

# University of Delaware

## Policies and Procedures Manual

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**Section:** Personnel

**Policy Number:** 4-29

**Policy Name:** University Policy Against Sexual Harassment

**Date:** August 25, 1998

### I. PURPOSE

To define and outline the University's policy regarding sexual harassment.

### II. POLICY

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 place. 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 unwelcome 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.

The following types of actions may constitute sexual harassment, whether the harasser is a co- worker, supervisor, classmate or professor:

- demand for sexual favors accompanied by implied threats about the person's employment status, or implied promises of preferential treatment
  
- persistent, unwelcome flirtation, requests for dates, advances or propositions of a sexual nature

- unwanted touching such as patting, pinching, hugging or repeated brushing against an individual's body
- repeated degrading or insulting comments that demean an individual's sexuality or sex
- unwarranted displays of sexually suggestive objects or pictures
- sexual assault

The University administration and all supervisory personnel are responsible for maintaining a work environment free of sexual harassment. Immediate and appropriate corrective action will be taken when cases of sexual harassment occur. Supervisors should consult with the office of labor relations in such cases.

It is a violation of University policy to retaliate in any way against students or employees because they have raised allegations of sexual harassment. Since a charge of sexual harassment may have serious consequences, the complainant(s) is/are responsible to bring the charge in good faith and in accordance with the University's policy. The person(s) against whom the complaint is lodged also bears a responsibility to abstain from retaliatory behavior toward the complainant(s) outside the established channels of redress. A complainant whose allegations are found to be both false and brought with malicious intent will be subject to disciplinary action.

### III. COMPLAINT PROCEDURES

#### A. Lodging a Complaint

Employees/students who believe that they are being subjected to sexual harassment should discuss the matter with their supervisor/advisor, if appropriate, or directly contact the office of women's affairs (OWA) or the office of affirmative action (OAA) for confidential support, information and possible informal resolution. Faculty members who believe they are being subjected to sexual harassment, or are being accused of sexual harassment, should contact the AAUP. Complaints of sexual harassment shall be referred to the Vice President for Administration for further investigation and corrective action. Employees/students may contact the [Vice President for Administration](#), (302)831-2769, directly if they feel they have been subjected to sexual harassment.

#### B. Informal Procedures

Upon receipt of a a complaint of sexual harassment, the Vice President for Administration will meet with the individual against whom the complaint has been made, his/her department chairperson or immediate supervisor; college dean or unit head. (The AAUP will be notified if the complaint involves a faculty member(s) in any way.) The director of OWA or OAA will be in attendance, as appropriate.

The AAUP will be notified if the complaint involves a faculty member(s) in any way. If the accused is a faculty member, the AAUP will be notified in time to allow consultation with the accused prior to the meeting. The Vice President for Administration will advise the accused that it is in his/her best interest to seek out the appropriate AAUP officer for consultation prior to any meetings. (Rev. Fac. Sen. 2/10/97)

Where indicated, the Vice President for Administration may interview other individuals to ascertain the validity of the complaint. However, the investigation will proceed in a timely manner. (Rev. Fac. Sen. 2/10/97)

If the Vice President for Administration finds the charge of sexual harassment is valid, prompt and appropriate corrective action will be taken. This may include one or more of the following actions depending on the severity of the offense:

1. A verbal warning that a repetition of the reported impropriety will result in formal action.
2. Placement of a letter in the individual's personnel file indicating the nature of the improper behavior. The letter may include a notation about required counseling and any action that will be taken in the future should there be a repetition of the offensive behavior(s).
3. Immediate removal of the individual from the classroom/worksite and placement on leave of absence so that the individual can receive appropriate psychological counseling. Return to teaching and/or professional duties will be guided by the individual's progress.
4. Initiation of formal action by the dean or appropriate vice president to dismiss the individual from the University's employ. For faculty, dismissal will follow the procedures set forth by the Faculty Senate Committee on Welfare and Privileges.

The Vice President for Administration will, as soon as practicable, notify the complainant(s) when the investigation has been concluded and indicate the nature of any corrective action taken.

### C. Formal Redress

A more formal means of redress from sexual harassment may also be sought through grievance procedures. For faculty, a complaint may be brought before the [Faculty Senate Committee on Welfare and Privileges](#). A faculty complainant may also appeal the results of the informal procedures to the same committee. Upon review of a written appeal, the Committee may elect to pursue the matter and make additional recommendations to the University Provost. A grievance may be commenced under the collective bargaining agreement if the informal procedures set forth above have not been properly followed. For hourly employees, the grievance procedures are found in their collective bargaining agreements. For professional and salaried staff, the grievance procedures are found in the Personnel Policy & Procedures Manual for Professional & Salaried Staff. For students, the grievance procedures are found in the Official Student Handbook. (Rev. 6/5/89; updated 11/15/93; revised Office of Employee Relations, 2/96; Rev. Fac. Sen. 2/10/97; corrected 6/97; updated 8/25/98)

**Submitted by:** [Labor Relations](#)

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