

## Prohibited Conduct Defined

### Discrimination & Harassment

Treating members of a protected class less favorably because of their membership in that class or having a neutral policy or practice that adversely impacts the members of one protected class more than others constitutes discrimination.

Subjecting an individual to unwelcome conduct, whether verbal or physical, that creates an intimidating, hostile, or abusive working, learning or campus living environment; that alters the conditions of employment or education; or unreasonably interferes with an individual's work or academic performance on the basis of the individual's membership in a protected class is harassment which is a form of discrimination.

Harassment may include, but is not limited to: verbal abuse; epithets or slurs; negative stereotyping; threatening, intimidating or hostile acts; denigrating jokes; insulting or obscene comments or gestures; and the display or circulation of written or graphic material (including in hard copy, by email or text, or through social media) that denigrates or shows hostility or aversion toward an individual or group members of a protected class. Calls, texts, emails, and social media usage by employees can contribute to a hostile work, learning, or living environment, even if they occur away from the workplace premises or not during work hours. Sexual harassment and other gender-based harassment, described further below, are forms of discrimination.

The University will determine whether the conduct was discriminatory based on both subjective and objective factors, based on the totality of the circumstances surrounding an alleged incident or course of conduct, including, the frequency, nature, and severity of the conduct, and whether a reasonable person would find the conduct discriminatory.

### Sexual Harassment (*see also*, Title IX Sexual Harassment)

Sexual harassment is a form of sex discrimination. Unwelcome sexual advances, requests for sexual favors, requests for sexual contact, sexual comments, physical or visual conduct of a sexual nature, and sharing or displaying sexual images constitute sexual harassment. This includes when:



The unwelcome conduct constitutes more than "petty slights or trivial inconveniences"; or  
Such unwelcome conduct has the purpose or effect of unreasonably interfering with another person's academic or work performance or creating an intimidating, hostile, demeaning, or offensive working, learning, campus, or living environment.

The following describes acts that may be unlawful sexual harassment and are strictly prohibited:

Unwelcome touching, pinching, patting, grabbing, brushing against another's body;  
Subtle or obvious pressure for unwelcome sexual activities;  
Unwelcome requests for sexual favors accompanied by implied or overt threats concerning performance evaluations, promotion, etc.;;  
Unwelcome images, texts, social media posts, or other images or materials that are sexually demeaning or pornographic (this does not include images shown solely for the purposes of academic instruction or research); or  
Unwelcome sexually oriented gestures, noises, remarks, jokes or comments about a person's sexuality or sexual experience, which create a hostile environment.

*Sexual harassment that meets the narrow definitional and jurisdictional requirements of "Title IX Sexual Harassment" will be addressed under the Interim Title IX Grievance Process*



Only paragraph (2) is required to meet the elements of severity, pervasiveness, and objective offensiveness.

*Unwelcome sexual conduct that does not meet the definitional or jurisdictional requirements of "Title IX Sexual*

