

Policy 5-107: Sexual Harassment and Consensual Relationships

I. Purpose

To define sexual harassment at the University of Utah. This policy also identifies which consensual relationships are prohibited and what actions should be taken to resolve such situations.

II. References

[Policy 5-001 \(/human-resources/5-001.php\)](/human-resources/5-001.php), Employee Definitions

[Policy 5-105 \(/human-resources/5-105.php\)](/human-resources/5-105.php), Employment or Supervision of Immediate Family

[Policy 5-106 \(/human-resources/5-106.php\)](/human-resources/5-106.php), Equal Opportunity and Nondiscrimination
Employment

[Policy 5-111 \(/human-resources/5-111.php\)](/human-resources/5-111.php), Corrective Action and Termination Policy for Staff

[Policy 5-203 \(/human-resources/5-203.php\)](/human-resources/5-203.php), Employment Grievances

[Policy 5-210 \(/human-resources/5-210.php\)](/human-resources/5-210.php), Discrimination and Sexual Harassment Complaint
Procedures

[Policy 6-400 \(/academics/6-400.php\)](/academics/6-400.php), Student Code

[Policy 6-316 \(/academics/6-316.php\)](/academics/6-316.php), Code of Faculty Responsibility

III. Definitions

A. Sexual Harassment

As used in this policy and in [Policies 5-210 \(/human-resources/5-210.php\)](/human-resources/5-210.php), [6-400 \(/academics/6-400.php\)](/academics/6-400.php) and [6-316 \(/academics/6-316.php\)](/academics/6-316.php), 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 such conduct is made either explicitly or implicitly a term or condition of an individual's employment, education, living environment or participation in a university activity;
2. Submission to or rejection of such conduct by an individual is used as the basis for or a factor in decisions affecting that individual's employment, education, living

environment, or participation in a university activity; or

3. Such conduct has the purpose or effect of unreasonably interfering with an individual's employment or educational performance or creating an intimidating, hostile, or offensive environment for that individual's employment, education, living environment, or participation in a university activity.

B. The free and open discussion of issues or theories relating to sexuality or gender in an academic or professional setting, when appropriate to subject matter, will be presumed not to constitute sexual harassment even if it offends or embarrasses an individual unless other factors are involved. Such factors include targeting the discussion to an individual or carrying out the discussion in terms that are both patently unnecessary and gratuitously offensive.

C. Participant

As used in this policy, participant means a person, other than a student or employee, who is participating or attempting to participate in, or is receiving or is an applicant for the benefits of, any program, service or activity conducted under the sponsorship or auspices of the university, including but not limited to applicants for admission, applicants for employment, patients, clients, spectators, visitors, and volunteers.

D. Relevant employee definitions are defined in [Poicy 5-001 \(/human-resources/5-001.php\)](#).

IV. Policy

A. Sexual harassment

1. It is the policy of the University of Utah to maintain an academic and work environment free of sexual harassment for students, employees, and participants.
2. A claim under this policy may be brought by any employee, student or participant based on the conduct of any University employee or student that is related to or in the course of University business. A claim may also be brought by an administrator acting on behalf of the University. The Office of Equal Opportunity and Affirmative Action (OEO/AA) will handle all alleged sexual harassment matters pursuant to the Procedures set forth in [Policy 5-210 \(/human-resources/5-210.php\)](#).
3. Any student, employee, or participant in university services or activities who believes that there is or has been sexual harassment should contact any of the following:
 - a. the cognizant academic chair of the department or the dean of the college within which the conduct occurred;

- b. the immediate supervisor or director of the operational unit within which the conduct occurred;
- c. the Human Resources Division;
- d. directors or deans of Student Affairs and Services; or
- e. the Office of Equal Opportunity and Affirmative Action.

Once informed, the supervisor, chair or dean shall consult with OEO/AA. Similarly, OEO/AA shall advise as appropriate the cognizant dean, staff director or administrator of any complaints of sexual harassment OEO/AA receives concerning a member of the employee or student.

B. Confidentiality

The confidentiality of all parties involved in a sexual harassment complaint or concern shall be respected insofar as it does not interfere with the university's legal obligation to investigate allegations of misconduct and to take corrective action or as otherwise provided by law.

C. Consensual Relationships

When a faculty member has any direct professional responsibility for evaluating a student's academic performance or professional future, such as assigning grades, evaluating clinical performance, serving on the student's graduate committee or awarding scholarships, a romantic or sexual relationship between the faculty member and student, even a mutually consenting one, will be considered a violation of this policy and to be a cause for discipline under Policy and Procedures 5-210 unless the situation is remedied by reassigning performance evaluations, reporting responsibilities, or grade assignments to other qualified individuals, and by notifying the faculty member's department head.

Faculty who engage in such consensual relationships and do not take steps to resolve the conflict of interest may be subject to the filing of a complaint under [Policy 5-210 \(/human-resources/5-210.php\)](#).

Additionally, when a supervisor has any direct supervisory authority over an employee and is at the same time involved in a sexual or romantic relationship with that employee, unless the corrective measures noted above are taken, the supervisor is in violation of this policy and may be disciplined. Any appeal of disciplinary action shall proceed under [Policy 5-210 \(/human-resources/5-210.php\)](#).

[Note: Parts V-VI of this Regulation (and all other University Regulations) are Regulations Resource Information – the contents of which are not approved by the Academic Senate or Board of Trustees, and are to be updated from time to time as determined appropriate by the cognizant Policy Officer and the Institutional Policy Committee, as per Policy 1-001 and Rule 1-001.]

V. Contact

The designated contact officials for this Policy are:

- A. Policy Owner (primary contact person for questions and advice): Director of Equal Opportunity and Affirmative Action (/info/index.php)
- B. Policy Officer: Chief Human Resources Officer
- C. These officials are designated by the University President or delegee, with assistance of the Institutional Policy Committee, to have the following roles and authority, as provided in University Rule 1-001:

"A 'Policy Officer' will be assigned by the President for each University Policy, and will typically be someone at the executive level of the University (i.e., the President and his/her Cabinet Officers). The assigned Policy Officer is authorized to allow exceptions to the Policy in appropriate cases.... "

"The Policy Officer will identify an 'Owner' for each Policy. The Policy Owner is an expert on the Policy topic who may respond to questions about, and provide interpretation of the Policy; and will typically be someone reporting to an executive level position (as defined above), but may be any other person to whom the President or a Vice President has delegated such authority for a specified area of University operations. The Owner has primary responsibility for maintaining the relevant portions of the Regulations Library... . [and] bears the responsibility for determining - requirements of particular Policies... ." University Rule 1-001-III-B & E

VI. History

Renumbering: Renumbered as Policy 5-107 effective 9/15/2008, formerly known as PPM 2-6A

Revision History:

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001.php)

Earlier Versions:

Revision 0 (/human-resources/revisions_5/5-107.R0.pdf): effective dates July 18, 1994 to March 16, 2004

OUTDATED