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| Subject: | Sexual Harassment and Consensual Relationships |
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502.1 Purpose

To establish a policy on sexual harassment for the Office of the USTC Commissioner.

502.2 Approval

USTC Board of Trustees approval: October 15, 2009. Revised: June 8, 2016; September 13, 2017.

502.3 Definitions

3.1 **Sexual Harassment:** Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

3.1.1 Submission to such conduct is made, either explicitly or implicitly, a term or condition of an individual's employment or participation in an activity or service;

3.1.2 Submission to or rejection of such conduct is used as the basis for decisions affecting employment or participation in an activity or service; or

3.1.3 Such conduct interferes with employment or creates an intimidating, hostile, or offensive work environment.

502.4 Policy

4.1 **Professional Discussion:** The free and open discussion of issues or theories relating to sexuality or gender in a 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.

4.2 **Circumstances:** Conduct alleged to be sexual harassment will be evaluated by considering the totality of the particular circumstances, including the nature, frequency, intensity, location, context, and duration of the questioned behavior. Although repeated occurrences generally create a stronger claim, a single occurrence may constitute sexual harassment. Sexually-related conduct may form the basis of a sexual harassment claim if a reasonable person would consider it sufficiently severe or pervasive to interfere with employment performance.

4.3 **Confidentiality:** The confidentiality of all parties involved in a sexual harassment complaint shall be strictly respected insofar as it does not interfere with the obligation to investigate allegations of misconduct and/or to take corrective action or as otherwise provided by law.

4.4 **Claims of Sexual Harassment:** A claim under this policy may be based on the conduct of any employee of the Commissioner's Office. The USTC Commissioner will handle all



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alleged sexual harassment matters (see Policy 505). Any person who believes that there is or has been sexual harassment should contact the USTC Commissioner.

- 4.5 **False Claims:** A person who knowingly and intentionally files a false complaint under this policy may be subject to disciplinary action.
- 4.6 **Handled Formally or Informally:** Sexual harassment issues can take the form of either concerns or complaints and can be handled on either a formal or informal basis.
- 4.7 **Consensual Relationships:** Romantic or sexual relationships between a supervisor and an employee are prohibited. If a supervisor and employee choose to have a consensual relationship, immediate steps must be taken to modify reporting responsibility. Employees in this situation should contact the USTC Commissioner.