Understanding Sexual Harassment
Sexual Harassment Policy

Harassment on the basis of sex is a violation of federal and state law. Indiana University does not tolerate sexual harassment of its faculty, staff, or students. Individuals who believe they are victims of sexual harassment, as well as those who believe they have observed sexual harassment, are strongly urged to report such incidents promptly. Indiana University will investigate every sexual harassment complaint in a timely manner and, when there is a finding of sexual harassment, take corrective action to stop the harassment and prevent the misconduct from recurring. The severity of the corrective action, up to and including discharge or expulsion of the offender, will depend on the circumstances of the particular case.

Once a person in a position of authority at Indiana University has knowledge, or should have had knowledge, of conduct constituting possible sexual harassment, the University could be exposed to liability. Therefore, any administrator, supervisor, manager or faculty member who is aware of sexual harassment and condones it, by action or inaction, is subject to disciplinary action.

A. Definitions
Following federal guidelines, Indiana University defines sexual harassment as follows:

Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment 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 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 learning environment.

B. Application
This University policy is designed to protect all members of the University community. It applies to relationships among peers as well as to superior/subordinate relationships. It also applies to all individuals, regardless of their gender or sexual orientation.

C. Provisions
1. Faculty, staff, and students have the right to raise the issue of sexual harassment. Further harassment against complainants or retaliation against complainants or others who participate in the investigation of a complaint will not be tolerated. Appropriate and prompt disciplinary or remedial action will be taken against persons found to be engaging in such further harassment.

2. The University will deal with reports of sexual harassment in a fair and thorough manner, which includes protecting, to the extent possible and to the extent permitted by law, the privacy and reputational interests of the accusing and accused parties.

3. Education is the best tool for the prevention and elimination of sexual harassment. Each dean, director, department chair, and/or administrative officer is responsible within his/her area of jurisdiction for the implementation of this policy, including its dissemination and explanation.

4. It is the obligation and shared responsibility of all members of the University community to adhere to this policy.
How to Recognize Sexual Harassment

Sexual harassment can be a one time occurrence (for example, sex in exchange for promotion or for grades) or a continuing and pervasive pattern of behavior (for example, sexually explicit comments or behavior). The context, severity, and frequency of the behavior must be considered when determining sexual harassment. Listed below are some behaviors which may be considered sexual harassment.

**Non-Verbal Harassment:**
- leering, ogling, and obscene gestures
- circulating sexually explicit materials
- blocking someone’s path

**Physical Harassment:**
- unwanted touching, kissing or fondling
- coerced sexual encounters or assault

If you are unsure of your own behavior, ask yourself, “Would I be acting this way if my spouse/girlfriend/boyfriend were standing next to me?”

How it Feels

Sexual harassment has negative effects on both the individual and the workplace and/or academic environment.

Effects on the **employee or student** can include:
- fear, anger
- guilt, self-blame
- confusion, depression, humiliation
- feelings of isolation, powerlessness
- changed professional goals or academic major

Effects on the **workplace** can include:
- low morale
- absenteeism
- employee turnover
- lowered productivity

- anxiety, nausea, headaches
- nervousness, increased tension
- eating or sleeping disorders
- lowered self-esteem
- decreased participation

- damaged reputation of department
- undermined professionalism
- diminished trust and respect
- cost of staff time and potential legal fees

Finally, sexual harassment interferes with the overall educational mission of the university.
What to Do

Here are some things you can do if you think you are being sexually harassed.

♦ DON'T IGNORE IT.
Sexual harassment will not go away.

♦ SAY NO CLEARLY
Sometimes people don't realize they are being offensive and sometimes the problem can be solved privately. Make your feelings absolutely clear with either verbal or written communications.

♦ REPORT HARASSMENT
Women and men who believe they may be victims of sexual harassment, as well as others who are affected, are encouraged to report such incidents. Indiana University will promptly investigate every sexual harassment compliant, respond, and take corrective action to stop the harassment. Investigations of these complaints will be conducted in a fair and thorough manner, which -- to the extent possible -- protects the privacy and reputation of both the complainant and the accused. Individuals who report concerns about sexual harassment will be protected from retaliation.

♦ DON'T BLAME YOURSELF
Sexual harassment is the responsibility of the harasser, not the victim.

♦ KEEP A RECORD
Note times, places, and specifics of each incident (including people who might be witnesses). Also report your reactions.

♦ GET SUPPORT
Emotional support, including counseling is crucial for a victim of sexual harassment. For counseling you can call Counseling and Psychological Services, 855-5711 or the Employee Assistance Program, 1-888-23-IUEAP.

Where to Go

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<thead>
<tr>
<th>Office of Affirmative Action</th>
<th>Office of Women’s Affairs</th>
<th>Human Resources</th>
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<tbody>
<tr>
<td>Poplars 825</td>
<td>Memorial Hall East 123</td>
<td>Poplars 165</td>
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<tr>
<td>855-7559</td>
<td>855-3849</td>
<td>855-0406</td>
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<tr>
<td><a href="mailto:affirm@indiana.edu">affirm@indiana.edu</a></td>
<td><a href="mailto:owa@indiana.edu">owa@indiana.edu</a></td>
<td><a href="mailto:policy@indiana.edu">policy@indiana.edu</a></td>
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<td><a href="http://www.indiana.edu/~affirm">www.indiana.edu/~affirm</a></td>
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Dean of Students Office
Bryan Hall 205
855-8187

Dean of Faculties
Bryan Hall 111
855-9973
www.indiana.edu/~deanfac

The office receiving the complaint will notify the Office of Affirmative Action, which will serve as a clearing house for all such incidents and will provide investigative procedures.
Questions

Q) Can sexually explicit materials on the Internet or e-mail, screen savers, cartoons, and jokes be considered sexual harassment?
A) Such materials can offend someone and can contribute to a hostile environment. These materials can be used as evidence that such an environment exists. Even if no one has complained, corrective action should be taken to immediately remove the offending materials or stop the comments.

Q) Can I be sexually harassed even if the offending behavior is not aimed directly at me?
A) Yes, if it creates a hostile environment and interferes with your work or education.

Q) Can I ask someone out on a date?
A) Yes. But if the person indicates that he or she is not interested (either by saying “no” or by putting you off repeatedly), stop.

Q) Can men be sexually harassed?
A) Yes. Although most complainants are women who feel uncomfortable with a man’s behavior, men can be sexually harassed by women, and they are protected equally under the law. In addition, men can be sexually harassed by other men and women can be sexually harassed by other women.

Q) What will happen as a result of the complaint?
A) The complaint will first be investigated and, if appropriate, informally mediated. Formal complaints will be heard by the Affirmative Action hearing board. If the board determines the complaint is a violation of the Sexual Harassment Policy steps will be taken to stop the harassment. Severe offense may result in sanctions such as a reprimand, change in assignment, suspension, or dismissal of the harasser from the University.

Q) What about retaliation?
A) Retaliation against complainants or others who participate in the investigation of a complaint will not be tolerated. Retaliation is treated as a separate offense from the original complaint.

Q) What rights do I have if I am accused of sexual harassment?
A) You have the right to know what you have been accused of and to respond to the accusation. Investigations of complaints should be fair and thorough and should protect, to the extent possible and permitted by law, the privacy and reputational interests of the accusing and accused parties.

Q) What about consensual relationships?
A) Consensual relationships can present problems, particularly for people in unequal positions of power. Others may also be affected. Supervisors need to be especially cautious about entering into relationships with employees. Faculty members (including Associate Instructors) need to refer to the Academic Handbook which prohibits consensual relationships between faculty and students when the faculty member has any professional responsibility for the student. Staff should consult the personnel policy manuals distributed by Human Resources Management.

Q) Where should I go for more information on Sexual Harassment?
A) For further information contact the Office of Affirmative Action at 855-7559 (affirm@indiana.edu) or the Office for Women’s Affairs at 855-3849 (owa@indiana.edu)