**SEXUAL HARASSMENT F010**

05/17/2011

**PURPOSE**

To state the University Policy regarding Sexual Harassment of non-faculty employees of the University.

**DEFINITIONS**

**Employee**  An individual on University payroll who is classified as nonexempt staff (A03-A05).

**POLICY**

It is the policy of the University of Miami that sexual harassment of, or by, any administrator, faculty member, employee, or student is prohibited. A violation of the sexual harassment policy shall constitute grounds for disciplinary action up to and including dismissal from the University. The University reaffirms its commitment to the concept of non-discrimination and to providing a work environment and an educational forum free of sexual harassment.

**Definition:**

Sexual harassment includes, but is not limited to, physical or verbal abuse of a sexual nature including graphic commentaries about an individual's body, sexually degrading remarks used to describe an individual, or unwelcome propositions and physical advances of a sexual nature. Sexual harassment also includes the threat or insinuation that sexual submission or the lack thereof will be used as a basis for employment or educational decisions affecting or interfering with an individual's salary, academic standing, or other conditions of employment, academic, or career development. Any employee who believes that she or he has been subjected to sexual harassment has available two methods for resolving the matter: (1) through an informal procedure or (2) through a formal procedure. The informal procedure is normally to be used first.

Each supervisor is responsible for resolving sexual harassment complaints immediately upon becoming knowledgeable of their existence or at such time as the harassed employee registers a verbal or written complaint with the supervisor. The Equality Administration office is required to inform the employee of the 180 day time limitation as imposed by the Office of Civil Rights. All complaints of sexual harassment, whether filed informally or formally, are to be kept confidential and are not normally discussed with anyone without the consent of the complainant. Such complaints should be filed within 30 calendar days from the date the incident occurred. Retaliation or subsequent harassment against an employee who files such a complaint is prohibited. The Human Resources or Equality Administration office is available to provide assistance at any point during the processing of a sexual harassment complaint. A harassed employee may choose another University employee to serve as a support person throughout the processing of a sexual harassment complaint.
PROCEDURE

Informal Procedure:

Any employee who encounters sexual harassment is encouraged to seek an informal resolution of the problem at the departmental level. However, a harassed employee may choose to discuss the complaint with a counselor or Human Resources or Equality Administration staff person. The counselor may also be a member of the Grievance Review Panel (See Appropriate Policies & Procedures Manual) and is one of several panel members designated to hear sexual harassment complaints. Should a complaint reach formal proceedings, this counselor will be exempt for consideration to serve as a panelist to hear the grievance. The responsibilities of the counselor are:

a) To provide guidance and assistance in resolving the matter
b) Advise the employee of the proper procedure for pursuing sexual harassment complaints, and
c) Inform the Director of Equality Administration so that a confidential record can be maintained.

In all cases of sexual harassment, the immediate supervisor is to notify the Director of Equality Administration of the complaint and the action taken to resolve the matter. This notification normally will be submitted within five working days from the time the complaint was filed.

In cases where sexual harassment occurs among employees in a department, the supervisor is responsible for eliminating such practices immediately.

In cases where the supervisor is the harasser, the employee is encouraged to seek an informal resolution to the problem by taking the issue to the supervisor's immediate supervisor. The immediate supervisor is expected to take prompt steps to resolve the matter and ensure a work atmosphere free of sexual harassment. If the supervisor is a faculty member, the employee is to take the matter to the appropriate department head or dean.

In cases where an employee is sexually harassed by supervisory or administrative personnel, other than the immediate supervisor, or by a faculty member, the employee is encouraged to discuss the matter with her or his own supervisor or the appropriate Human Resources or Equality Administration staff person.

In cases where a University employee is sexually harassed by a sub-contractor or vendor of the University, the employee is encouraged to discuss the issue with her or his immediate supervisor.

If a complaint is not satisfactorily resolved by this informal procedure, the employee may file a formal complaint as described in the next section.

Formal Procedure:

To use this procedure, an employee is required to submit a written statement of the complaint to the Director of Equality Administration. The written statement is to include the following: the names of the employee, the accused, and the witnesses (if any); the date, time, location, and details of the incident; and, the desired resolution. Employees who do not wish to reveal this information will not be able to use the formal procedure, but, will receive counseling and guidance from the Director of Equality Administration.

Upon the filing of a written sexual harassment complaint by an employee, the Director of Equality Administration will contact the appropriate vice president, or dean, if the accused is a faculty member. The Equality Administration office normally will have 15 working days to investigate the charges. The investigation will include the collection of relevant information from various sources, and meetings and interviews with witnesses and others, as deemed necessary. At the conclusion of the investigation, the Director will notify the vice president or dean of the results of
the investigation. Thereafter, the vice president or dean will, in consultation with the Director of Equality Administration, determine appropriate action to be taken.

If the complainant is not satisfied with the final determination involving a non-faculty employee and/or if a mutually satisfactory course of action cannot be identified, the complainant may request a hearing before the Grievance Review Panel (members so designated to hear such complaints) as described in the Nonexempt Policies and Procedures Manuals. The complainant must submit a written request for a hearing before the Grievance Review Panel to the Vice President for Human Resources within five working days after receiving the final determination from the Director of Equality Administration. Please consult the appropriate Personnel Policies and Procedures Manual for details on panel procedures and responsibilities.

In cases involving a faculty member, the Dean or Vice President overseeing the department involved or other appropriate party can bring charges before the faculty committee on Professional Conduct. The procedure and appropriate parties is described in bylaws B4.9 page 24 of the Faculty Manual Guidelines to be used by the Committee are located in Section IX of the Faculty Manual. The chairperson of the Committee is to inform the complainant and the Director of Equality Administration of the results of the Committee's deliberations. The Committee is expected to complete its deliberations as expeditiously as possible; normally, this should be within the 180 day period as required by the Office of Civil Rights.