



## Policy and Procedures Manual Application: All Personnel Section A15 Employee Dating, Sexual Harassment, and Sexual Relationship Policies

### A 15 Employee Dating Policy

#### Policy:

The University strongly believes that an environment where employees maintain clear boundaries between employee personal and business interactions is most effective for conducting business. Although this policy does not prevent the development of friendships or romantic relationships between coworkers, it does establish very clear boundaries as to how relationships will progress during working hours and within the working environment. Individuals in supervisory relationships or other influential roles are subject to more stringent requirements under this policy due to their status as role models, their access to sensitive information, and their ability to influence others.

#### Procedures:

- Employees are strictly prohibited from engaging in physical contact that would in any way be deemed inappropriate by a reasonable person anywhere on University premises, whether during working hours or not.
- Consensual relationship may easily be construed as harassment or exploitation at a later time. Employees who allow personal relationships with coworkers to affect the working environment will be subject to the appropriate provisions of the University disciplinary policy.
- Supervisors, managers, executives or anyone else in sensitive or influential positions must disclose the existence of any relationship with another ECU employee. Disclosure may be made to the immediate supervisor or the Employment Services Office. This disclosure will enable the University to determine whether any conflict of interest exists because of the relative positions of the individuals involved.

#### A 15.1 SEXUAL HARASSMENT, SEXUAL VIOLENCE AND SEXUAL RELATIONSHIPS

**The University condemns sexual harassment and sexual violence in any form, and is committed to providing a harassment free and violence free work environment. Additionally, the Regional University System of Oklahoma has instituted a sexual relationship policy which is applicable to and effective for East Central University.**

Sexual harassment shall be defined as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature in the following context: a) When submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or academic standing; b) When submission to or rejection of such conduct by an individual is used as the basis for employment or academic decisions affecting such individual; or c) When 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 academic environment. Employees alleging sexual harassment should report it to employee's supervisor and the Employment Services Office as soon as possible. All complaints concerning sexual harassment will be thoroughly investigated, with care taken to protect the rights of the complainant as well as the rights of the alleged harasser. A finding of sexual harassment will result in appropriate

disciplinary action which may include a range of actions up to and including dismissal. (See Exhibit II for the complete Sexual Harassment and Sexual Relationship policy and Exhibit III Title IX Grievance Process.)

## **SEXUAL HARASSMENT POLICY**

### **Statement of Policy**

The Policy Manual of the Board of Regents of the Regional University System of Oklahoma states that the Board affirms its commitment to an environment for all employees and students which is safe, fair, humane, and respectful and which supports and rewards employee and student performance on the basis of relevant considerations such as ability and effort. Behaviors which inappropriately assert sexuality as relevant to employee or student performance are damaging to this environment. Sexual harassment by any member of the university community is a violation of both law and Board policy and will not be tolerated. Employees must refrain from any harassment or discriminatory treatment of students and other employees. Sexual harassment will be dealt with promptly by the university administration. (RUSO Policy 5.6.1)

### **Definition of Sexual Harassment**

Sexual harassment shall be defined as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature in the following context:

- a) When submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or academic standing;
- b) When submission to or rejection of such conduct by an individual is used as the basis for employment or academic decisions affecting such individual; or
- c) When 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 academic environment.

### **Examples of Prohibited Conduct**

Conduct, whether in person, in writing, by telephone, through social media, by electronic means, or otherwise, prohibited by this policy includes, but is not limited to:

- a) Unwelcome sexual flirtation, advances or propositions for sexual activity;
- b) Continued or repeated verbal abuse of a sexual nature, such as suggestive comments and sexually explicit jokes;
- c) Sexually degrading language to describe an individual;
- d) Remarks of a sexual nature to describe a person's body or clothing;
- e) Display of sexually demeaning objects and pictures;
- f) Offensive physical contact, such as unwelcome touching, pinching, brushing the body;
- g) Coerced sexual intercourse;
- h) Sexual assault; or
- i) Actions indicating that benefits will be gained or lost based on response to sexual advances.

### **Sexual Violence Prohibited**

Sexual violence is a particularly pernicious form of sexual harassment. Sexual violence on campus, at university-related events, and against students or employees constitutes an emergency that will be reported to proper law enforcement authorities. The University may immediately suspend any employee or student reasonably believed to have committed sexual violence against a person in violation of this policy, with notice and hearing to follow promptly. Each university shall establish procedures for timely reporting, investigation, and resolution of sexual violence incidents.

### **Definition of Sexual Violence**

Sexual violence includes, but is not limited to, rape as defined by 21 Okla. Stat. § 1111; rape by instrumentation as defined by 21 Okla. Stat. § 1111.1; forcible sodomy as defined by 21 Okla. Stat. § 888, assault as defined by 21 Okla. Stat. § 641 when committed in a sexual context, in furtherance of sexual demands, or because of a person's sex or sexual orientation; battery as defined by 21 Okla. Stat. § 642 when committed in a sexual context, in furtherance of sexual

demands, or because of a person's sex or sexual orientation; aggravated assault and battery as defined by 21 Okla. Stat. § 646 when committed in a sexual context, in furtherance of sexual demands, or because of a person's sex or sexual orientation; stalking as described by 21 Okla. Stat. § 1173 when committed in a sexual context, in furtherance of sexual demands, or because of a person's sex or sexual orientation; sexual battery as defined by 21 Okla. Stat. § 1123(B); any sexual act involving a child as described in 21 Okla. Stat. 1123(A); maliciously intimidating or harassing or attempting to maliciously intimidate or harass another person because of that person's sex or sexual orientation; or inciting others, or attempting to incite others to maliciously intimidate or harass another person because of that person's sex or sexual orientation.

### **Retaliation**

Any attempt to penalize or retaliate against a person for filing a complaint or participating in the investigation of a complaint of prohibited sexual conduct with a student or employee, sexual violence, or other sexual harassment will be treated as a separate and distinct violation of the Board policy.

### **Sanctions**

Appropriate disciplinary action may include a range of actions up to and including dismissal and/or expulsion.

## **SEXUAL RELATIONSHIP POLICY**

### **Statement of Policy**

RUSO affirms its commitment to the fair exercise of academic and employment power and adequate protection of individuals with limited power. University employees, including administrators; faculty; coaches; extracurricular, extramural and intramural activities supervisors; graduate assistants; and staff should demonstrate respect for students as individuals and adhere to their proper roles as academic guides, counselors, and facilitators. Employees must refrain from any exploitation of students and other employees. Such use of power to create sexual relationships will be dealt with promptly by the university administration. (RUSO Policy 5.6.2)

### **Sexual Conduct with Students Prohibited**

No employee shall engage knowingly or attempt knowingly to engage in consensual or nonconsensual sexual conduct with any student whom the employee supervises, acts as academic advisor for, or over whom the employee has any power to determine the student's grade; honors; discipline; research opportunity; scholarship opportunity; acceptance in a graduate or other program of study; participation in arts, athletic, academic, or extracurricular competition; work-study assignment; or similar education-related matter. University employees' sexual liaisons with students in such situations exploit position, abuse power, and fundamentally harm the academic relationship. Voluntary intoxication with drugs, alcohol, or other substances shall not negate knowledge.

### **Sexual Conduct with Supervisee Prohibited**

Supervisors' sexual liaisons with their supervisees may exploit position, abuse power, and fundamentally harm the working environment. No supervisor may engage knowingly or attempt knowingly to engage in consensual or nonconsensual sexual conduct with any employee, not his or her spouse, whom he or she supervises, directly or indirectly. Voluntary intoxication with drugs, alcohol, or other substances shall not negate knowledge.

### **Definition of Sexual Conduct**

Sexual conduct includes, but is not limited to, any sex act, erotic touching, romantic flirtation, conversation of a carnal nature, advance or proposition for sensual activity, erotically explicit joke, remark of a carnal nature describing a person's body or clothing, display of an erotic object or picture, and physical contact reasonably believed to be of a sensual or flirtatious manner.

*Sexual conduct* does not include reasonable use or delivery of bona fide lecture and/or instructional acts, statements, or materials.

### **Sanctions**

Sexual conduct with students or employees in violation of this policy will not be tolerated. Appropriate disciplinary action may include a range of actions up to and including dismissal and/or expulsion.

### **Exceptions**

Exceptions to sexual conduct prohibitions consistent with state and federal law may be granted in appropriate circumstances by the university president. The Board shall be notified of any such exceptions in a written, confidential personnel record at least one week prior to the next Board meeting. Exceptions involving presidents may be granted by the Board only.

Also see Title IX Grievance Policy.