

# **SALISBURY UNIVERSITY POLICY PROHIBITING SEXUAL AND OTHER DISCRIMINATORY HARASSMENT**

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Salisbury University encourages an atmosphere of physical, psychological, and social well-being which offers all members of the University community an environment that provides opportunities to work, learn and develop with the human dignity that caring individuals bestow on one another. As a result, intimidation and harassment of any kind and, specifically, harassment motivated by gender, race, religion, national origin, sexual orientation, age, or disability are expressly prohibited. Discriminatory harassment of all types is serious. When it occurs between faculty and students or between supervisors and subordinates, it exploits the unequal power structure inherent in these relationships. When it occurs between students or co-workers, it may create an intimidating or hostile environment in which to learn or work. It is unacceptable conduct and will not be tolerated by the University.

Salisbury University defines sexual harassment to include unwelcome sexual attention, unwelcome requests for sexual favors and other verbal or physical behavior of a sexual nature when

- submission to the conduct is either explicitly or implicitly a term or condition of an individual's academic or work program; and
- submission to or rejection of the conduct by an individual is used as the basis for academic or work decisions affecting that person.

In addition, sexual and other discriminatory harassment can include conduct that unreasonably limits an individual's ability to fully participate in work or school, interferes with work or academic performance, or creates a hostile, offensive, or intimidating work or academic environment and has no legitimate relationship to the subject matter of the course or the demands of the workplace.

Some examples of behaviors that could be perceived as harassing include, but are not limited to, graphic comments, offensive e-mail transmissions, and offensive or suggestive graphics visible on public display or on the Internet. In addition, sexual harassment can include the display of sexually graphic objects and persistent and unwelcome sexual advances.

Harassment does not include verbal expressions or written material that is relevant and appropriately related to course subject matter or curriculum. This policy shall not be construed so as to abridge the right to academic freedom that is consistent with the University's mission and federal and state law.

Sexual and other discriminatory harassment violate Salisbury University policy and may violate federal and state civil or criminal law. Persons who feel that they may have been subject to harassment based on their protected status should immediately seek assistance and report their concerns using the Salisbury University Procedures for Pursuing Complaints of Sexual or Other Discriminatory Harassment. Retaliation against a person who makes a complaint of harassment prohibited by this Policy or is a witness in a harassment investigation is also expressly prohibited by this Policy.

In addition, due to the potential for serious harm to innocent persons, the filing of a known untruthful complaint of harassment is also expressly prohibited. The failure to prove to the Fair Practices Officer or the hearing committee that discriminatory harassment has occurred is not, by itself, evidence that a knowingly untruthful complaint has been made.

### **Consensual Romantic or Sexual Relationships**

In its commitment to foster an educational or work environment free from all forms of harassment and discriminatory behavior, Salisbury University strongly discourages any romantic or sexual relationships between faculty and student, supervisor and subordinate employee, and any other relationship where a power differential exists between the parties. Even if consensual, these relationships are always a cause for concern because:

- a) they may involve one person's exerting power over another;
- b) conflict of interest issues may arise in evaluating a student or employee;
- c) there is a strong potential for retaliation when a relationship ends;
- d) a third party may allege favoritism; and
- e) they undermine the professional interaction upon which faculty-student and supervisor-subordinate relationships should be based.

When such a relationship ends, there is a risk that one of the parties will retaliate for the break-up and/or that a claim of sexual harassment will be made. Retaliatory acts themselves may constitute sexual harassment prohibited by University policy. The University's Administration

warns that a sexual harassment claim in the context of a failed consensual relationship could be difficult to defend.

Persons who need more information about this Policy or who desire to pursue a complaint under this Policy should contact the SU Fair Practices Officer, located in Room 233 of Holloway Hall.

Persons found to be in violation of this Policy may be subject to disciplinary action and/or other appropriate sanctions.

*Sexual Harassment Policy & Procedures*  
*Approved by Dr. Janet Dudley-Eshbach, President*  
*April 11, 2001*  
*Updated: December 22, 2008;*  
*February 23, 2009*

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*SU Policy and Procedures on Prohibiting Sexual and Other Discriminatory Harassment conform to the following policies of the University System of Maryland Board of Regents:*

*BOR VI-1.20 Policy on Sexual Harassment*  
*(Approved by the Board of Regents, June 5, 1992)*

*BOR VI-1.05 Policy of Non-Discrimination on the Basis of Sexual Orientation*  
*(Approved by the Board of Regents, July 11, 1997)*