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Sent: Friday, January 21, 2005 12:35 PM
To: UC-TRIPLE-D@LISTSERV.UC.EDU
Subject: [UC-TRIPLE-D] ADMINISTRATIVE MEMORANDUM #60: University of Cincinnati Institutional Policy on Sexual Harassment

ADMINISTRATIVE MEMORANDUM #60

DATE: January 2005
TO: All Administrative Unit Heads
FROM: Nancy L. Zimpher
RE: University of Cincinnati Institutional Policy on Sexual Harassment

The University of Cincinnati is committed to a professional and academic environment free of illegal discrimination. Illegal discrimination, including sexual harassment will not be tolerated. It is the responsibility of the university administration, faculty, staff, and students to ensure an environment free of harassment and discrimination.

The policy of the University of Cincinnati prohibits members of the university community from engaging in conduct that may constitute sexual harassment. The university community includes: management personnel; staff members; faculty members; students; and customers, vendors, or contractors associated with the university. Anyone who violates this policy is subject to disciplinary action, which may include suspension or termination.

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 success; or
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 study environment.

In addition, harassment without an overt sexual component can also violate the law and university policies under the circumstances outlined in Paragraph 3, where it is shown that the harassment is directed at an individual because of the individual's gender.

Consensual romantic and sexual relationships between a university administrator or supervisor and subordinate employee and between a faculty member and student are strongly discouraged. Such relationships may raise issues of forced consent and do not contribute to the pursuit of academic endeavors and the application of fair employment practices for all employees.

The university will take immediate steps to investigate and, as appropriate, resolve complaints. It is, therefore, important to adhere to the university procedures regarding complaints of sexual harassment. All complaints will

be seriously regarded and handled promptly utilizing the attached University Discrimination Complaint Process.

In determining whether alleged conduct constitutes sexual harassment, the university will look at the record as a whole and at the totality of the circumstances, such as the nature of the sexual advances and the context in which the alleged incidents occurred. The determination whether a particular action violates this policy will be made from the facts, on a case-by-case basis. In cases in which a hostile environment is alleged, a determination of a violation requires not only a finding that the victim regarded the environment as hostile, but also that such conduct was severe, persistent or pervasive and would be considered hostile by any reasonable person. Offensive conduct that does not rise to the level of harassment, however, may be grounds for discipline under other applicable policies.

It is unlawful and against university policy to retaliate against anyone making a complaint of discrimination, including a complaint of sexual harassment, or for participating or cooperating in an investigation of such a complaint. Complaints of retaliation will be handled in the same manner as complaints for discrimination and sexual harassment in accordance with the University Discrimination Complaint Policy.

Although this policy statement relates specifically to sexual harassment, harassment that is directed against a person because of that person's race, color, religion, national origin, sex, sexual orientation, disability, status as a disabled veteran or veteran of the Vietnam era, or age is also prohibited by the university's policies. For additional information on discriminatory harassment generally, with particular reference to the university's enforcement policy as it relates to First Amendment issues, see the University's Policy Statement On Discriminatory Harassment, Administrative Memorandum No. 108.

Questions about this University policy and requests for information about sexual harassment or the procedures for initiating a complaint of sexual harassment should be directed to one of the offices listed below:

The Office of Equal Opportunity, 250 University Hall, 556-5503
The Office of the University Ombuds, 607 Swift Hall, 556-5956
The Office of Employee & Labor Relations, 360 University Hall, 556-6372
The Office of the Senior Vice President and Provost, 5150 at One Edwards, 556-2588
The Office of the Senior Vice President and Provost for Health Affairs, 250 Health Professions Building, 558-6052
UC Women's Center, 571 Steger Student Life Center, 556-4401
Any College Dean's Office

Revised May 1998, October 1999, April 2001, and December 2004.