

Texas Woman's University
University Policy Manual

Policy Name:	Sexual Harassment
Policy Number:	3.05
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Date Reviewed:	July 2004
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Signed By:	Chancellor and President

PURPOSE

The purpose of the Texas Woman's University operating policy and procedure is to provide the University community (faculty, staff, administrators, and students) a workplace and educational environment free of sexual harassment. All employees and students will be subject to disciplinary action, up to and including employment dismissal for employees and suspension/expulsion for students, for violation of this policy.

GENERAL POLICY

It is the policy of Texas Woman's University to maintain a workplace and educational environment that is free from intimidation, coercion, or harassment, including sexual harassment.

Definitions

Sexual harassment is considered a form of unlawful sex discrimination which is in violation of Title VII of the Civil Rights Acts of 1964 and Title IX of the Education Amendments Act of 1972.

Sexual harassment means unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

- submission to, or toleration of, such conduct is made either explicitly or implicitly a term or condition of an individual's employment or education;
- submission to or rejection of such conduct by an individual is used as a basis for employment decisions or academically-related decisions affecting such individual; or,
- such conduct has the purpose or effect of substantially or unreasonably interfering with an individual's professional or academic performance or creating an intimidating, hostile, or offensive employment, education, or student living environment.

Sexual harassment may include a range of subtle and not so subtle behaviors and may involve individuals of the same or different gender. Depending on the circumstances, these behaviors may include, but are not limited to: unwanted sexual advances or requests for sexual favors; sexual jokes and innuendo; verbal abuse of a sexual nature; commentary about an individual's body, sexual prowess or sexual deficiencies; leering, catcalls or touching; insulting or obscene comments or gestures; display or circulation in the workplace of sexually suggestive objects or pictures (including through e-mail or other electronic means); and other physical, verbal or visual conduct of a sexual nature.

Student, as used in this policy, refers to any person who is registered for at least one course or program offered by the University and who is neither a faculty member, nor a member of the TWU staff.

Faculty, as used in this policy, refers to any person who is either the instructor of record for any class or program offered by the University or who is functioning in that capacity. Faculty also includes all administrative personnel who hold academic appointments, as well as Graduate Teaching Assistants.

Staff, as used in this policy, refers to all employees of the University who are not members of the faculty.

In any situation in which the roles overlap, the context in which an individual is functioning at the time a sexual harassment incident is alleged to have occurred will define her/his category or classification. Where conflict exists the Office of Human Resources (OHR) will determine position role category.

Complainant – the person making the formal complaint of sexual harassment.

Respondent – the person accused of sexual harassment.

Consensual Relationships - Staff in supervisory positions and other positions of authority and faculty must be sensitive to the potential for sexual harassment as well as conflicts of interest in personal relationships with subordinate faculty and staff members or with students. Even among peers, conflicts can arise. It is the policy of the University that consensual relationships between faculty or staff members in positions of authority and their subordinates or their students are not permitted.

General Principle Underlying Policy

The guiding principle underlying this policy is to consider all facts related to claims of sexual harassment and take corrective action as deemed appropriate in the best interests of Texas Woman's University with respect to its policies and procedures and federal and state laws regarding sexual harassment.

A complaint of sexual harassment may be resolved at any stage in the process. If a claim of sexual harassment is resolved, a statement to that effect will be acknowledged by both the complainant and the respondent. A copy of the statement of resolution will be retained by the complainant and the respondent and filed with the Equal Employment Opportunity (EEO) Officer in the Office of Human Resources

(OHR). In general, matters under this policy will be handled in an expeditious manner.

Procedure for Filing a Complaint

In the event of a question, complaint, or allegation regarding sexual harassment, an employee should report the matter to the OHR immediately. Students should speak to their supervisor/department chair to resolve the issue. However, if the student is not comfortable discussing the matter because the supervisor or department chair is involved, the student should contact the OHR. Students may also contact the Office of Student Life for information with this process.

If any supervisor, administrator, or academic chair, regardless of reporting structures, becomes aware of an incident of sexual harassment, the matter should be discussed with her/his superior **and** the Office of Human Resources immediately. If the complaint is with the immediate supervisor, contact the Office of Human Resources directly and immediately. Supervisors, administrators, and academic chairs are cautioned to consider allegations of sexual harassment as a serious matter which should be resolved expeditiously and confidentially to minimize the potential University and personal liability.

All complaints concerning matters of sexual harassment will be brought to the attention of the Equal Employment Opportunity (EEO) Officer, or his/her appointed designee, in the OHR. As relates to procedures above, a person wishing to file a complaint of sexual harassment must contact the EEO Officer or his or her designee and file a signed, written statement within 60 days following the incident.

Investigation and Complaint Resolution

Once the OHR has received and reviewed the complaint and determined if the allegations rise to the definition of sexual harassment, an investigation will begin. The respondent will be informed of the details of the allegation. Any identified witnesses with pertinent information will be interviewed. Once the investigation has been completed the EEO Officer, or his/her appointed designee will prepare a summary report of the investigation and forward to the appropriate University official (see below) with a recommended resolution and corrective action, if appropriate.

For claims where the respondent is a **non-faculty employee**, a summary report, a resolution and recommended corrective disciplinary action for the respondent will be forwarded to the supervisor, department head, and the divisional vice president.

For claims where the respondent is a **student**, the summary report will be forwarded to the Vice President of Student Life, or her or his designee, for resolution and corrective action.

For claims where the respondent is a **faculty** member a summary report and a recommended resolution will be forwarded to the Office of the Provost, or her or his designee. The Office of the Provost, or his/her appointed designee will review the recommended resolution and corrective disciplinary action for the respondent.

In situations where the respondent is an **unrelated third party** (a person outside

the University), the OHR will notify the appropriate University Officials regarding the facts of the claim and will work with those officials to resolve the complaint. In situations where an unrelated third party is subjected to sexual harassment by a member of the TWU community, the process outline above will be followed.

In situations where the complainant is a **human resources staff member** within the OHR and the claim is against the EEO Officer, the complainant will notify the Vice President of Finance and Administration regarding the facts of the claim and will work with this official to resolve the complaint.

Once all allegations have been investigated and a resolution decision is reached, the EEO Officer, or his/her appointed designee will notify the Complainant of the findings in the case and the resolution decision.

The EEO Officer or his/her appointed designee will continue to monitor the circumstances surrounding the complaint to ensure that the situation has been remedied.

In cases where the EEO Officer or his/her appointed designee is not able to substantiate an allegation of sexual harassment, a letter/memo to that effect will be sent to the complainant with a copy to the respondent, and the respondent's supervisor. A copy will be kept on file with the EEO Officer in the OHR.

Official Records of Complaint

All complaint records are to be filed exclusively in the Office of Human Resources except when students are sanctioned, a record will exist in the Office of Student Life.

Retaliation

Retaliatory action of any kind is prohibited against a witness, or other persons providing testimony, or against the complainant seeking redress under the applicable policies, procedures, and laws dealing with sexual harassment. Such retaliatory action shall be regarded as a separate and distinct cause for complaint and if substantiated, will result in disciplinary action up to and including employment dismissal or suspension for students.

Confidentiality

All complaints of sexual harassment will be kept confidential to the extent possible while conducting an investigation and resolving the matter.

Corrective Disciplinary Action

Substantiated violations of TWU's policy on sexual harassment will include disciplinary corrective action up to and including employment termination for employees and suspension or expulsion from the University for students.

Civil Sanctions

Sexual harassment is illegal under Title VII of the Civil Rights Acts of 1964 and Title IX of the Education Amendments Act of 1972. In some cases, sexual harassment may be subject to prosecution under the criminal sexual conduct law and personal liability.

Filing of False Complaints of Sexual Harassment

Any TWU employee or student who knowingly and intentionally files a false complaint under this policy will be subject to corrective disciplinary action up to and including employment dismissal, or suspension or expulsion for students, from the University.

Dissemination of Policy

The policy will be disseminated annually to all faculty, employees and students, and is available through the OHR. The University will periodically educate and train employees and supervisors regarding this policy, including conduct that would constitute a violation of this policy. Pursuant to Texas Labor Code, Section 21.010, new employees shall receive this training and this policy within 30 days of hire. All employees shall participate in a refresher training course every two years. Such training shall be documented in each employee's personnel file via either a copied electronic or hard copy version of the employee statement of training.

The EEO Officer duties and responsibilities are assigned by the policy and TWU to the Director of Human Resources.

The Vice President for Finance and Administration will review this Operating Policy with recommendations forwarded through normal administrative channels to the Chancellor and President.