

Prevention, Support, and Resolution

Guidelines on Sex Discrimination, Sexual Harassment, and Harassment

*Equal Employment Opportunity
Office of Human Resource Services*



Human Resource Services
Office of Equal Employment Opportunity
P.O. Box 115010
Gainesville, FL 32611-5010
352-273-1778

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President's Message

It is an essential goal of the University of Florida to maintain a safe and comfortable workplace and academic environment for all members of the university community. Our policy is clear: sexual harassment will not be tolerated at the university and it should not be ignored. Our zero tolerance policy for sexual harassment prohibits any member of the university community—student, faculty, or staff—from harassing any other member or visitor.

Sexual harassment can be identified as the inappropriate introduction of unwelcome sexual advances, requests for sexual favors, and other verbal and physical conduct of a sexual nature where sex would otherwise be irrelevant. In addition to violating university policies, sexual harassment violates federal and state laws. It may occur in a variety of situations and under myriad circumstances.

Each member of the university community is asked to participate fully in our collective effort to maintain the University of Florida's commitment to zero tolerance of sexual harassment.

J. Bernard Machen
President

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University of Florida Regulations

(1) General Policy Guidelines

a. The University of Florida is committed to maintaining a workplace and educational environment free from sexual and other forms of illegal harassment. Sexual and other harassment is reprehensible and subverts the mission of the University of Florida and will not be tolerated. It threatens the careers of faculty and staff and the educational experience of our students.

b. The purpose of this policy is to prevent sexual harassment and to offer students and employees who believe they have been sexually harassed a means of redress and an environment conducive to learning and working. Retaliation against an individual who truthfully complains about sexual harassment or who cooperates with an investigation of a complaint will not be tolerated.


c. This policy applies to visitors, faculty, staff, students, and volunteers of the university.

(2) Harassment

Harassment is the creation of a hostile or intimidating environment in which verbal or physical conduct is so severe and pervasive that it is likely to interfere significantly with someone's work, education, or on-campus living conditions.

a. Examples of harassing conduct may include epithets; slurs; negative stereotyping; or threatening, intimidating, or hostile acts that relate to race, color, religion, ethnicity, national origin, sex, sexual orientation, age, disability, marital status, or veteran status.

b. Additionally, harassment may include written or graphic material that denigrates or shows hostility



or aversion toward an individual or group because of race, color, religion, ethnicity, national origin, sex, sexual orientation, age, disability, marital status, or veteran status and that is accessed and/or displayed on university equipment.


(3) Sexual Harassment

Sexual harassment, a form of sex discrimination, includes unwelcome sexual advances, requests for sexual favors, and/or other verbal or physical conduct of a sexual nature when:

- a.** The submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or academic status in a university activity, or;
- b.** The submission or rejection of such conduct by an individual is used as the basis for employment or academic decisions affecting the individual's employment or academic status in a university activity, or;
- c.** 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 employment or academic environment.

(4) Types of Sexual Harassment

a. "Quid pro quo" means "this for that." It assumes a power differential and occurs when an employee or student is subject to unwelcome sexual behavior or advances, and submission is made a condition of hiring, advancement, admission, or evaluation in the work or academic setting.



b. “Hostile environment” occurs when unwelcome sexual behavior “unreasonably interferes with an individual’s job performance” or creates an “intimidating, hostile, or offensive” work or academic environment. Hostile environment generally requires a severe and pervasive pattern of behaviors to constitute sexual harassment. The number of times a behavior needs to occur depends on the severity of the behavior.

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

a. Direct, unwanted proposition of a sexual nature and/or pressure for sexual activity that is unwelcome and unreasonably interferes with a person’s employment or academic environment.

b. Direct or implied threats that submission to sexual advances will be a condition of employment, promotion, work status, or advancement in grades, letters of recommendation, scholarships, or any related matter.

c. A pattern of conduct which has the intention or effect of humiliating another, which may include, but is not limited to the following: comments of a sexual nature; sexually explicit statements, questions, innuendos, anecdotes, jokes, pictures, or other written materials of a sexual nature; unwanted touching, patting, kissing, hugging, or brushing against another’s body; remarks of a sexual nature about a person’s clothing or body; or remarks about sexual activity or speculations about sexual experiences.



(5) General Procedures

Anyone who believes that he or she has been subjected to a violation of this policy or related retaliation is strongly encouraged to promptly report such behavior to the Office of Equal Employment Opportunity or any university official, administrator, supervisor, manager, or faculty member.

- a.** Except for student-on student sexual harassment, students are strongly encouraged to report such incidents to the Office of Equal Employment Opportunity. For student-on-student sexual harassment incidents, reports should be directed to the Dean of Students, Office of Student Judicial Affairs.
- b.** Incidents should be reported as soon as possible after the time of their occurrence to allow the university to take appropriate remedial action. No employee or student should assume University of Florida officials knows about a situation or incident.
- c.** Any university official (administrator, supervisor, or manager) who has knowledge of or receives a written or oral report or complaint of a violation of this policy must promptly report it to the Office of Equal Employment Opportunity, and may be disciplined for failing to do so.
- d.** Any faculty member, teaching assistant or staff member with knowledge of sexual harassment of a student must promptly report the incident to the Office of Equal Employment Opportunity, and may be disciplined for failing to do so.
- e.** Other persons who suspect a violation of this policy should report it to an appropriate person in their department / unit or to the Office of Equal Employment Opportunity.




(6) Investigatory Process

a. The Office of Equal Employment Opportunity will investigate complaints of violations under this policy.

b. A complaint alleging a violation of this policy may be submitted in writing using the Complaint Form available at <http://www.hr.ufl.edu> or by providing a written statement that contains the following information:

1. Name and UF employee or student identification number of the complainant(s);
2. Contact information, including address and telephone;
3. Name of person(s) directly responsible for alleged violation(s);
4. Date(s) and place(s) of alleged violations;
5. Nature of alleged violation(s) as defined in this policy;
6. Detailed description of the specific conduct that is the basis of alleged violation(s);
7. Copies of documents pertaining to the alleged violation(s);
8. Name(s) of any witnesses to alleged violation(s);
9. Action requested to resolve the situation;
10. Complainant's signature and date of filing;
and
11. Any other relevant information.



c. Although complaints may also be submitted anonymously, such complaints are more difficult to investigate because of the unique challenges they present in obtaining sufficient information to allow the university to take remedial action.

d. It is expected that complainants will cooperate with the investigation and actively provide information in the time and manner deemed necessary and appropriate by the university to conduct the investigation. Failure to cooperate with the investigation in a timely manner may negate the university's obligation to continue with the investigation, and prevent the university from taking prompt remedial action.

e. Based on the investigatory findings, university officials will take remedial action as appropriate. Follow-up may occur by the Office of Equal Employment Opportunity to ensure that any remedial actions were effective.

(7) Confidentiality

The university recognizes that confidentiality is important, and will attempt to protect the confidentiality of harassment proceedings to the extent reasonably possible and permitted by law. All participants in the process (including the complainant, respondent, and witnesses) are expected to respect the confidentiality of the proceedings and circumstances giving rise to the complaint. Participants are expected to discuss the matter only with those persons who have a genuine need to know, and to respect the privacy of the individuals involved.



(8) Retaliation

University policy prohibits retaliation against an individual for reporting sex discrimination, sexual harassment, or harassment. A student, faculty, or staff member who retaliates in any way because an individual has brought a complaint pursuant to this policy or participated in an investigation of such a complaint is subject to disciplinary action up to and including dismissal from the university.

(9) False Complaints and Duty to Cooperate


Knowingly filing a false harassment complaint, providing false statements, and failing to cooperate in the investigation are prohibited and may lead to disciplinary action.

(10) Consensual Relationships

Participation of a supervisor, faculty member, advisor, or coach in a consensual romantic or sexual relationship with a subordinate employee or student always creates a prohibited conflict of interest that must be reported to the appropriate hiring authority for proper disposition. A conflict of interest is created when an individual evaluates or supervises or has decision making power affecting another individual with whom he or she has an amorous or sexual relationship. Moreover, such relationships, even when consensual, may be exploitative and imperil the integrity of the work or education environment.

a. Conflicts of interest may arise in connection with consensual romantic and/or sexual relationships between faculty or other instructional staff and students or between supervisors and subordinates.

b. Although conflict of interest issues can be resolved, in a consensual romantic and/or sexual rela-



tionship involving power differential, the potential for serious consequences remains. Individuals entering into such relationships must recognize that:

1. The reasons for entering such a relationship may be a function of the power differential; and
2. The individual with the power in the relationship will bear the burden of accountability; and
3. Such a relationship, whether in a class or work situation, may affect the educational or employment environment for others by creating an appearance of improper, unprofessional, or discriminatory conduct.

(11) Training

a. The university provides education and training programs to promote awareness and prevention of sexual harassment. It is expected that all faculty and staff will attend a sexual harassment training seminar within the first year of university employment and attend a refresher seminar when appropriate. Registration information is available at:
www.hr.ufl.edu/training/reg_info.htm#sexualharassment.

b. Education and training programs also include informational materials about the university's Sexual Harassment Policy as well as training for responsible personnel in management and implementation of the complaint procedure.

(12) Policy Dissemination

Please visit the Office of Equal Employment Opportunity web site at *<http://www.hr.ufl.edu/eoo>* for policy information. Persons needing copies of the guidelines may contact the Office of Equal Employment Opportunity at (352) 273-1778.



Letter to the Harasser

People often feel powerless when experiencing harassment and are reluctant to confront the harasser personally. Although the university strongly encourages potential victims of harassment to report it, if the victim chooses not to do so, an alternative is writing a letter directly to the harasser. Mail a copy of the letter to the harasser using registered or certified mail. Keep a copy of the letter for yourself.

The letter should consist of three parts:

- a.** A factual account of what happened – including details of dates and a description of offending behaviors.

- b.** A description of how you feel about what occurred including specific feelings and personal thoughts and opinions.

- c.** A statement of what you want to happen next. Most writers want the behavior to stop, but if a remedy is necessary, it should be included here.



Example Letter to the Harasser:

DATE

Dear Mr. Jones,

In the past month, you have made several comments to me regarding my appearance. Last week this occurred in front of several lab assistants, when you made a joke about small breast size, and then said I didn't have to worry about that. Then yesterday (June 9), at the water fountain, you hugged me hard and pushed yourself against me.

I feel increasingly uncomfortable with this unwanted attention. I find that I am trying to avoid you and that I am embarrassed when I see you. Yesterday, after your hug, I was so upset that I had difficulty concentrating on my work.

I would like to keep our relationship strictly professional. I do not want you to touch me again or to make any more remarks about my appearance.

Sincerely,

Jane Doe



Contact Us

CAMPUS RESOURCES

Human Resource Services
Office of Equal Employment Opportunity
(352) 273-1778
e-mail: eeo@ufl.edu
web site: www.hr.ufl.edu/eeo

Senior Vice President for Administration
(352) 392-1075

Student Judicial Affairs
(352) 392-1261 x 207

CONFIDENTIAL CAMPUS RESOURCES

Counseling Center
(352) 392-1575

Employee Assistance Program (EAP)
(352) 392-5787

Student Mental Health
(352) 392-3261