

Statement on Sexual Harassment

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> **Sexual Harassment**

1 Harassment on the basis of sex is a form of illegal sex discrimination. Sexual harassment in employment violates Title VII of the Civil Rights Act of 1964, as well as state law. Student-on-student sexual harassment and sexual harassment directed toward a

2 Ball State University will not tolerate sexual harassment of students or employees by members of its faculty or staff, its students or by other agents of the University and will respond in a suitable manner to every complaint.

3 The University has adopted the Equal Employment Opportunity Commission (EEO) definition of sexual harassment for our academic community: Sexual harassment is defined as any unwelcome sexual advance, request for sexual favor or other unwelcome verbal or physical conduct of a sexual nature, whether committed on or off campus, when:

3.1 submission to such conduct is made, either explicitly or implicitly, a term or condition of an individual's employment or participation in a University-sponsored educational program or activity

3.2 submission to or rejection of such conduct by an individual is used as the basis or threatened to be used as the basis for employment decisions or academic decisions or assessments affecting an individual or

3.3 such conduct has the purpose or effect of unreasonably interfering with an individual's work or academic performance or creating an intimidating, hostile or offensive work or educational environment. Such conduct will typically be directed against a particular individual or individuals and will either be abusive or severely humiliating or will target the individual as the object of the speech or conduct.

Sexual harassment includes but is not limited to situations where one person has authority over another. In such situations, sexual harassment is particularly serious because it may unfairly exploit the power inherent in a faculty member's or supervisor's position.

4 Sexual harassment can be verbal, visual, physical or communicated in writing or electronically. Some conduct obviously constitutes sexual harassment – such as a threat that a grade or promotion will depend on sexual advance. But whether particular conduct constitutes sexual harassment will often depend on the specific context of the situation, including the participants' reasonable understanding of the situation, the past dealings with each other, the nature of the professional relationship (e.g., supervisor-subordinate, colleague, etc.) and the specific setting.

The inquiry can be particularly complex in an academic community, where the free and open exchange of ideas and viewpoints reserved by the concept of academic freedom may sometimes prove distasteful, disturbing or offensive to some. Sexual harassment must be distinguished from behavior which, even though unpleasant or disconcerting, is a normal part of the carrying out of instructional, advisory, or supervisory responsibilities. Instructional responsibilities, in particular, require a normal latitude for pedagogical decisions concerning the topics discussed and methods used to draw students into discussion and full participation.

Examples of conduct which may constitute sexual harassment include but are not limited to:

1 requests for sexual favors

11.1 oral or written reprimand, placed in personnel file

11.2 required attendance at a sexual harassment sensitivity program

11.3 an apology to the victim

11.4 loss of salary or benefit, such as a sabbatical or research or travel funding

11.5 a transfer or change of job, class or resident floors



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