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Supervisor's Manual

Subject: 6.05 Sexual Harassment

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1. Policy

The University of Hartford affirms its commitment to ensuring an environment for all employees and students which is fair, humane and respectful - an environment that supports and rewards employee and student performance on the basis of relevant considerations such as ability and effort. Behaviors which assert sexuality as relevant to employee or student performance are damaging to this environment.

Such behaviors are prohibited by federal regulations, which state: Harassment on the basis of sex is a violation of Sec. 703 of Title VII. Unwelcome sexual advances, requests for sexual favors and other verbal, nonverbal or physical conduct of a sexual nature constitute sexual harassment when (a) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment, (b) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual, or (c) such conduct has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment.

The University of Hartford applies the same protection to students in the academic learning environment. The Office for Civil Rights, U.S. Department of Education's memorandum, "Title IX and Sexual Harassment Complaints," defines sexual harassment as follows: Sexual harassment consists of verbal, nonverbal or physical conduct of a sexual nature, imposed on the basis of sex by an employee or agent of a recipient that denies, limits, provides different or conditions the provision of aid, benefits, services or treatment protected under Title IX.

The University of Hartford deplors such conduct as an abuse of authority, and thus it is an official University policy that sexual harassment on or by either employees or students will not be tolerated. The University accepts that sexual harassment, like any civil rights violation, generates a harmful atmosphere. The University will act positively to investigate alleged harassment, and to affect a remedy when an allegation is determined to have validity. Complaints about sexual harassment by employees should be registered with the office of HRD, unless otherwise provided in this policy. Complaints about sexual harassment by students should be registered with the office of the Dean of Students.

2. Procedures

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Instances of harassment which result in negative consequences are actionable offenses and can be handled through legal channels. Advice regarding legal recourse is available from HRD. Strategies that can be communicated short of legal channels include the ones named below.

Individual Action by the Complainant

- a. In circumstances not jeopardizing one's personal safety, communicate clearly to the offender that the behavior is not humorous nor welcome, and should cease immediately.
- b. A detailed record of the incident should be kept, including when it took place and the names of any witnesses.
- c. Support from a close friend or trusted associate may be sought, sharing one's feelings and experiences in an attempt to cope with the frustration of a difficult situation, may help in the process.
- d. Advice on how to deal with the situation may be requested from either HRD or the Dean of Students.
- e. Regular full-time and regular part-time employees have access to the Employee Assistance Program. (See also Employee Assistance Program.)

Complaint Procedure

Any employee or student of the University of Hartford who suspects that he/she has encountered sexual harassment, as defined in the University policy statement included in this section, should report the incident(s) immediately to the office of HRD (if the reporting individual is an employee) or the office of the Dean of Students (if the reporting individual is a student). The reporting individual should, within 90 days of the most recent incident, submit a written description of the incident to HRD or the Dean of Students, and shall include the resolution/remedy sought.

- a. If the reporting individual desires primarily to discuss personal thoughts and feelings, or consider ways in which to deal individually with the incident(s), HRD and/or the Dean of Students will offer consultation and advice.
- b. If the reporting individual wishes to seek a remedy for an instance of sexual harassment, HRD will explain the avenues of recourse which are available.
- c. Any reporting individual who wishes to file a complaint will be assisted by HRD in taking the complaint through the formal procedure. The party charged will be advised of the identity of the complainant and the details of the alleged acts.
- d. A complaint will not be carried forward under this procedure contrary to the wishes of the reporting individual. Action will be taken, however, to address any actions or conditions which constitute quid pro quo harassment or create an intimidating, hostile or offensive working environment. However, even if the reporting individual does not wish to pursue a complaint, HRD or its designee will not be precluded from conducting an investigation of the underlying circumstances of a situation and from taking appropriate corrective action.

Complaint Investigation

If further examination of a complaint or situation underlying a complaint is warranted, HRD shall:

- a. implement an investigation, to be conducted by HRD or its designee, to ascertain the pertinent facts;
Note: If a complaint is filed by a reporting individual, cooperation is expected by all parties. Failure to do so may result in a negative inference being made.
- b. make a good faith effort to resolve the complaint or underlying situation through mediation and informal processes;
- c. in the event that informal resolution fails, take one of the following courses of action:

- (1) If HRD believes there is insufficient evidence to support the complaint, it shall dismiss the complaint and provide the complainant with a brief written statement of reasons for the dismissal.
- (2) If the complaint is against an employee, and if based upon the investigation the complaint is found to have validity, HRD shall recommend suitable corrective action to the appropriate senior officer (the Provost or vice president). The accused may be suspended from duty during this process if the Director of HRD or designee deems it warranted, based upon the investigation and in consultation with the supervisor of the accused.
- (3) If the underlying situation investigated by HRD or its designee is based upon the actions of an employee, and if based upon the investigation, the underlying situation involves conduct which constitutes a violation of the Sexual Harassment Policy, HRD shall recommend appropriate corrective action to the appropriate senior officer.
- (4) If the complaint is against a student, and if based upon the investigation the complaint is found to have validity, the complainant will be advised to request that the procedures under the University Judicial Code be invoked.
- (5) If the underlying situation investigated by HRD or its designee is based upon the actions of a student, and if based upon the investigation, the underlying situation involves conduct which constitutes a violation of the Sexual Harassment Policy, the matter will be referred by HRD to the Dean of Students for resolution under the University Judicial Code.

Action Taken at the Provost / Vice President Level

- a. The Provost or appropriate vice president shall conduct a prompt and thorough review of the record and a decision shall be rendered within a reasonably prompt period following receipt of the record from HRD.
- b. The Provost or appropriate vice president may:
 - (1) affirm the recommendation of HRD; or
 - (2) request an additional investigation to be implemented by HRD or its designee; and/or may re-interview any parties or witnesses; and shall confer with HRD regarding appropriate corrective action to be taken to remedy the complaint or underlying situation; or
 - (3) reject the recommendation of HRD, in whole or in part, based upon the relevant facts disclosed by the entire investigation, and after conferring with HRD in the situation where sexual harassment has occurred, recommend appropriate corrective action.
- c. Based upon these activities, the Provost or appropriate vice president may take any one or more of the following courses of corrective action:
 - (1) a letter of warning to the respondent, with a copy placed in the respondent's official personnel file;
 - (2) a letter of reprimand to the respondent, with a copy placed in the respondent's official personnel file;
 - (3) such disciplinary action, up to and including termination, as is deemed appropriate for an employee violation of University policy;
 - (4) referral to the appropriate dismissal procedures, under the Faculty Policy Manual in the event the respondent is a member of the full-time faculty;
 - (5) initiation of procedures intended to restore or rectify a loss suffered by the complainant.
- d. The Provost or appropriate vice president shall, with reasonable promptness, notify the President, HRD, the complainant and the respondent of the action(s) taken.

