

USF System   USF   USFSP   USFSM   USFP

**Number: 0-008**

**Subject: Diversity and Equal Opportunity: Sexual Harrassment**

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## **I. INTRODUCTION (Purpose and Intent)**

The University of South Florida System (USF System) community is most successful when it is based on respect and fair treatment of all people. The USF System will strive to provide a work and study environment for faculty, staff and students that is free of discrimination, including sexual harassment. As part of the effort to create an environment which is comfortable for all people, the USF System establishes this Policy. Sexual harassment and discrimination are prohibited within the USF System, and complaints of such conduct must be filed with the Office of Diversity and Equal Opportunity (DEO). DEO will review such complaints and provide appropriate response including counseling, mediation, and/or referral for disciplinary action, up to and including termination from employment and/or expulsion from the USF System.

Discrimination and harassment on the basis of race, color, marital status, sex, religion, national origin, disability, age, genetic information, sexual orientation, or military status are also prohibited. Please see USF System Policy Number 0-007, Diversity and Equal Opportunity: Discrimination and Harassment.

## II. DEFINITIONS

### A. Sexual Harassment

**Sexual harassment** means 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 education experience;
2. Submission to or rejection of such conduct by an individual is used as the basis for employment or educational decisions affecting such individual; or
3. Such conduct is sufficiently severe or pervasive so as to alter the conditions of, or have the purpose or effect of substantially interfering with, an individual's work or academic performance by creating an intimidating, hostile, or offensive working or educational environment.

Harassment does not include verbal expression, written or other material that is relevant and appropriately related to the subject matter of a course/curriculum or to an employee's duties. This policy is not intended to abridge academic freedom or the USF System's educational mission. Furthermore, this policy is not violated by actions that amount to expression that is protected by state or federal constitutions.

- B.** For purposes of this Policy only, the term “**employee**” includes, but is not limited to: academic administrators; all faculty; Administration employees; Staff employees;

Temporary employees; or any other employee classifications that may be developed by the Florida Board of Governors or University Board of Trustees.

- C. For purposes of this Policy only, the term “**student**” includes, but is not limited to, any individual who is enrolled in any program of study, or enrolled in any course offered or sponsored by the USF System, whether for credit or not, or engaged in any USF System student activity.
- D. For purposes of this Policy only, the term “**USF System program invitee**” includes, but is not limited to, applicants for admission, applicants for employment, event attendees, and recipients of USF System services.

### **III. STATEMENT OF POLICY**

#### **A. The Following Actions Are Prohibited:**

1. Sexual harassment by or between any faculty member, staff or student, including individuals of the same sex.
2. Sexual harassment by any faculty member, staff or student while assigned to duties or academic programs within the USF System (regardless of their work location) against any individual who is not a faculty member, staff or student, including USF System program invitee(s).
3. Sexual harassment by any vendor or individual external to the USF System against any faculty member, staff, student, or USF System program invitee during the transaction of business with the USF System, during any program or activity coordinated through the USF System, and/or while on USF System premises.

4. Retaliation by any faculty member, staff or student against any individual who, in good faith, has made any allegation of sexual harassment, or who has testified, assisted, or participated in any way in any investigation, proceeding, or hearing conducted under this Policy or any federal or state law.
5. Knowingly making false accusations or allegations of sexual harassment, or knowingly making false statements regarding alleged sexual harassment in any investigation, proceeding, or hearing conducted under this policy or any federal or state law.

**B. Examples of Prohibited Conduct Include, but Are Not Limited To:**

1. Displaying or telling sexually oriented jokes, statements, photographs, drawings, computer images, web sites, videos, slides, graphics, calendars, cartoons, e-mails or other communications.
2. Making sexually explicit or suggestive gestures or sounds.
3. Making actual or implied promises of an employment or educational opportunity or benefit in exchange for sexual activity.
4. Making actual or implied threats to impede or interfere with employment or educational opportunities or benefits for failing to agree to or engage in sexual activity.
5. Inappropriate and unwelcome sexual attention or touching, including but not limited to: leering, patting, fondling, pinching, and attempted or actual kissing.

6. Requesting or coercing sexual intercourse or sexual favors, or attempting to or actually engaging in a sexual assault.

7. Continuing to ask someone for a date after being told "no."

8. Continuing any of the conduct listed in the above examples after being told or being otherwise made aware that the conduct is unwelcome.

Prohibited conduct does not include verbal expression, written or other material that is relevant and appropriately related to the subject matter of a USF System course curriculum or to an employee's duties.

**C. Potential Participants in a Sexual Harassment Situation Include, but Are Not Limited To:**

- Faculty – Faculty
- Faculty – Students
- Faculty – Staff
- Teaching Assistant – Student
- Supervisor – Employee
- Student – Student
- Administrator – Faculty Member
- Administrator – Staff Member
- Staff Member/Administrator – Student
- Staff Member – Staff Member
- USF System Program Invitee – Employee
- USF System Program Invitee – Student

#### **D. Consensual Amorous or Sexual Relationships**

The USF System strives to create and maintain a professional, collegial environment for work and study. Professional and collegial relationships are based on mutual respect and trust. When persons in positions of unequal power engage in amorous or sexual relationships, they should be aware that they may be at risk of being accused of sexual harassment, either during the relationship or after the relationship ends, or being accused of having a conflict of interest. For additional information concerning conflicts of interest, please refer to Ch. 112, Part III, Florida Statutes, the applicable collective bargaining agreement, Board of Governors Rules/Regulations and USF System Regulations.

The USF System recognizes that consensual, amorous or sexual relationships between two people of unequal position or power (e.g. between a supervisor and an employee, faculty member and student, or staff member and student) may become exploitative or lead to charges of sexual harassment. Accordingly, the USF System has adopted a policy governing consensual relationships, (Policy No. 1-022-Consensual Relationships).

#### **E. Cooperation**

All employees and students are to cooperate fully with any investigation and/or compliance review conducted under this policy. Failure to do so may result in disciplinary action for just cause, up to and including termination of employment and/or expulsion from the USF System.

#### **IV. HOW TO FILE COMPLAINTS OR ALLEGATIONS REGARDING SEXUAL HARASSMENT**

**A.** In order to file a complaint with the USF System, an individual must submit such complaints or allegations of sexual harassment to the Office of Diversity and Equal Opportunity (“DEO”). DEO is responsible for investigating sexual harassment complaints/allegations based upon this Policy. A full copy of the procedures used to conduct any investigation is available in DEO, ADM 172; 813-974-4373 or on the website of DEO. (These procedures may be changed without affecting any term of this Policy). The confidentiality and privacy of all parties involved during the DEO investigative process will be maintained to the fullest extent possible. Information will be shared with only those who have a legitimate need to know. Allegations may be filed anonymously through EthicsPoint, the USF System’s website/hotline to confidentially report activities that may involve certain improper conduct or violations of USF System policies. [[https://secure.ethicspoint.com/domain/en/report\\_custom.asp?clientid=14773;1-866-974-U411](https://secure.ethicspoint.com/domain/en/report_custom.asp?clientid=14773;1-866-974-U411)].

This policy does not prevent a person from telling the individual whose actions he or she finds offensive that such behavior or conduct must stop and/or that it is unwelcome.

#### **B. Who Should Report To DEO Under the USF System's Policy:**

1. The person who believes he/she has been sexually harassed; or
2. Any student, faculty member or staff member who has direct or indirect knowledge of the alleged sexual harassment.

**C. Who Must Report To DEO Under the USF System's Policy:**

1. Supervisory employees are required to promptly report (either verbally or through written communications) allegations, reports or instances of sexual harassment by or against any USF System employee(s), student(s) or group(s) to DEO. Failure to do so may result in disciplinary action, up to and including termination of employment.
  
  2. Supervisory employees are any administrative personnel or any employee who supervises one (1) or more individual employees and may include, but is not limited to: Deans, Directors, Department Chairs, Coordinators, Unit Heads, Managers, and Principal Investigators.
  
  3. Supervisors, with respect to students, include all of the positions listed in paragraph (IV.C.2.) all members of the faculty; graduate students with instructional responsibilities when they are supervising or teaching the student(s) who is(are) complaining about possible sexual harassment; academic advisors; residential assistants; faculty advisors; program advisors and student activity coordinators.
- D.** A person who believes that he/she has been sexually harassed should report the incident as soon as possible. A formal complaint must be filed within one hundred twenty (120) days of the incident(s) with DEO.
- E.** If an individual chooses to appeal a decision rendered by DEO, such appeal shall be filed in accordance with DEO's procedure.

**F.** Filing an internal charge of sexual harassment with the USF System does not preclude filing complaints with external agencies and does not affect any deadlines that may be imposed by any agency external to the USF System. The following agencies are available to take such complaints:

1. U.S. Equal Employment Opportunity Commission, Tampa, Florida (813) 228-2310, TTY (813) 228-2003. ([www.eeoc.gov](http://www.eeoc.gov))
2. U.S. Department of Education, Office for Civil Rights, Atlanta, Georgia (404) 562-6358, TDY (404) 562-6454.  
([www2.ed.gov/about/offices/list/ocr/docs/howto.html](http://www2.ed.gov/about/offices/list/ocr/docs/howto.html))
3. Office of Federal Contract Compliance Programs, Orlando, Florida (407) 648-6181. ([www.dol.gov/ofccp](http://www.dol.gov/ofccp))
4. Florida Commission on Human Relations, Tallahassee, Florida 1-800-342-8170, TDD ASCII 1-800-955-1339; TDD BAUDOT 1-800-955-8771.  
([www.fchr.state.fl.us](http://www.fchr.state.fl.us))

**Authorized and signed by:**

**Ted Williams, Associate Vice President for Diversity and Equal Opportunity**  
**Judy Genshaft, President**