

3359-11-13 Sexual harassment policy.

(A) Statement of policy.

- (1) The university of Akron reaffirms its commitment to an academic, work, and study environment free of inappropriate and disrespectful conduct and communication in any form. All stude

condition, either explicitly or implicitly, of obtaining or retaining employment, of obtaining an education, or of obtaining educational benefits or opportunities; or

- (b) Submission to or rejection of that conduct or communication by an individual is used as a factor in decisions affecting that individual's employment, education, educational benefits or opportunities; or
 - (c) Such conduct or communication has the purpose or effect of substantially or unreasonably interfering with an individual's employment, education, educational benefits or opportunities, or creating an intimidating, hostile or offensive employment or education environment. Any sexual harassment as defined herein is limited to conduct or communication by someone in authority, but also includes any sexual harassment as defined herein when perpetrated on any student or employee by any other student or employee.
- (2) Sexual harassment is sexual conduct that is "unwelcome." It may include, but is not limited to:
- (a) Uninvited verbal harassment or abuse such as sexual name calling, jokes, spreading sexual rumors, leers, or overly personal conversations of a sexual nature;
 - (b) Subtle pressure for sexual activity;
 - (c) Inappropriate patting, pinching or fondling, pulling at clothes, or intentional brushing against a student's or an employee's body;
 - (d) Demanding sexual favors accompanied by implied or overt threats concerning an individual's employment or educational status;
 - (e) Demanding sexual favors accompanied by implied or overt promises of preferential treatment with regard to an individual's employment or educational status;
 - (f) Any sexually motivated unwelcome touching, cornering, or blocking an individual's movement;
 - (g) Conditioning a student's grade or academic progress on submission to sexual activity;
 - (h) Hanging or displaying inappropriate and sexually explicit pictures, posters, or drawings in the workplace;

- (i) A pattern of conduct intended to discomfort or humiliate, or both, a reasonable person at whom the conduct was directed that includes one or more of the following: unnecessary touching or hugging, remarks of a sexual nature about a person's clothing or body, or remarks about sexual activity or speculations about previous sexual experience.
 - (3) The university recognizes that not every advance or consent of a sexual nature constitutes harassment. Whether a particular action or incident is a personal social relationship without a discriminatory effect requires a determination based on all the facts and surrounding circumstances. False accusations of sexual harassment can have a serious detrimental effect on innocent parties and all others who are concerned. This policy shall not be used to bring frivolous or malicious charges against fellow students, faculty members, or employees. Such charges may result in discipline against the offending individual pursuant to applicable university disciplinary procedures.
- (C) Retaliation. Under this policy, retaliation is defined as the undertaking of adverse action against students or employees for the exercise of rights under this policy; or for having brought forward a charge of discrimination or sexual harassment, testified, assisted, or participated in any manner in an investigation or hearing or other proceeding under this policy or pursuant to procedures provided by law. The exercise of such legally protected rights shall not reflect upon an individual's status or affect future employment, grades, or assignments when such exercise is pursuant to the terms set forth in this policy.
- (D) Responsibility.
- (1) All persons affiliated with the university have a responsibility to actively oversee and implement this policy. The affirmative action officer shall facilitate and administer this policy consistent with the terms set forth herein and consistent with the state and federal rules, regulations, and laws governing this institution.
 - (2) Any person who believes he or she has been the victim of sexual harassment by an employee, student, or visitor of the university, or any third person with knowledge or belief of such conduct, should report the alleged acts immediately to a university official listed in paragraph (e) of this rule.
 - (3) Employees and students should make clear through affirmative conduct and/or verbal statements to an alleged harasser that such conduct is unwelcome and uninvited and should cease immediately. However, the employee's or student's inability to do so does not, in itself, negate the validity of the offensiveness of the conduct alleged.

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(4) Formal procedures.

(a) Should informal procedures not produce a resolution

individuals from seeking legal counsel. It shall, however, be the responsibility of such individuals to meet any agency filing deadlines.