



Office of the Commissioner of Higher Education
Personnel Policies

SUBJECT: Sexual Harassment

Policy Number: 404.0

Adopted: December 10, 2001; Updated: March 2016

I. Policy

Sexual harassment of employees by co-workers or supervisors is prohibited. Sexual harassment includes unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature when:

1. submission of such conduct is made implicitly or explicitly as a term or condition of an individual's employment;
2. submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individuals; or
3. such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive environment.

Sexual harassment may also include display or circulation of written or electronic materials or pictures degrading to either gender and verbal abuse or insults directed at or made in the presence of either gender. Violations of this policy may result in disciplinary action.

II. Procedures

An employee who believes he or she has been the subject of sexual harassment should, as soon as practicable, bring the alleged act to the attention of the EEO officer. Early reporting is encouraged because the ability to investigate and act on complaints diminishes with time. If the complaint is against the EEO officer the complaint shall be filed with the Commissioner who shall appoint another person to investigate the complaint. The EEO officer shall investigate and respond to the complaint within 30 calendar days of notification. The employee making the complaint shall cooperate with the EEO officer in investigating and verifying the complaint. As part of the investigation the person about whom the complaint is made shall be informed of the complaint and be given an opportunity to respond to the charges. The EEO officer shall prepare a report and make a non-binding recommendation to the Commissioner of Higher Education.

The Commissioner of Higher Education shall make the final determination on the proposed action to be taken. The report and the Commissioner's decision shall be given to the employee making the complaint and the employee about whom the complaint is made. If the employee making the complaint is not satisfied with the Commissioner's decision, the employee may file an appeal with the Board of Regents in accordance with Board of Regents policy 203.5.2.