

Facts about Sexual Harassment

Sexual harassment is a form of sex discrimination that violates Title VII of the Civil Rights Act of 1964 and Title IX of the Education Amendments of 1972.

Unwelcome sexual advances, requests for sexual favors, and other verbal, written, or physical conduct of a sexual nature constitute sexual harassment when this conduct explicitly or implicitly affects an individual's employment or academic status, unreasonably interferes with an individual's performance, or creates an intimidating, hostile, or offensive environment.

Sexual harassment can occur in a variety of circumstances, including but not limited to the following:

- The victim as well as the harasser may be a woman or a man. The victim does not have to be of the opposite sex.
- There is no "typical" harasser.
- The harasser can be the victim's supervisor, teacher, a supervisor or teacher in another unit, a co-worker, a fellow student, or a non-employee.
- Anyone can be harassed regardless of age, gender, appearance, or economic status.
- The victim does not have to be the person harassed but could be anyone affected by the offensive conduct.
- The harasser's conduct must be unwelcome.

An employer may be held liable for any act of sexual harassment perpetrated by a non-employee while conducting business in the employer's work environment if the employer knew or should have known of the harassment but failed to take immediate measures to correct the conduct.

While it is ideal for the victim to directly inform the harasser that the conduct is unwelcome and must stop, it is not a requirement. The victim should use the complaint mechanisms available within the University to resolve such issues.

Prevention is the best tool to eliminate sexual harassment. Individuals are encouraged to take steps necessary to prevent sexual harassment from occurring. Administrators should clearly communicate to employees and students that sexual harassment will not be tolerated. They can do so by distributing the **University Guidelines on Prohibition of Sexual Harassment** and the **VCU Student Sexual Misconduct Policy** and by taking immediate and appropriate action when a complaint is brought to their attention.

Managers, supervisors, teachers, administrators, and other persons of authority who allow harassment to continue or fail to take appropriate corrective action upon becoming aware of the harassment may be considered a party to the offense, even though they may not have engaged in such behavior.

The Office of EEO/AA Services and the Office of the Dean of Student Affairs have professional staff who are available to faculty, staff, and students for information, consultation, and advice regarding problem behavior and potential complaints.

When investigating allegations of sexual harassment, VCU looks at the totality of circumstances, including the nature of the sexual advances and the context in which the alleged incidents occurred. A determination on the allegations is made from the facts on a case-by-case basis.

Filing a Charge

Internal

Any faculty, staff, administrator, or student who feels that he or she has been the victim of sexual harassment is encouraged to report the incident(s) of sexual harassment and/or pursue recourse through established University procedures or **University Guidelines on Prohibition of Sexual Harassment**.

Any administrator, supervisor, or other University official to whom a complaint of sexual harassment is made or who otherwise is made aware of incidents that might constitute sexual harassment should refer such matters to the Office of EEO/AA Services. Administrators, supervisors, and other University officials who allow harassment to continue or fail to take appropriate corrective action upon becoming aware of the harassment may be considered a party to the offense, even though they may not have engaged in such behavior.

Informal complaints of sexual harassment may be verbal or in writing. Formal complaints must be submitted in writing. Complaints should be directed to the Director of the Office of Equal Employment Opportunity/Affirmative Action Services (“EEO/AA Services”), Suite 114, Ginter House, 901 W. Franklin St., P.O. Box 843022, Richmond, VA 23284-3022. Individuals desiring additional information or requiring special accommodation should call **(804) 828-1347**, **FAX (804) 828-7201** or **VOICE TDD (804) 828-1420**.

Complaints by one student against another student must be filed under the VCU Student Sexual Misconduct Policy and will be handled through the Division of Student Affairs. Information is available at **(804) 828-1244 (Academic Campus)** and **(804) 828-0525 (MCV Campus)**.

External

Employees or applicants for employment may file charges of sexual harassment under Title VII at any field office of the U.S. Equal Employment Opportunity Commission. Information on all EEOC-enforced laws may be obtained by calling the Richmond office at **(804) 771-2200**, **(800) 669-4000 (toll free)**, or **(800) 669-6820 (TTY)**. EEOC’s Web site is www.eeoc.gov.

Additionally, employees or applicants for employment may file charges of sexual harassment under Title VII at the Virginia Department of Human Resource Management, Office of Equal Employment Services, 101 North 14th Street, 12th Floor, Richmond, VA 23219. Information is available by calling **(804) 225-2136**, **(800) 533-1414**, or **(800) 828-1120 (TDD)**. DHRM’s website is www.dhrm.virginia.gov.

Students and employees of education institutions may file charges of sexual harassment under Title IX with the U.S. Department of Education, Office for Civil Rights, 400 Maryland Ave., S.W., Washington, D.C., 20202-1100. Information is available by calling **(202) 245-6800**, **(800) 421-3481 (toll free)**, or **(877) 521-2172, (TDD)**. Web site: <http://www.ed.gov/ocr>.



Virginia Commonwealth University • Office of Equal Employment Opportunity/Affirmative Action Services
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