

Administrative Policies and Procedures Manual - Policy 3780: Sexual Harassment Policy

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Subject to Change Without Notice



1. General

The University of New Mexico Sexual Harassment Policy can be obtained from the office of Equal Opportunity Programs. The following is a synopsis of the policy, approved by the University Board of Regents on August 9, 1988, and The University of New Mexico Sexual Harassment Grievance Procedure, signed by the University President on August 10, 1988.

The University is committed to creating and maintaining a community in which students and employees can learn and work together in an atmosphere:

- that enhances productivity and draws on the diversity of its members; and
- is free from all forms of disrespectful conduct, harassment, exploitation or intimidation, including sexual.

The purpose of this policy is to foster a dialogue on positive and effective inter-gender communication and interaction but also to take whatever action may be needed to prevent, correct and, when necessary, to discipline behavior which violates this policy.

In fulfilling its dual tasks of educating and providing public service, the University can, and shall, demonstrate leadership in sensitizing and educating all members of its community to what is appropriate behavior between the genders. Sexual harassment is reprehensible in that it subverts the mission of the University and threatens the careers of students and employees. It is a violation of Title VII of the Civil Rights Act of 1964 and Title IX of the Educational Amendments of 1972 and will not be tolerated at The University of New Mexico.

2. Definition

Sexual harassment is defined as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

- submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or academic advancement;
- submission to or rejection of such conduct by an individual is used as the basis for employment decisions or academic decisions affecting such individual;
- such conduct has the purpose or effect of unreasonably interfering with an individual's work or academic performance or creating an intimidating, hostile, or offensive working or academic environment; or

- a supervisor fails to take corrective action when he or she knows, or reasonably should have known, that a subordinate employee is being subjected to sexual harassment.

2.1. Examples of Sexual Harassment

Examples of sexual harassment which shall not be tolerated include but are not limited to:

- suggestive or obscene letters, notes, invitations,
- derogatory comments, epithets, slurs or jokes,
- impeding or blocking movements, touching, or any physical interference with normal work,
- sexual oriented gestures, displaying sexually suggestive or derogatory objects, pictures, cartoons, or posters (the situation will be evaluated for appropriateness such as art displayed in museums versus centerfold in office setting),
- threats or insinuations that lack of sexual favors will result in reprisals, withholding support for appointments, promotions or transfers, change of assignments, or poor performance reviews.

2.2. Determination

In determining whether the alleged conduct constitutes sexual harassment, consideration should be given to the record as a whole and to the totality of the circumstances, including the nature of the sexual advances and the context in which the alleged incidents occurred.

2.3. Retaliation

Retaliation against an employee or student for filing a sexual harassment complaint is grounds for a subsequent harassment complaint.

2.4. Other Violations

The University also disapproves of intimidating conduct of a sexual nature which does not rise to the level of the above definition of sexual harassment and which has a detrimental but limited impact on the work environment. Such conduct may include isolated sexual remarks, sexist comments, or inappropriate physical behavior of a sexual nature. Such conduct should be strongly and actively discouraged by responsible supervisors.

3. Reaffirmation of Policy Against Sexual Harassment

While sexual harassment most often takes place in a situation of power differential between the persons involved, this policy recognizes also that sexual harassment may occur between persons of the same University status: student-student, faculty-faculty, staff-staff. While the vast majority of victims are female, and while the vast majority of offenders are male, the prohibition of sexual harassment applies regardless of the genders of the parties.

Sexual harassment is especially serious when it threatens the relationship between student and teacher or the relationship between a supervisor and his or her subordinates. Through grades, wage increases, recommendations for graduate study, promotion, and the like, a teacher or supervisor can have a decisive influence on a student's or employee's success and future career at the University and beyond.

4. Reporting Procedures

A person who believes he or she may have experienced sexual harassment may report the incident to any of the following:

- his or her supervisor, and/or
- the University Dispute Resolution Coordinator, and/or
- the office of Equal Opportunity Programs.

Disputes involving work-related allegations of sexual harassment that cannot be resolved in the workplace or with the aid of the second level supervisor will normally be handled by the office of Equal Opportunity Programs in cooperation with the Dispute Resolution Coordinator. The office of Equal Opportunity Programs will decide the proper method of handling the allegations. They are available to discuss the incident(s), assist in evaluating whether the conduct appears to be sexual harassment, and explain the options available, such as filing a formal complaint of sexual harassment, etc.