleges should contact the Designated Sexual Harassment Resource Person in their college or school or in the college or school in which the alleged offender is employed. A faculty member to whom a student has come with a complaint of sexual harassment should recommend that the student contact the designated Sexual Harassment Resource Person. The name and location of the Designated Sexual Harassment Resource Person can be obtained from the Dean’s Office, the Office of the Provost, or the Office of Equal Opportunity Programs.

Students participating in internships, field placements, student teaching, or similar academic experiences in settings off campus should report complaints of sexual harassment to the University faculty or staff member providing supervision or to the Designated Sexual Harassment Resource Person in their college or school.

Student complaints of sexual harassment outside academic departments, schools, and colleges, including complaints against other students, should be addressed to the Student Affairs Designated Sexual Harassment Resource Person(s). The name and location of this individual(s) can be obtained from the Office of the Vice President for Student Affairs, the Office of Student Life, or the Office of Equal Opportunity Programs.

Students who believe for any reason that they cannot effectively communicate their concern through any of these channels may consult the University Compliance Officer in the Office of Equal Opportunity Programs, or if conflicts exist with the University Compliance Officer, students may consult with the Provost.

Students who are victims of sexual assault or sexual harassment may seek advice and referral from both the University’s Women’s Center and the University’s Counseling and Psychological Services. These offices, which keep all information

confidential, neither receive formal complaints nor conduct investigations.

### **3. Employee Complaints**

Employees should report complaints of sexual harassment to the Designated Sexual Harassment Resource Person of the college, school, or administrative division in which they are employed, or to the Office of Human Resources. The name and location of the Designated Sexual Harassment Resource Person can be obtained from the Dean's Office, the Vice Presidents' Offices, the Office of the Provost, or the Office of Equal Opportunity Programs.

Employees who believe for any reason that they cannot effectively communicate their concern through any of these channels may consult the University Compliance Officer in the Office of Equal Opportunity Programs, or if conflicts exist with the University Compliance Officer, employees may consult with the Provost.

Employees who are victims of sexual assault or sexual harassment may seek advice and referral from the University's Women's Center; however, the Women's Center neither receives formal complaints nor conducts investigations.

### **D. Procedures for Handling Complaints of Sexual Harassment**

Individuals who believe they are victims of sexual harassment in their working or academic environments are encouraged to respond to the alleged harasser directly, by objecting and by requesting that the unwelcome behavior stop. Individuals may also seek assistance or intervention, short of filing a complaint, from their supervisor or University complaint-receiving officials referenced in paragraphs C (2) and (3) above.

An initial discussion between the complainant and the complaint-receiving official will be kept confidential to the extent allowed by law, with no formal written record. The complaint-receiving official will explain the options available and will counsel the complainant. If the complainant, after an initial meeting with the complaint-receiving official, decides to proceed, the complainant will be requested to provide a written statement describing the complaint.

Complaints of sexual harassment will receive prompt attention. Complaints may be resolved through the informal or formal procedures described below, and appropriate action will be taken. Informal means are encouraged as the beginning point, but the choice of where to begin normally rests with the complainant. However, if the complaint-receiving official believes that the matter is sufficiently grave because it seems to be part of a persistent pattern, because of the nature of the alleged offense, or because the complainant seeks to have a sanction imposed, then the complaint-receiving official will initiate a formal procedure, or take other appropriate action.

#### **1. Informal Procedures**

- a) The complainant may attempt to resolve the matter directly with the alleged offender and report back to the complaint-receiving official.
- b) The complaint-receiving official may notify the alleged offender of the complaint, paying appropriate attention to the need to maintain confidentiality. The complaint-receiving official may take whatever steps short of formal sanctions that he or she deems appropriate to effect an informal resolution acceptable to both parties.
- c) Where the alleged offender is a student, the complainant and accused may choose to participate in mediation.

If a complaint is resolved informally, no record of the complaint will be entered in the alleged offender's personnel file or student records. However, the complaint-receiving official will, in the form of a confidential file memorandum, record the fact of the complaint and the resolution achieved. A copy of this memorandum will be forwarded to the University Compliance Officer in the Office of Equal Opportunity Programs where it will be retained in confidential files.

#### **2. Formal Procedures**

In formal resolution procedures, the written and signed complaint will be directed to the following officials:

- a) If the formal complaint is against a faculty member, other instructional personnel, or staff employed in a college or

school, it should be directed to the dean of the college/school.

b) If the formal complaint is against a staff member in a unit other than a college or school, it should be directed to the Office of Human Resources.

c) If the formal complaint is against a student, not acting in an instructional or other employment capacity, it should be directed to the Office of the Vice President for Student Affairs.

d) If the formal complaint is against a person outside the University (non-employee, non-student), it should be directed to the dean of the college or school if the behavior is occurring in a college or school, to the Office of Human Resources if the behavior is occurring in the work environment outside an academic unit, or to the Office of the Vice President for Student Affairs if the complainant is a student.

e) If conflicts or other problems exist with either the dean, the Office of the Vice President for Student Affairs or the Office of Human Resources handling the formal complaint, the formal complaint may be filed with the University Compliance Officer in the Office of Equal Opportunity Programs, or if conflicts exist with the University Compliance Officer, individuals may consult with the Provost.

The officials listed directly above, or their appointed designees, will conduct whatever inquiry they deem necessary and will arrange conferences with the complainant, the alleged offender, and any other appropriate persons. The investigation will afford the accused an opportunity to respond to the allegations. Those directing investigations will make a record of the case, including a record of their decision, and a copy of that record will be forwarded to the University Compliance Officer in the Office of Equal Opportunity Programs, where it will be retained in confidential files. The complainant and the alleged offender will be notified of the outcome of the investigation; however, that information should be treated by both parties as confidential and private. All records of sexual harassment complaints will be retained by the University Compliance Officer in confidential files. A complainant not satisfied with the resolution achieved by the formal procedures may discuss the matter further with the University Compliance Officer in the Office of Equal Opportunity Programs.

## **E. Disciplinary Sanctions**

A conclusion that sexual harassment has occurred shall subject the offender to appropriate disciplinary action and may result in suspension, discharge, expulsion or dismissal. University disciplinary procedures and possible sanctions are described in the Code of Student Conduct in the Student Handbook, the University staff handbooks, and the University Faculty Handbook. Sanctions imposed will be determined on the basis of the facts of each case and the extent of harm to the University's interests.

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