



**UNIVERSITY OF
DELAWARE STUDENTS
AND EMPLOYEES
HAVE A RIGHT TO
AN ENVIRONMENT
FREE FROM SEXUAL
HARASSMENT.**

UNIVERSITY POLICY AND SEXUAL HARASSMENT LAW

The University of Delaware is committed to protecting the rights and dignity of all employees and students. The University will not tolerate sexual harassment in the work and/or learning environment. Further, sexual harassment is a form of sexual discrimination and is a violation of Federal and State law, including Title VII of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, and the Delaware Fair Employment Practices Act.

Sexual harassment is defined as unwelcomed sexual advances, requests for sexual favors, and 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 advancement,
2. Submission to or rejection of such conduct by an individual is used as the basis for employment decisions or academic decisions affecting such individual, or
3. 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.

NON-RETALIATION POLICY

It is a violation of University policy to retaliate in any way against students or employees because they have raised allegations of sexual or other unlawful harassment. Any individual whose allegations are found to be false or to have been brought with malicious intent will be subject to disciplinary action.

LEARN TO IDENTIFY SEXUAL HARASSMENT

Sexual harassment can be exhibited through verbal remarks, non-verbal behavior and gestures, and unwanted physical contact. There is not a typical type of harasser. A harasser can be male or female, young or old, and from any ethnic background. Harassers generally look for “victims” who are weaker and less likely to have the ability or the inclination to fight back. This is generally because victims fear retaliation or the loss of advancement opportunities, or, in some cases, fear of physical or emotional harm.

EXAMPLES OF *unwanted physical contact* that might be considered sexual harassment that can range from offensive behavior to criminal acts are:

- ⌘ Touching that is inappropriate in the workplace or classroom, such as patting, pinching, stroking, or brushing up against the body;
- ⌘ Cornering or mauling;
- ⌘ Invading another’s “personal space”;
- ⌘ Attempted or actual kissing or fondling;
- ⌘ Physical assault;
- ⌘ Coerced sexual relations;
- ⌘ Attempted rape or rape;
- ⌘ Giving a massage around the neck or shoulders;
- ⌘ Touching or rubbing oneself sexually around another person;
- ⌘ Exposing underwear or parts of the body as a prank;
- ⌘ Intentionally blocking someone’s path.

EXAMPLES OF *gestures or non-verbal behaviors* that might be considered sexual harassment are:

- ⌘ Sexual looks such as leering and ogling with suggestive overtones;
- ⌘ Licking lips or teeth, winking, or throwing kisses;
- ⌘ Holding or eating food provocatively;
- ⌘ Lewd gestures to denote sexual activity;
- ⌘ Staring at an individual or looking a person up and down (elevator eyes).

EXAMPLES OF *verbal behavior* that might constitute sexual harassment are:

- ⌘ Continuous idle chatter of a sexual nature and graphic sexual descriptions;
- ⌘ Sexual slurs, sexual innuendoes and other comments about a person's clothing, body and/or sexual activities;
- ⌘ Offensive and persistent risqué jokes or jesting and kidding about sex or gender-specific traits;
- ⌘ Suggestive or insulting sounds such as whistling, wolf calls or kissing sounds;
- ⌘ Sexually provocative comments or compliments about a person's clothing or the way their clothes fit;
- ⌘ Comments of a sexual nature about weight, body shape, size or figure;
- ⌘ Comments about the sensuality of a person, or his/her spouse or significant other;
- ⌘ Distribution of written or graphic materials that are derogatory and are of a sexual nature;
- ⌘ Repeated unsolicited propositions for dates and/or sexual relations;
- ⌘ Asking about sexual fantasies, preferences or history.

TAKE ACTION

Sexual harassment is unlikely to stop unless it is confronted. In some cases, particularly when the harassment is unintended, confrontation may simply involve telling the person directly that his/her actions are offensive or unwelcome. Other situations may require more formal steps. The University of Delaware supports and encourages all members of its community who believe they are being sexually harassed to take appropriate action. If you find yourself feeling uncomfortable about someone's behavior, you may be experiencing sexual harassment.

The following suggestions are some examples of actions that you can take to respond to sexual harassment. These and other options can be discussed at any time with staff in the Office of Equity and Inclusion.

Say No – Tell the harasser that his/her advances are unwanted and you want them stopped.

Don't Delay – Pay attention to cues or comments indicating harassment. If a person's behavior makes you uncomfortable, say so.

Keep a Record – Begin to keep track of dates, times, and places as well as statements and possible witnesses. This information can be used to support a complaint.

Talk to Others – Incidents of harassment are often not isolated, and sexual harassers are likely to exhibit a pattern of such behavior. Discuss the situation with other students or coworkers. Ask them whether they have been harassed.

Lodge a Complaint – Employees/students who believe that they are being subjected to sexual harassment, should report the matter to their supervisor/advisor, if appropriate, or directly contact the Office of Equity and Inclusion for confidential support, information and possible informal resolution. Formal complaints involving faculty and staff will be handled through Employee/Labor Relations, and the AAUP will be notified for complaints involving a faculty member in any way. Complaints involving students will be handled through the Office of Student Conduct.

Further information about sexual harassment is available from the *University of Delaware Personnel Policies* (www.udel.edu/ExecVP/policies/personnel/index.html) and the *Student Guide to University Policies* (www.udel.edu/stuguide/09-10/index.html).

CAMPUS RESOURCE OFFICES

There are many offices at the University of Delaware that can help you cope with and take action against sexual harassment. Options regarding informal or formal actions can be discussed, and confidentiality may be requested.

Office of Equity & Inclusion

305 Hullihen Hall ☎ 831-8063

Office of Employee/Labor Relations

300 Hullihen Hall ☎ 831-8305

Public Safety

413 Academy Street ☎ 831-2222

Office of Student Life

101 Hullihen Hall ☎ 831-3266

Graduate & Professional Education

234 Hullihen Hall ☎ 831-8697

Center for Counseling & Student Development

261 Perkins Student Center ☎ 831-2141

Residence Life

5 Courtney Street ☎ 831-1201

Wellspring, Student Wellness Program

231 S. College Avenue ☎ 831-3457

SOS (Sexual Offense Support)

24-hour Hotline (ask for a SOS volunteer)

831-2226

LGBT Community Issues

305 Hullihen Hall ☎ 831-8703

Women's Affairs

305 Hullihen Hall ☎ 831-8064

The University of Delaware does not discriminate on the basis of race, color, national origin, sex, disability, religion, age, veteran status, gender identity or expression, or sexual orientation in its programs and activities as required by Title IX of the Educational Amendments of 1972, the Americans with Disabilities Act of 1990, Section 504 of the Rehabilitation Act of 1973, Title VII of the Civil Rights Act of 1964, and other applicable statutes and University policies. The following person has been designated to handle inquiries regarding the Americans with Disabilities Act, the Rehabilitation Act, and related statutes and regulations: Tom Webb, Director, Office of Disabilities Support Services, 240 Academy Street, Alison Hall Suite 119, University of Delaware, Newark, DE 19716, 302-831-4643. The following person has been designated to handle inquiries regarding the non-discrimination policies and to serve as the overall campus coordinator for purposes of Title IX compliance: Bindu Kolli, Chief Policy Advisor, Office of Equity and Inclusion, 305 Hullihen Hall, University of Delaware, Newark, DE 19716, 302-831-8063. The following individuals have been designated as deputy Title IX coordinators: for Athletics, Jennifer W. Davis, Vice President for Finance and Administration, 220 Hullihen Hall, University of Delaware, Newark, DE 19716, 302-831-2769; and for Student Life, Dawn Thompson, Dean of Students/AVP for Student Life, 101 Hullihen Hall, University of Delaware, Newark, DE 19716, 302-831-8939. Inquiries concerning the application of anti-discrimination laws may be referred to the Title IX coordinators or to the Office for Civil Rights, United States Department of Education. For further information on notice of nondiscrimination, visit <http://wdcrobcop01.ed.gov/CFAPPS/OCR/contactus.cfm> for the address and phone number of the U.S. Department of Education office that serves your area, or call 1-800-421-3481.