Purpose and Scope

To establish a definition and policy concerning sexual harassment and sexual assault. This Policy applies to all employees and students at all University locations.

Definitions

*Sexual Harassment* is any unwelcome verbal or physical sexual advances, sexually explicit derogatory statements, sexually explicit materials or sexually discriminatory remarks made by a member of the University community, which are offensive or objectionable to the recipient or which cause the recipient discomfort or humiliation or which interfere with the recipient's job performance or educational experience. Unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature constitute sexual harassment when:

- such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating a hostile or offensive working or academic environment
- submission to or rejection of such conduct by an individual is used as the basis for employment or academic decisions affecting that individual
- submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or academic standing

Below are examples of conduct which may, if continued or repeated, constitute sexual harassment. This is not an exhaustive list, but instead serves to provide some examples.

*Verbal harassment* may include:

- unwelcome sexual propositions
- graphic comments about a person's body
- sexually degrading words used to describe a person
- derogatory or sexually explicit statements about an actual or supposed sexual relationship

*Physical harassment* may include:

- unwelcome touching, patting, pinching or any other inappropriate physical contact

Other types of sexual harassment may include:

- derogatory gender-based humor
- sexually suggestive objects or pictures in the workplace or on public display
• suggestive looks, gestures or insulting sounds
• sexually suggestive internet, mail or other electronic/web documents

Sexual Assault is an act of violence, aggression and power in which the victim, under protest, is forced to have sex or perform sex acts through verbal coercion, threats, physical restraint and/or physical violence. The definition of sexual assault varies widely by state so please note that this definition may not be accurate for all states.

Policy

All employees and students have a right to an environment free of discrimination, including freedom from sexual harassment, sexual assault or other types of harassment (see also 8.3.10 Harassment and Nondiscrimination Policy). It is the policy of Embry-Riddle Aeronautical University that no employee or student may sexually harass/assault another or threaten the health or safety of any member of the University community, any person on University property, or any person at a University sponsored or supervised activity. Furthermore, it is the responsibility of every employee to report any suspected physical or sexual abuse of a child to a university official. The intent of this policy is not to create a climate of fear but to foster responsible behavior in an academic and working environment free from any and all types of harassment and discrimination.

Any member of the University community who violates this policy will be subject to disciplinary action up to and including termination of employment. This is in addition to any civil or criminal actions which may be in process or pending.

Victims' Rights

Victims of sexual harassment and/or assault have the right to have their claims treated with seriousness and privacy. All claims will be promptly investigated by University officials and/or the proper local authorities. Campus personnel will assist and cooperate with investigations in any way possible. Victims will have access to any type of counseling services available at or offered by the University such as through the student counseling center the employee assistance program (EAP). Efforts will be made by University officials to ensure that any further unwanted contact with alleged assailant(s) is minimized or eliminated if possible.

Any retaliatory action taken by any employee or student against any other employee or student as a result of that person filing a sexual harassment or sexual assault complaint is strictly prohibited.

Responsible Authority: VICE PRESIDENT, HUMAN RESOURCES

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