PC 215 • 305-348-2785
Florida International University

Sexual Harassment

Policy to prohibit

(a) Sexual harassment undermines the integrity of the academic and work environment, and prevents its victims and their peers from achieving their full potential. All members of the University community are entitled to work and study in an atmosphere free of sexual harassment, and all employees are entitled to work and study free of sexual overtures or innuendos that are sexually abusive or unprofessional.

(b) It shall be a violation of this rule on sexual harassment for any officer, employee, student or agent to sexually harass, as sexual harassment is hereinafter defined, any other officer, employee, student or visitor or agent. Sexual harassment is a type of misconduct which shall result in disciplinary or other action as provided by the Florida Administrative Code, 6C8-4.006 and 6C8-4.015, Florida Administrative Code.

(c) When an individual evaluates or supervises another individual with whom he or she has an amorous or sexual relationship, a conflict is created. The University discourages amorous or sexual relations between employees and students. Such relationships, even when consensual, may be exploitive, and imperil the integrity of the educational process or work environment. They may also lead to charges of sexual harassment or verbal abuse and thus require the resolution of any conflict of interest created by these relationships.

(d) Whenever a conflict of interest situation arises or is reasonably foreseen, the employee in a position of authority must resolve any potential conflict of interest by taking necessary steps, including removing himself or herself from evaluative decisions concerning the other individual. If he or she is unable to resolve personally the conflict of interest, he or she is required to inform the immediate supervisor promptly and seek advice and counsel in dealing with the conflict. The employee, along with the supervisor, is responsible for taking steps to ensure unbiased supervision or evaluation of the employee or student. Failure to resolve potential or actual conflict of interests as described in this rule will result in disciplinary action, in accordance with Rules 6C8-4.006 and 6C8-4.015, Florida Administrative Code.

Definitions

(a) For the purposes of this rule, sexual harassment is defined as any unwelcome sexual advances, requests for sexual favors or other verbal or physical conduct of a sexual nature which:

1. makes submission or rejection of such conduct either explicit or implicit to any condition of employment or academic decisions affecting the individual;
2. unreasonably interferes with the individual's employment or academic performance by creating an intimidating, hostile or offensive environment.

(b) Conduct which falls into the definition of sexual harassment includes, but is not limited to:

1. Suggesting or implying a desire for sexual activities.
2. Use of sexually suggestive terms or gestures to describe a person's body, clothing, or sexual activities.
3. Displays or communications through any medium, including, but not limited to, electronic communications, shall be prohibited. Displays or communications shall be prohibited that involve sexually suggestive pictures or materials in the workplace.

Procedures for Reporting Violations and Conducting Investigations and Complaints

The procedures described in Rule 6C8-1.000 shall be followed.

Prohibition of Retaliation

No University employee shall retaliate against a complainant. Any attempt to punish a student, employee or agent for initiating a complaint through any form of retaliation shall be treated as a separate allegation of discrimination.

Frivolous or Malicious Complaints

In the event that a claim of sexual harassment is found to be frivolous or malicious, appropriate University sanctions shall be taken against the complainant, including disciplinary action where appropriate. Disciplinary action against students shall be taken in accordance with the University's code of conduct for students.

General University Responsibility

(a) It is expected that vice presidents, deans, chairs, department heads, directors and other supervisors shall conduct and take corrective action whenever instances of sexual harassment are either observed or reported to them. While the decision regarding resolution remains within the unit, all allegations of sexual harassment are to be immediately reported to the Office of Equal Opportunity Programs, which will provide advice and monitor the administrator's actions and take appropriate action.

(b) There may be instances in which a potential complainant is unable or unwilling to pursue a complaint of sexual harassment, but where the University administration is aware of the behavior and may incur liability if action is not taken. In such instances, the Office of Equal Opportunity Programs may choose to pursue an investigation of the alleged offense. The decision of whether or not to pursue an administrative complaint will be based on the egregiousness of the alleged offense, the basis for the aggrieved party's decision not to pursue a complaint, and the apparent evidence supporting the allegations. The decision to pursue an administrative complaint will be made by the director of the Office of Equal Opportunity Programs in consultation with the Vice President of charge of the aggrieved party's unit and the Vice President in charge of the alleged offender's unit, in the event that the two parties are in different units. If the complaint is filed within 60 days of the alleged act(s) of discrimination and shall follow the same procedures and time-lines as formal complaints except that no complainant will be named.

Education and Notification

(a) Copies of this rule shall be widely disseminated in order that faculty, staff and students clearly understand which activities are prohibited by the rule. The University regards sexual harassment as a serious offense.

(b) The rule shall also be made available to vice presidents, deans, chairs, department heads and directors and other supervisors. Requests for additional copies of this rule should be directed to the Office of Equal Opportunity Programs. Abandoned workplace copies shall be made available for students, faculty and staff. Additionally, this rule shall be included in the University catalog, the student handbook, and other University literature. Periodic workshops and other educational programs shall be offered to University personnel regarding the topic of sexual harassment.

The rule will be reviewed on a periodic basis to ensure responsiveness to campus needs.

This review may include follow-up interviews with complainants, persons complained against, and administrators who have used the process.


Florida International University is an Equal Opportunity-Equal Access Employer and Institution.

Contact Barbara Osborns, Director Office of Equal Opportunity Programs at 905-348-2756, or for other information, TDD, via FRS 1-800-955-8771.