

Sam Houston State University
A Member of The Texas State University System

Finance & Operations Human Resources Policy ER-7
Sexual Harassment

SUBJECT: Sexual Harassment

PURPOSE: To establish a complaint resolution policy to help identify and eliminate sexual harassment and to resolve such complaints in a fair and timely manner.

POLICY: It is the policy of Sam Houston State University to review and resolve complaints of sexual harassment by any member of the University community, including faculty, staff, students or visitors. Each supervisor has a responsibility to maintain the workplace free of sexual harassment. This duty includes discussing this policy with all employees and assuring them that they are not to endure insulting, degrading or exploitative sexual treatment; and that false accusations will result in disciplinary action up to and including termination. Sexual harassment is a form of sex discrimination and will be treated as such by the University.

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1. Definition

Conduct involving unwelcome sexual advances, request for sexual favor, and other verbal or physical conduct of a sexual nature constitute sexual harassment when:

- a. Submission to such conduct is made either explicitly or implicitly a term or condition of such individual's status as an employee or student;
- b. submission to or rejection of such conduct by an individual is used as the basis for decisions affecting the status of such individual as an employee or student; and/or
- c. such conduct has the purpose or effect of substantially interfering with an individual's performance or creating an intimidating, hostile or offensive environment.

2. EEO Training

Employees are required to complete EEO Training, which includes Sexual Harassment Training. This training is web based and provides a certificate of completion at the end of the course. Employees must submit the certificate of completion to the Human Resources Department within 15-days from their employment date. Follow up training is required every two (2) years thereafter. Employees who do not complete the required training will be subject to disciplinary action up to, and including termination.

3. Procedure for Resolving Complaints

Any student, staff employee, or faculty member who feels he/she is the victim of sexual harassment should follow these steps:

a. **INFORMAL COMPLAINT**

All complaints will be considered informal until they are filed in writing. A person who believes he/she is the victim of sexual harassment is encouraged to seek an informal resolution as follows:

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[STEP ONE]

In circumstances where it is perceived that personal safety or employee/student status is not in jeopardy, the offended individual should clearly communicate to the offender that the behavior is unwelcome and must cease immediately.

[STEP TWO]

- (1) If Step One fails or is deemed inappropriate, the offended individual should report the incident(s) to the University Civil Rights Compliance (CRC) Officer. The University CRC Officer is the Director of Human Resources.
- (2) The CRC Officer will counsel with the complainant to determine the extent of the alleged sexual harassment.
- (3) The evidence presented by the complainant will be reviewed by the CRC Officer to determine if there is cause to believe that a sexual harassment violation occurred.
- (4) If in the judgment of the CRC Officer a violation did not occur, the complainant will be so advised and given a verbal explanation of why the incident(s) described does not constitute sexual harassment.
- (5) If the complainant does not agree with the CRC Officer's judgment as stated above, the complainant will be given the opportunity to file a formal written complaint.
- (6) If the CRC Officer has cause to believe that sexual harassment did occur, he will give the complainant the option to file a formal complaint or to continue to pursue an informal resolution.
- (7) If the complainant chooses to continue the informal procedure, the CRC Officer will notify the person being charged that an informal complaint has been filed against him/her and that the complainant wishes to seek an informal resolution to the problem. The CRC Officer will offer the charged party an opportunity to confirm or rebut the charge. The CRC Officer then meets with both parties together or independently and will try to reach a mutually agreeable resolution.
- (8) If a resolution is not achieved, the charging party will be given the opportunity to file a written formal complaint.

b. **FORMAL COMPLAINT**

To be considered a formal complaint, the complaint must be submitted to the CRC Officer in writing within ninety (90) days of the most recent incident and must include the resolution sought. Appeals must be filed within five (5) working days of receiving an answer and each step should be completed within ten (10) working days.

[STEP ONE]

- (1) The CRC Officer will, as determined necessary, investigate and/or review with pertinent parties the written complaint.
- (2) If the CRC Officer does not feel there is cause to believe that sexual harassment occurred, he/she will so advise the complainant in writing stating the reason for his/her decision.

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- (3) If the CRC Officer feels there is cause to believe that sexual harassment did occur, he/she will notify the charged party that he/she has been formally charged with sexual harassment and will give him/her a copy of the written charge. The CRC Officer will give the accused party the opportunity to confirm or rebut the charge in writing. The CRC Officer then meets with both parties either together or separately and will try to reach a mutually agreeable resolution.

[STEP TWO]

If a solution is not reached in Step One, the CRC Officer and the Vice President(s) will meet with both parties, either together or separately, to review both sides of the issue. They will then mutually agree on a resolution which will be communicated in writing to both parties. Both parties will be instructed by the Vice President(s) to comply with the terms of the resolution.

[STEP THREE]

- (1) The decision of the Vice President may be appealed by either party to the President by submitting a written statement to the CRC Officer. The appeal must include the basis of the appeal and the remedy sought.
- (2) The President will take whatever action he determines appropriate to resolve the complaint. The President's decision will be final and binding.

4. General Provisions

- a. **TIMELINES** -- The deadlines specified herein may be extended by the University CRC Officer. A request for extension must be submitted in writing at least one (1) day before the deadline and must include the reason for the request.
- b. **TRANSFER OF FUNCTION** -- If a complaint, whether informal or formal, is directed against a Vice President or the CRC Officer, the functions assigned to the person by these procedures will transfer to the President or his designee.
- c. **RESORT TO OTHER PROCEDURES** -- If prior to filing a complaint hereunder or while a formal complaint proceeding is in progress, a complainant seeks resolution of the complaint in any other forum, whether administrative or judicial, the University shall have no obligation to entertain or proceed further with the complaint pursuant to this complaint procedure.
- d. **RIGHT TO ADVISOR** -- The complainant and the respondent each have the right to bring an advisor to the meeting. The advisor may not act as a participant in the meeting, but may render consultation to the advisee. If either party chooses to exercise this option, he/she shall submit the name of the advisor in writing to the CRC Officer at least forty-eight (48) hours prior to the meeting.
- e. **RETALIATION PROHIBITED** -- Under no circumstances will the University permit retaliation against an individual in any way as a result of seeking relief under this policy.

Reviewed by: David L. White, Interim Director of Human Resources – 02/01/2009
Next review: 02/01/2010