XV. Sexual Harassment
OPSU strictly prohibits sexual harassment in any form. Sexual harassment includes instances in which an individual in a position of power or authority implies coercion or harassment. It may include employees or student conduct of a sexual nature that unreasonably interferes with a student’s educational performance. It may consist of a variety of behaviors by an employee or a student including, but not limited to, inappropriate language, touching, subtle pressures for sexual activities, or demand for sexual favors. Violation of this policy could result in suspension or expulsion from the college. Inappropriate behavior should be reported to the Dean of Student Affairs, Sewell-Loofbourrow 126, 349-1360

OPSU Faculty Handbook

1.6 SEXUAL HARASSMENT
OPSU explicitly condemns sexual harassment of students, staff, and faculty and will not tolerate such conduct on or off campus. Sexual harassment is unlawful and may subject those who engage in it to University disciplinary sanctions as well as civil and criminal penalties. This policy is designed to apply to employment and/or academic relationships among faculty, staff, and students.

1.6.1 Definition
Sexual harassment is defined as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

1. Submission to or rejection of such conduct is made explicitly or implicitly a term or condition of instruction, employment, status or participation in any course, program or other university activity.
2. Submission to or rejection of such conduct is used as a basis for evaluation in making academic or personnel decisions affecting an individual.
3. Such conduct has the purpose or effect of unreasonably interfering with an individual’s work or educational performance or of creating an intimidating, hostile or offensive environment for work or learning.
Whenever there is an instance of alleged sexual harassment, or reprisal for reporting same, prompt and corrective action shall be taken.

1.6.2 Policy
It is the policy of Oklahoma Panhandle State University that sexual harassment of faculty and staff is prohibited in the work place and in the recruitment, appointment, working conditions, and advancement of employees. Sexual harassment of students is prohibited.
in and out of the classroom and in the evaluation of students’ academic performance.

It is also the policy of the university that accusations of sexual harassment, which are made without good cause, shall not be condoned. It should be remembered that accusations of sexual harassment are indeed grievous and can have serious and far-reaching effects upon the careers and lives of individuals. This policy is equally applicable to faculty, staff, and students.

This policy is in keeping with the spirit and intent of various federal guidelines, which address the issue of fair employment practices, ethical standards and enforcement procedures.

http://www.opsu.edu/dwn/HR_Faculty_Handbook.pdf pg 21

1.6.3 Complaint and Grievance Procedure

Sexual harassment is against the law and requires immediate attention and appropriate disciplinary action.

A complaint must be filed within 180 days of the incident to be handled under this procedure.

Employees, students, or other individuals who feel aggrieved because of conduct that may constitute sexual harassment should inform the person engaging in such conduct that such conduct is offensive and must stop. If such conduct does not stop, relief should be sought through the procedure below.

If a student or worker feels uncomfortable about confronting the person engaging in the conduct, they should seek assistance as follows: Anyone who feels victimized by this behavior should contact proper supervisory personnel and/or the affirmative action officer. A supervisor receiving such a complaint should immediately advise the affirmative action officer to confer on appropriate action and determine if the problem can be resolved informally.

If the complaint cannot be resolved informally, the complainant must submit a written complaint of investigation. After investigation, the affirmative action officer may convene a committee in a formal setting to review written charges, hear evidence and testimony and make a determination on the evidence as to whether harassment did occur. If the finding is that sexual harassment did occur, the supervising vice president in concert with the affirmative action officer will take disciplinary action.

At every step of the procedure, confidentiality will be maintained to protect the individuals involved. Employees or students failing to restrict confidential information or who give false information will be subject to disciplinary action.

http://www.opsu.edu/dwn/HR_Faculty_Handbook.pdf pg 22
6.13 HARASSMENT
Harassment on the basis of sex includes unwelcome advances initiated by an employee toward another person or other verbal or physical conduct of sexual nature which would also constitute sexual harassment when (1) submission to such conduct is made either explicitly or implicitly a term or condition of a subordinate’s employment, (2) submission to or rejection of such conduct by a subordinate, colleague, or student is used as a basis for employment decisions or academic decisions affecting such individual, or (3) such conduct has the purpose or effect of substantially interfering with a subordinate's, colleague's, or student's work performance or creating an intimidating, hostile, or offensive work or study environment.

A detailed recitation of the procedures that will be followed in response to cases of alleged sexual harassment, as well as other related issues, is set forth in Appendix C.

6.14 SEXUAL RELATIONSHIPS POLICY
The University's educational mission is promoted by professionalism in faculty-student relationships. Professionalism is fostered by an atmosphere of mutual trust and respect. Actions of faculty members and students that harm this atmosphere undermine professionalism and hinder fulfillment of the University's educational mission. Trust and respect are diminished when those in positions of authority abuse, or appear to abuse, their power. Those who abuse, or appear to abuse, their power in such a context violate their duty to the University community.

Staff may be in a position to exert authority and control over students. Staff must be conscious of the potential for abuse of power inherent in their relationships with students. Students rely on staff for assistance and guidance in dealing with issues such as scheduling of classes, financial aid, tutoring, housing, meals, employment, educational programs, social activities, and many other aspects of university life. Those who deal with students are expected to provide them with support and positive reinforcement. Staff who would deal with students in a sexual manner abuse, or appear to abuse, their power and violate their duty to the University community.

The terms "staff" or "staff members" mean all employees who are not faculty and include academic and non-academic administrators as well as supervisory personnel. The term "sexual relationship" may include amorous or romantic relationships and is intended to indicate conduct, which goes beyond what a person of ordinary sensibilities would believe to be a collegial or professional relationship.

http://www.opsu.edu/dwn/HR_STAFF_HANDBOOK.pdf pg 55
6.14.1 Staff/Student Relationships
Sexual relationships between staff and students are prohibited in cases where the staff member has authority or control over the student. A staff member who fails to withdraw from participation in activities or decisions that may reward or penalize a student with whom the staff member has or has had an amorous relationship will be deemed to have violated his/her ethical obligation to the student, to other students, to colleagues, and to the University.

6.14.2 Complaint Procedure
A detailed recitation of the procedures that will be followed in response to cases of alleged sexual harassment, as well as to other related issues, is set forth in Appendix C.

http://www.opsu.edu/dwn/HR_STAFF_HANDBOOK.pdf pg 56

APPENDIX C
SEXUAL HARASSMENT

Oklahoma Panhandle State University is committed to providing a work environment that is free of discrimination. Actions, words, jokes, or comments based on an individual’s gender, race, ethnic background, age, religion, disability or any other legally protected characteristic will not be tolerated. As an example, sexual conduct (both overt and subtle) can serve to create an offensive work environment and thus prohibited.

Employees, students or other individuals who feel aggrieved because of conduct that may constitute sexual harassment should immediately inform the person engaging in such conduct that such conduct is offensive and must stop.

Anyone who feels victimized by this behavior should notify their immediate supervisor and/or the Affirmative Action Officer in the Human Resources Office with specific, written information concerning the matter. Upon such notification the Affirmative Action Officer shall within two working days begin an investigation, said investigation shall be concluded and recommendation for action made to the Executive Vice President within a timely manner. The Executive Vice President shall take action on the recommendation within three working days.

Should the Affirmative Action Officer be named in the harassment charge and/or should the Executive Vice President hold that the charged individual have such a relationship with the Affirmative Action Officer that a report could legitimately be contested on the grounds of bias, then an alternate investigator shall be appointed.

At every step of the procedure, confidentiality will be maintained to the extent possible to protect the individuals involved. Employees or students failing to restrict confidential information or who knowingly provide false information will be subject to disciplinary action.

Any employee found to be engaging in any improper harassment will be subject to appropriate disciplinary action, up to and including possible discharge.

http://www.opsu.edu/dwn/HR_STAFF_HANDBOOK.pdf pg. 72
GRIEVANCE AND APPEALS PROCEDURES FOR STAFF

General Policy
As a service to employees, personnel are available to advise and assist OPSU employees who have a question, problem or complaint about working conditions. Most concerns can be resolved by informal discussions between parties involved. The Human Resource’s office is available to counsel employees who have grievances. Fair and prompt consideration will be given to any personal concern or dissatisfaction about employment.

The University Human Resource’s director should be contacted if a person feels there has been employment discrimination due to age, race, color, national origin, religion, gender (including sexual harassments), or qualified disability.

The following steps are requested to resolve questions of employment dissatisfaction:

Talk to your supervisor first. To ensure that employment problems are resolved effectively, the employee should discuss the area of concern with his or her immediate supervisor.

If necessary, continue up the ladder. If the question is not resolved at his level, the employee may request an appointment to discuss the problem with the appropriate person at each administrative level up to and including the University President.

A formal hearing may be requested. If a complaint is not resolved through informal procedures, then a written grievance may be filed to provide for hearings before a committee or for reviews at various management levels.

Formal Complaint
A formal complaint is defined as the dissatisfaction that occurs when an employee believes that any condition of his/her employment is unjust, inequitable, a hindrance to effective operation, or is creating a problem. Suspensions, demotions, or discharge from employment shall be considered as formal complaints, but shall be considered as basis for appeal. Salary increases, job classifications, and fringe benefits are matters determined during budget deliberations and are not considered as formal complaint. The formal complaint procedure does not apply to action taken during the employee’s introductory period or to action taken under the reduction of work force policy or the non-renewal of an individual’s appointment.

Determination
Meetings and investigations shall be conducted during the employee’s regular working hours whenever possible. At any step or level of the review procedures, the Human Resources Director may elect to arbitrate a decision to resolve the situation or make a recommendation to the appropriate Vice President.

In addition, the Human Resources Director shall serve in the capacity of an information gathering and advisory person. Each step or level should occur in a timely manner to be determined by the Human Resources Director. The Human Resources Director may opt to appoint an ad hoc committee to make recommendations to him/her regarding individual complaints.

http://www.opsu.edu/dwn/HR_STAFF_HANDBOOK.pdf
Procedure
The employee shall present the facts in writing to his/her supervisor, sending a copy to the Human Resources director. A formal complaint must be in writing and contain the following:

- a clear and detailed, signed statement of the complaint,
- the specific remedial action or relief sought,
- a summary outlining with whom the point of dissatisfaction were discussed and with results, and
- the reason(s) why remedial action or relief is sought.

At any time the employee receives an unsatisfactory reply or fails to receive a reply, he/she has the right to submit the complaint to the next level from the previous supervisor. The supervisor at this level shall review all of the facts of the case and the decision rendered by the previous supervisor, then render a decision in writing to the employee. At each level, a copy of the reply to the complaint must be forwarded to the Human Resources Officer. This procedure shall be followed when applicable through the levels of progression.

The decision of the Human Resources director shall be final; unless, the Human Resources director opts at his/her discretion to make a recommendation to the appropriate Vice President for decision, in which case, the Vice president’s decision shall be final. Employees may contact the Human Resource’s office for additional information regarding grievance procedures.

http://www.opsu.edu/dwn/HR_STAFF_HANDBOOK.pdf pg 74