
Definition of Sexual Harassment

Sexual harassment is a form of discrimination which is prohibited by law. Sexual harassment is unwelcome verbal or physical conduct of a sexual nature, which creates an unproductive or offensive, hostile, or intimidating working or learning environment and which has a harmful effect on an individual. Federal law provides that it shall be an unlawful discriminatory practice for an employer, because of the sex of any person, to discharge without cause, to refuse to hire, or otherwise discriminate against a person with respect to any matter directly or indirectly related to employment or academic standing. Harassment of an employee or student on the basis of sex violates federal law.

Sexual harassment of employees or students in the University System of Georgia is prohibited (Section 802.18 of Board of Regents Policy) and shall subject the offender to dismissal or other penalties in compliance with procedural due process requirements. Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature are inappropriate in the university environment. Such conduct constitutes sexual harassment when:

1. Submission to such conduct is made explicitly or implicitly a term or condition of an individual's employment or academic standing; or
2. Submission to or rejection of such conduct by an individual is used as a basis for employment or academic decisions affecting an individual; or
3. Such conduct unreasonably interferes with an individual's work or academic performance or creates an intimidating, hostile, or offensive working or academic environment; or
4. The offended party perceives the conduct to have the same effect as described in #1, # 2, and #3 above and the Sexual Harassment Committee confirms that the conduct constitutes sexual harassment.

Examples of sexual harassment may include but are not limited to inappropriate:

- * comments of a sexual nature including remarks about a person's clothing, body, sexual activity, experience, or orientation;
- * suggestive notes, letters, or other written materials;
- * sexually explicit statements, questions, jokes, or anecdotes;
- * suggestive or insulting sounds;
- * suggestive or obscene gestures;
- * displays of sexually oriented materials such as photographs, videos, computer images, graphics, cartoons, or drawings;
- * touching, patting, hugging, or brushing against a person's body;
- * attempted or actual kissing or fondling;
- * invitations or propositions for sexual activity.

This pattern of conduct creates a hostile environment when the conduct unreasonably interferes with a person's work or academic environment. A single remark is not likely to be considered sexual harassment.

Scope of Policy

It is important to note that, under this definition of sexual harassment, it is not necessary that physical harassment occur or be threatened or intended. It is also important to note that conduct of this type can result from a lack of awareness of the offended person's sensitivities or from an attitude of general indifference toward the sensitivities of others.

If lack of awareness or insensitivity is a factor, the most immediate solution to sexual harassment might well be that the offended party advises the other party that he/she finds the other party's conduct (touching, language, graphics, etc.) to be offensive (intimidating, hostile, etc.) and asks that the other party refrain from this conduct. Offensive conduct is a basis for complaint even where no conditions regarding employment or academic standing have been implied or expressed. This policy is intended to cover sexual harassment by peers or by persons at different levels of authority in the work or study environment (for example, faculty-faculty, staff-staff, student-student, student-faculty, faculty-student harassment, etc.) This policy applies only to sexual harassment. Those who feel they have been harassed or discriminated against for other reasons, such as gender or race, should avail themselves of other grievance procedures (see appropriate grievance procedures). More severe behaviors, such as threats to physical safety, should be reported to Public Safety or the police.

Confidentiality

Complaints will be confidential and only proper authorities (see Processing of Complaints section) will be advised of the situation. Any complaint, informal or formal, received by a member of the Sexual Harassment Committee will be reviewed by the entire committee and will be considered confidential.

Retaliation Policy

Retaliation against an individual for reporting sexual harassment or for participating in an investigation is prohibited. Retaliation is a serious violation which can subject the offender to sanctions independent of the merits of the sexual harassment allegation. Examples of retaliatory actions may include but are not limited to punitive uses of:

- * grades;
- * performance evaluations;
- * employee action (e.g., termination, transfer, or demotion);
- * scheduling;
- * resource allocation;
- * work assignments.

Consensual Relationships

Consensual romantic or sexual relationships between supervisor and employee or between faculty and their students are strongly discouraged. No person involved in a consensual relationship should have direct responsibility for evaluating the employment or academic performance or for making decisions regarding the promotion, tenure, or compensation of the other party to the relationship. In the event of an allegation of sexual harassment, the University will be less sympathetic to a defense based upon consent when the facts establish that a professional power differential existed within the relationship.

False Allegations

It is a violation of this policy for anyone knowingly to make false accusations of sexual harassment. Failure to prove a claim of sexual harassment is not equivalent to a false allegation. Those who are falsely accused may avail themselves of other grievance procedures (see appropriate grievance procedures).

Processing of Complaints

Alleged incidents of sexual harassment should be promptly reported. The complainant may choose to file the initial complaint with any chair, administrator, or member of the Sexual Harassment Committee. All complaints consistent with the definitions of sexual harassment herein should be forwarded to and processed by the Sexual Harassment Committee. It should be noted that immediate supervisors, instructors, etc., who are considered to be the offending party in a sexual harassment complaint may be bypassed in processing a complaint.

The names of the members of the Sexual Harassment Committee are listed on the annual Augusta State University Statement on Sexual Harassment, which is posted on central bulletin boards throughout the campus and on the University web site. Names and copies of the policy are also available through the following departments:

- Personnel Services (Katherine and Pickens Street)
- Student Activities (Washington Hall)
- Vice President for Academic Affairs (Payne Hall)
- Vice President for Business and Student Services (Fanning Hall)
- Dean of Students (Boykin Wright Hall)

The complainant will be advised about both the informal and formal steps that can be taken to redress the situation. All allegations of sexual harassment will be investigated promptly and thoroughly by the Sexual Harassment Committee. NOTE: This Policy is consistent with Board of Regents Personnel Policy 802.18 and Section 703 of Title VII of the Civil Rights Act of 1964, as amended. Legal actions for claims of sexual harassment may also be taken under Title IX and Executive Order 11246.

Informal Grievance Procedure

It is advantageous to all members of the University community for allegations of sexual harassment to be resolved promptly and to the satisfaction of all involved parties. Individuals seeking resolution of a sexual harassment complaint may first seek to pursue informal procedures through the Sexual Harassment Committee. As part of the informal step, the Sexual Harassment Committee will undertake an independent informal investigation of the incident.

Informal procedures may include but are not limited to:

1. A discussion between the complainant and one or more authorized officials;
2. A discussion with the person against whom the complaint is made;
3. A discussion with the supervisor(s) of the person against whom the complaint is made; or
4. A discussion between the person against whom the complaint is made and an authorized official.

Formal Grievance Procedure

If a complaint cannot be resolved informally or if the complainant wishes to bypass the informal procedure, the formal grievance procedure may be initiated.

1. The complainant will submit a statement of a grievance to the chair of the Sexual Harassment Committee which shall include a written statement of the alleged incident and the relief desired.
2. The Sexual Harassment Committee will provide a copy of the complaint and the requested relief to the respondent. The respondent shall respond in writing to the Sexual Harassment Committee within ten (10) working days following the receipt of the complaint. The respondent's reply will be provided to the complainant. If the matter is not resolved through the exchange of correspondence, the complaint may proceed to the next step.
3. The Sexual Harassment Committee will arrange a meeting between the complainant and the respondent within ten (10) working days after receipt of the respondent's reply in Step 3 above. This meeting will be chaired by the chair of the Sexual Harassment Committee and attended by members of the Sexual Harassment Committee. The purpose of this meeting is to attempt to reach a mutually agreeable resolution of the complaint. Both the complainant and the respondent may be accompanied by a non-participating advisor. If the outcome of this meeting is not satisfactory, the complaint may proceed to the next step.
4. The Sexual Harassment Committee will undertake an independent investigation of the incident. The procedures for this investigation will include the following:
 - A. The complainant will be afforded the opportunity to file another statement, setting forth in

detail the alleged incidents of sexual harassment, any supporting documentation, and the relief desired;

- B. The Sexual Harassment Committee will invite statements from witnesses suggested by the complainant;
- C. The respondent will be afforded the opportunity to file another statement after reviewing the written statement of the complainant; and
- D. The Sexual Harassment Committee or other authorized individual will invite statements from witnesses suggested by the respondent.

5. Within ten (10) working days after conducting the investigation, the chair of the Sexual Harassment Committee shall prepare a written summary of the proceedings, including a proposed resolution of the complaint. The summary will be sent to the complainant, the respondent, and the appropriate administrators as noted in Step 6 below.

6. If formal complaint is made against a faculty member, the grievance, its process, and the final report of the Sexual Harassment Committee will normally be reviewed with the appropriate chairperson, dean, and with the Vice President for Academic Affairs. If formal complaint is made against an administrator it will normally be reviewed with the immediate supervisor and appropriate vice president. If formal complaint is made against a staff member, it will normally be reviewed with the immediate supervisor, Director of Personnel Services, and the Vice President for Business and Student Services. If formal complaint is made against a student, it will normally be reviewed with the Dean of Students and the Vice President for Business and Student Services.

7. If the proposed resolution detailed in the Sexual Harassment Committee summary is not satisfactory to the complainant or the respondent, either party may, within ten (10) working days of the receipt of the summary, submit a written request for a review by the President. The President shall consider the summary generated in Step 5, the independent investigation conducted in Step 4, and any other pertinent material and render a final institutional decision in the matter within ten (10) working days of the request.