

Subject: Sexual Harassment Policy and Grievance Procedures

Date Effective: March 15, 1982 (revised July 1983, July 1993,
August 1994)

Executive Council Approval: August 1994

Chancellor Approval: (signature on original copy)

PURPOSE

The University of Wisconsin-Extension maintains that sexual harassment is illegal, unacceptable and impermissible conduct that will not be tolerated. It can debilitate morale and interfere with academic endeavors and work productivity. Sexual harassment is clearly prohibited by Title VII of the 1964 Civil Rights Act and by the State of Wisconsin Fair Employment Law. Sexual harassment in the workplace violates Section 703 of Title VII of the 1964 Civil Rights Act and is considered a form of sex discrimination. Sexual harassment infringes upon the opportunity to experience equal respect in working and learning relationships and destroys the building of creative human relationships.

POLICY

The policy of UW-Extension is that sexual harassment is treated as a serious issue and that to every possible extent, administrators are to afford protection to employees, students/clientele, female and male alike, against unfair abuse of sexual privacy. All faculty, supervisors, and administrators employed by UW-Extension are obligated to take appropriate actions to prevent or stop sexual harassment from occurring. This policy, either in its terms or in its implementation, shall not discriminate for or against any person by reason of sex, race, creed, color, age, national origin, veteran's status, sexual orientation, or disability. Implementation of these procedures *shall provide* adequate *protection* from and *corrective action for retaliation* against any complaining party as required by Title VII and other federal and state Civil Rights Laws.

Any behavior that might be construed as sexual harassment is to be avoided. Sexual harassment is described as unwelcome sexual advances, requests for sexual favors, and other physical conduct and expressive behavior of a sexual nature, directed by a person at another person of the same or opposite gender whether or not repeated (single incident harassment); or directed at another because of that person's gender where:

- submission to such conduct is made either an explicit or implicit condition of employment or education;
- making or permitting acquiescence in, submission to, or rejection of such conduct is used as the basis for academic or employment decisions affecting the harassed individual **except** where the employment decision is a disciplinary action against an employee for engaging in sexual harassment in violation of this policy; or
- the harassment substantially interferes, or has the purpose or effect of substantially interfering with an individual's academic or work performance, or the harassment creates an intimidating, hostile, offensive or demeaning work or academic environment; or
- conduct directed at another person because of that person's gender that has the purpose or effect of creating an intimidating, hostile, or offensive work environment, or of substantially interfering with the person's work performance.

Under this policy, substantial interference with an employee's work performance, or creation of an intimidating, hostile, or offensive work environment is established when the conduct is such that a reasonable person under the same circumstances as the employee would consider the conduct sufficiently severe or pervasive so as to substantially interfere with the person's performance, or to create an intimidating, hostile, or offensive work environment.

Sexual harassment is prohibited and subject to discipline **only** when the conditions outlined above are present. Disciplinary action, the severity of which will be based upon the type of infraction, could range from a verbal reprimand, up to and including dismissal for just cause. Sexual harassment can occur in situations where one person has power over another, but it can also occur between equals. Both men and women can be sexually harassed, though women are most often victimized. Sexual harassment can be as blatant as rape or as subtle as a look. Harassment under the third part of the definition often consists of callous insensitivity to the experience of women.

Grievance Procedures

Two informal and one formal procedure are available to resolve complaints internally. Either or both procedures may be used.

I. Informal Procedure - A

- A. Individuals experiencing sexual harassment may contact:
- the appropriate department or administrative head;
 - the UWEX Office of Equal Opportunity and Diversity Programs
 - the Divisional Dean/Director or divisional personnel office.
- B. The above contacts will be responsible for:
- interviewing witnesses and gathering facts related to the complaint,
 - individual discussions with the parties involved, and
 - attempted resolution within 30 calendar days.

This procedure could result in a satisfactory solution to the problem.

II. Informal Procedure - B

- A. Individuals experiencing sexual harassment may choose to request that a special panel be convened by the UWEX Director of Equal Opportunity and Diversity Programs for counseling advice and mediation. The panel will consist of three (3) persons mutually agreed upon by the primary parties involved in the complaint.
- B. The special panel will look at the record as a whole and at the totality of the circumstances, taking into consideration the nature of the sexual harassment and the context in which the alleged incident(s) occurred. Determination of the liability of a particular action will be made from the facts, on a case-to-case basis. The panel will attempt resolution within thirty (30) calendar days.

III. Formal Procedure

Individuals experiencing sexual harassment may choose to seek resolution through the appropriate UWEX grievance and appeals procedures. Any resulting disciplinary action will be consistent with the effective rules of faculty, academic, and classified staff as contained in the statutes, labor agreements or other governing instruments related to disciplinary action.

Harassment from External Sources

In those instances where UWEX employees are sexually harassed by employers of an external client or cooperating governmental agency *not covered by UW System or UWEX rules*, the complaint should be forwarded to the most immediate supervisor or to the UWEX Chancellor. He/she will determine the corrective measures needed to stop the harassment, including contacting the employers of such persons and requesting that they take remedial action.

Additional Information

What to do if you are harassed

If you find yourself feeling uncomfortable about someone's behavior related to a sexual issue, you may be experiencing sexual harassment. As illustrated in the chart (see page 6) sexual harassment includes a range of behaviors, some more harmful than others, but none acceptable. If you are uncertain about whether something happening to you is sexual harassment, talk to someone you trust about the situation.

If You Are Harassed You May Experience these feelings/symptoms:

- A feeling of personal responsibility or guilt
- Increased fear, confusion, irritation
- Disbelief that this is happening to you
- Fear of retaliation
- A feeling of failure for not having foreseen or prevented the behavior
- A concern about what others will think
- Depression, headaches, insomnia, reduced ability to concentrate

If the person harassing you has power over your employment or education, it is understandable that you might fear reprisal if you take steps to end the harassment. You have a right to carry out your job or pursue your education in an environment free of this kind of interference. UW-Extension policies are intended to protect you against reprisals. Following are some actions you can take if you believe you are a victim of sexual harassment:

- Try *not* to think it is *your fault*.
- *Object to the behavior*. Speak to the harasser and be specific about what you find objectionable. There is a chance that the harasser is not aware that his/her behavior is offensive.
- If you feel you cannot handle a direct confrontation, *tell your harasser in writing* that you object to such behavior. Be specific, and *keep a copy* of the letter.

- *Speak with your supervisor.* If the harasser is your supervisor, speak to his or her supervisor. Bring your records and any documentation that you have.
- *Contact the UWEX Director of Equal Opportunity and Diversity Programs.*

If these steps do not solve the problem, file a grievance or a formal complaint with the UWEX Director of Equal Opportunity and Diversity Programs. You also have the option of filing a grievance with the State of Wisconsin Equal Opportunity Commission.

Preventing Sexual Harassment

All faculty, supervisors, and administrators employed by UW-Extension are obligated to take appropriate actions to prevent sexual harassment. Any behavior that might be construed as sexual harassment is to be avoided.

It is all too common for someone accused of sexual harassment to say, "I didn't realize that she/he would be offended by that." Whatever the intent, however, the effect of harassment can be devastating.

Sensitivity to the impact of one's actions on others is essential. In addition, all UW-Extension personnel should educate themselves about the range of behavior included within the definition.

UWEX Department/Units are urged to hold their own discussions of the policy, paying particular attention to how it applies to their specific situations. Training sessions may be arranged through the UWEX Director of Equal Opportunity and Diversity Programs. Resource materials, including several interactive video-training materials, are available for educating personnel about sexual harassment.

Hostile Environment¹

There are many levels of sexual harassment, ranging from "hard core" harassment to the more subtle, insidious forms of behavior.

Levels of Sexual Harassment

Sexual coercion that brings economic harm or affects conditions of employment

Behavior that contributes to a hostile environment

Behavior

Actual physical relations

Refusal to hire or promote or granting or denying certain privileges if sexual favors are denied

Promise of a work-related benefit in return for sexual favors

Unnecessary touches or brushes

Grabbing women employees

Suggestive glances, squeezing, pinching, or patting, when unwanted

Defacing a Sexual Harassment poster so that it reads "Sexual Harassment is permitted here"

Telling jokes that make fun of women; off-color jokes

Posting pictures of scantily clad women on office walls

Cartoons on bulletin boards that are offensive to women

Obscene gestures

***Subtle activity that may contribute
to a hostile environment***

Concentrating on a woman's
appearance rather than her
accomplishments

Interrupting women's presentations,
or ignoring women's contributions in
meetings

Excluding women from luncheon
meetings or other social events
related to work

¹ Since women experience 98% of all sexual harassment, this chart focuses on women. However, it is recognized that sometimes men are victims of sexual harassment.