

**SOUTH CAROLINA STATE UNIVERSITY
PERSONNEL POLICIES AND PROCEDURES MANUAL**

SECTION: Employee Relations	Section: VII
	Subject: H
SUBJECT: Sexual Harassment	Effective: 01/01/06
	Revised: 12/01/05

THE LANGUAGE USED IN THIS DOCUMENT DOES NOT CREATE AN EMPLOYMENT CONTRACT BETWEEN THE EMPLOYEE AND SOUTH CAROLINA STATE UNIVERSITY. THIS DOCUMENT DOES NOT CREATE ANY CONTRACTUAL RIGHTS OR ENTITLEMENTS. THE UNIVERSITY RESERVES THE RIGHT TO REVISE THE CONTENT OF THIS DOCUMENT, IN WHOLE OR IN PART. NO PROMISES OR ASSURANCES, WHETHER WRITTEN OR ORAL, WHICH ARE CONTRARY TO OR INCONSISTENT WITH THE TERMS OF THIS PARAGRAPH CREATE ANY CONTRACT OF EMPLOYMENT.

SEXUAL HARASSMENT

Purpose

The purpose of this policy is to define types of conduct which constitutes prohibited sexual harassment and to establish procedures for the reporting and investigating of such conduct at South Carolina State University.

Policy

It is the policy of the University to maintain an environment that is free from acts of sexual harassment. Acts of sexual harassment in any form, by any employee, regardless of position or employment status are prohibited and such conduct is subject to disciplinary measures. No individual shall be subject to restraint, interference, coercion or reprisal for seeking information about sexual harassment, filing a sexual harassment complaint, or providing information in the course of investigation into alleged sexual harassment.

Prohibited Activity

- A. Unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature which is unwelcome 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 education.
 - 2. Submission to or rejection of such conduct by an individual is used as the basis for employment or academic decisions affecting the individual.
 - 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 environment.
- B. Prohibited acts of sexual harassment can take a variety of forms ranging from subtle pressure for sexual activity to physical assault.

**SOUTH CAROLINA STATE UNIVERSITY
PERSONNEL POLICIES AND PROCEDURES MANUAL**

1. Examples of the kinds of conduct which constitute sexual harassment are:
 - a) Threats or intimation of sexual relations or sexual contact.
 - b) Continual or repeated verbal or non-verbal communication of a sexual nature including graphic commentaries on the person's body; sexually suggestive objects or pictures placed in the work or study area that may embarrass or offend the person; sexually degrading words to describe the person, or propositions of a sexual nature.
 - c) Threats or insinuations that the person's employment, grade, wages, promotional opportunities, work or classroom assignments, or other conditions of employment or academic life may be adversely affected by not submitting to sexual advances.
2. Examples of the kinds of conduct which may constitute sexual harassment are:
 - a) Repeatedly or persistently asking the person for a date after being refused.
 - b) Engaging the person in unwanted conversations of a sexual nature.
 - c) Unnecessary patting, pinching, hugging, touching or brushing against the person.

Complaint Procedures

- A. Any individual who feels that he or she has been the victim of sexual harassment shall contact the Human Resources Director to file a complaint of sexual harassment.
- B. Upon being advised of a complaint of sexual harassment, the Human Resources Director shall meet with the complainant to review the complaint. The complaint will then be investigated by the Human Resources Director and/or one or more persons designated by the Human Resources Director. In exceptional circumstances, depending on the nature of the alleged offense, it may be necessary to suspend an alleged offender prior to beginning a formal investigation of the complaint. Reinstatement or disciplinary action will depend on the findings.
- C. The investigators shall interview the complainant, alleged offender and any witnesses as identified by either party. Each person shall be interviewed separately and accurate documentation must be kept. The investigation shall be completed in an expeditious manner.
- D. Upon conclusion of the investigation, a written report shall be submitted to the President by the investigators based on the record of investigation. The record shall include all evidence, interviews and information relevant to the investigation.

**SOUTH CAROLINA STATE UNIVERSITY
PERSONNEL POLICIES AND PROCEDURES MANUAL**

- E. If the investigation determines that a complaint is without merit or is false, it shall be dismissed. Disciplinary action may be taken if it appears that willful false accusations have been made.
- F. If the investigation determines that sexual harassment did in fact occur, disciplinary action and/or other remedy shall be recommended.

Disciplinary Action

- A. Disciplinary action for acts of sexual harassment will be taken in accordance with University disciplinary guidelines.
- B. It is the responsibility of supervisors to discourage conduct by their employees which is inappropriate and may be construed as sexual harassment, and to make their employees aware of the University's policy concerning sexual harassment. Supervisors who condone or fail to take corrective action shall be subject to disciplinary action themselves.

Confidentiality

All efforts shall be made to maintain the confidentiality of complaints and investigations of complaints. Sexual harassment complaints and subsequent reports of investigations shall be maintained in files maintained by the Office of Human Resource Management, separate and apart from the official personnel file.