
	Florida State University Police Department	
Sexual & Other Harassment		
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Policy -Sexual Harassment

It is the policy of the Florida State University Police Department and the Florida State University that each member be allowed to work in an environment free from any form of sexual harassment, whether Quid Pro Quo Sexual Harassment or Hostile Work Environment Sexual Harassment. It is the policy of the Florida State University Police Department that a member may seek redress and relief from sexual harassment within the Florida State University Police Department without fear of retaliation.

Procedure

A. Definitions and Prohibited Activity:

1. Sexual harassment is defined as, but not limited to, unwelcomed sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:
 - a. Submission to such conduct is made either explicitly or implicitly a term or condition of employment or assignment; or
 - b. Submission to or rejection of such conduct by a member is used as the basis for employment decisions affecting the member; or
 - c. Such conduct has the purpose or effect of unreasonably interfering with the work performance or creating an intimidating, hostile, or offensive working environment for another.
 - d. Examples of Sexual Harassment include, but are not limited to the following: [CFA 7.07]
 - 1) Verbal:
 - a) Sexual propositions or demands;
 - b) Sexual innuendoes and insults;
 - c) Humor and jokes about sex;
 - d) Threats; and
 - e) Stereotypical comments based on gender or sexual identity.
 - 2) Non-verbal:

- a) Whistling, leering, and ogling;
 - b) Obscene gestures, to include grabbing one's self in a sexual manner or exposing of sexual organs;
 - c) Display of obscene material; and
 - d) Electronic and/or telephonic transmissions, storage or requests for offensive materials in the workplace other than those pertinent to an investigation.
- 3) Physical:
- a) Touching, pinching, patting;
 - b) Physical threatening behavior; and
 - c) Coerced sexual conduct.

B. Responsibilities to Prevent Sexual Harassment:

1. Each member of this agency is responsible for assisting in the prevention of sexual harassment through the following acts:
 - a. Refraining from participation in actions that could be perceived as sexual harassment;
 - b. Reporting acts of sexual harassment to a supervisor; and
 - c. Encouraging any member who confides that they are being sexually harassed to report these acts to a supervisor.
2. Each supervisor shall be responsible for preventing acts of sexual harassment. This responsibility includes but is not limited to:
 - a. Monitoring the work environment for signs that sexual harassment may be occurring.
 - b. Counseling all members on the types of behavior prohibited, and the agency procedures for reporting and resolving complaints of sexual harassment when necessary.
 - c. Stopping any observed acts that may be considered sexual harassment, and taking appropriate steps to intervene, whether or not the involved members are within the supervisor's line of supervision.
 - d. Taking immediate action to limit the work contact between two members where there has been a complaint of sexual harassment.
3. Each supervisor has the responsibility to assist any member of this agency who comes to him/her with a complaint of sexual harassment, in documenting and filing a complaint.
4. Failure to take action to stop known harassment shall be grounds for discipline.

C. Complaint Procedures: [CFA 7.07]

1. Filing a complaint of sexual harassment shall do so in the following manner:

- a. Any Florida State University student or employee who believes that he or she is a victim of sexual harassment in violation of this policy is encouraged to promptly notify the alleged perpetrator (the "respondent") verbally or in writing that his/ her conduct is unwelcome. Such action may cause the unwelcome conduct to cease as well as help to maintain an environment free from sexual harassment. Assistance and support is available from the Human Resources, Office of Equal Opportunity & Compliance. Regardless of having given notice to the respondent, the student or employee (the "complainant") may initiate a complaint under this policy by promptly bringing the matter to the attention, preferably in writing by completing the complaint form, to any of the following:
 - 1) A supervisor in his/her chain of command;
 - 2) Any other supervisor; or
 - 3) Directly to Florida State University Human Resources, Office of Equal Opportunity & Compliance
2. The supervisor will preferably have the complainant document the complaint in writing on the Discrimination and/or Retaliation Complaint Form available on the FSU Human Resources web page at http://compliance.hr.fsu.edu/forms/DiscriminationComplaintForm_fill.pdf. If the complaint is verbal the supervisor will document the complaint on the form. The complaint form will be expeditiously forwarded to the Human Resources, Office of Equal Opportunity & Compliance.
3. If the complaint is between members of the department the Chief or his/her designee shall determine if the involved member(s) will be reassigned to a different work rotation or section. The reassignment will be done in a manner that will be least detrimental or harmful to the members involved.
4. There shall be no retaliation against any member for filing a harassment complaint, or assisting, testifying, or participating in the investigation of such a complaint. Any subsequent negative and/or retaliatory conduct by agency members toward any affected party should be reported for investigation and appropriate action response.

D. Authority to Investigate:

The Florida State University Human Resources, Office of Equal Opportunity & Compliance shall have investigative authority over sexual harassment complaints. Upon notification of a sexual harassment investigation by the Office of Equal Opportunity & Compliance, the Chief of Police shall evaluate the outcome of the investigation to determine if a criminal or a further internal investigation is required by the department.

E. Investigation Procedure and Disposition:

1. Procedures that govern all investigations of complaints alleging violations of the Florida State University sexual harassment policy are outlined in University Policy 2-2: Sexual Discrimination and Sexual Misconduct Policy at:

<http://policies.fsu.edu/sites/g/files/upcbnu486/files/policies/president/FSU%20Policy%202-2.pdf>

F. DISCIPLINARY AND OTHER ACTIONS.

Sexual harassment is prohibited by the Florida State University. The University will take appropriate action against any person found to be in violation of this policy. (Note: a person who has sexually harassed another or retaliated against another may also be subject to civil or criminal liability under state or federal law.)

1. Disciplinary Actions. Any employee who has sexually harassed another employee or a student, retaliated against such person for bringing a complaint of sexual harassment, or otherwise violated this policy shall be guilty of misconduct and subject to disciplinary action up to and including dismissal, in accordance with applicable law, rules, policies, and/or collective bargaining agreements. In addition, any student who has sexually harassed another student or an employee, retaliated against such person for bringing a complaint of sexual harassment, or otherwise violated this policy may be subject to disciplinary action up to and including expulsion, pursuant to the Student Code of Conduct. The term "employee" includes all persons employed by the University including faculty and graduate teaching assistants.
2. Other Actions. The University will take such corrective action against any non-students or non-employees found to have violated this policy, as may be appropriate under the circumstances.

G. Public Records Requests:

All records pertaining to active sexual harassment investigations will be kept confidential. Public records requests for sexual harassment investigations will be governed by Florida Statutes 119 and other applicable laws.

Glossary

COMPLAINT - An allegation of sexual harassment or retaliation, which is alleged together with the individual, the act or practice, the date(s), time(s), place(s), the victim(s) and witness(es).

HOSTILE WORK ENVIRONMENT SEXUAL HARASSMENT - Conduct in the work place that interferes with a member's or non-member's work performance, or creates an intimidating, abusive or offensive work environment. Tangible job benefits or privileges are not necessarily at stake but the conduct must be such that it creates offensive working conditions. This may include instances where co-workers allege sexual harassment.

MEMBER - A generic term utilized to describe all agency personnel, including Florida State University students, employees, volunteers and interns.

NON-EMPLOYEE - A non-employee is any person who is not considered a member of the Florida State University community to include but not limited to a vendor, an employee of a contractual agency, a member of another agency, a member of the public.

QUID PRO QUO SEXUAL HARASSMENT - Refers to when supervisors or others with real or apparent managerial authority place a condition on employment and/or economic benefits such as promotion, leave, work conditions or salary increases, contingent on sexual favors. Here, a tangible job benefit or privilege is at stake, and withheld from a subordinate for refusing to comply. [CFA 7.07]

RETALIATION - Adversely affecting any term or condition in the work environment of any member because that member has in good faith either filed a complaint of sexual harassment, provided information, or participated in any manner in a complaint or in an investigation under this order.

SEXUAL HARASSMENT - Unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature from any person when submission to such conduct is either explicitly or implicitly a term or condition of an individual's employment; when submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individuals; or when such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment. The use of the terminology "sexual harassment" also includes both Quid Pro Quo and Hostile Work Environment Sexual Harassment. [CFA 7.07]

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Approved: 
David L. Perry, Chief

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