

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

Finance & Operations Human Resources Policy ER-7
Discrimination and Equal Employment Opportunity (EEO)

SUBJECT: Discrimination and Equal Employment Opportunity (EEO)

PURPOSE: To provide an educational and working environment free of unlawful discrimination or harassment to all members of the University community and to establish a complaint resolution policy to help identify and eliminate discrimination, 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 discrimination by any member of the University community, including faculty, staff, students or visitors. Each supervisor has a responsibility to maintain the workplace free of discrimination. This duty includes discussing this policy with all employees and assuring them that they are not to endure discrimination, and that false accusations will result in disciplinary action up to and including termination. For employee-related complaints, the Associate Vice President for Human Resources and Risk Management or designee will be responsible for maintaining records of all formal complaints and the results of such complaints. For student-related complaints, the Dean of Students or designee will be responsible for maintaining records of all formal complaints and the results of such complaints.

Title VII of the Civil Rights Act of 1964 protects individuals against employment discrimination on the bases of race and color, as well as national origin, sex, and religion. Sam Houston State University, in accordance with applicable federal and state law (including Title VII) and institutional values, prohibits discrimination or harassment on the basis of race, creed, ancestry, marital status, citizenship, color, national origin, sex, religion, age, disability, veteran's status, sexual orientation, or gender identity. All personnel actions, including recruitment, employment, training, upgrading, promotion, demotion, termination, and salary administration are reviewed to ensure Equal Employment Opportunity (EEO) compliance.

Complaints of discrimination based upon sex related to sexual harassment and/or sexual misconduct are governed by the University's [Sexual Misconduct Policy and Procedures](#).

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1. EEO Training

Employees are required to complete EEO Training. This training is web based and provides a certificate of completion at the end of the course. Employees must complete the training within thirty (30) 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.

2. Definitions

- a. **DISCRIMINATION** -- Defined as conduct directed at a specific individual or a group of identifiable individuals that subjects the individual or group to treatment that adversely affects their

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employment or education because of their race, creed, ancestry, marital status, citizenship, color, national origin, sex, religion, age, disability, veteran's status, sexual orientation, or gender identity.

- b. HARASSMENT -- A form of discrimination that's defined as verbal or physical conduct that is directed at an individual or group because of race, creed, ancestry, marital status, citizenship, color, national origin, sex, religion, age, disability, veteran's status, sexual orientation, or gender identity when such conduct is sufficiently severe, pervasive, or persistent so as to have the purpose or effect of interfering with an individual's or group's academic or work performance; or of creating a hostile academic or work environment. This conduct can include technology-based communications such as texting, online classroom chats, or social networking sites.

3. Reporting

A person who believes that he or she has been subjected to any type of discrimination should report the incident to the appropriate University official, administrator, or supervisor. Students are encouraged to report such incidents to the Assistant Dean of Students for Parent Relations and Special Projects or the Associate Vice President for Human Resources and Risk Management. Employees and visitors are encouraged to report to the Associate Vice President for Human Resources and Risk Management. Incidents should be reported as soon as possible after the time of their occurrence. No person is required to report discrimination to the alleged offender. Every attempt should be made to keep the information confidential and restricted to only those who have an absolute need to know. A person who makes a complaint should be advised that principles of fairness and due process may require disclosure to the alleged harasser, who shall be warned against retaliation upon pain of disciplinary action in accordance with Section 5e of this policy.

Complaints alleging sexual harassment are governed by and investigated under the University's [**Sexual Misconduct Policy and Procedures**](#).

The Associate Vice President for Human Resources and Risk Management office is located on the fourth floor of the College of Humanities and Social Science Building at 1901 Avenue I, Suite 410, Huntsville, TX 77340. The main Human Resources phone number is (936) 294-1070. The Assistant Dean of Students for Parent Relations and Special Projects office is located on the second floor of the Lowman Student Center at 1802 Avenue I, Suite 215, Huntsville, TX 77340. The main Dean of Students phone number is (936) 294-1785.

4. Procedure for Resolving Complaints

Any student, staff employee, or faculty member who feels he/she is the victim of discrimination 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 discrimination is encouraged to seek an informal resolution as follows:

[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 Associate Vice President for Human Resources and Risk Management.

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Students may report student on student incidents to the Assistant Dean of Students for Parent Relations and Special Projects.

- (2) The CRC Officer will counsel with the complainant to determine the extent of the alleged discrimination.
- (3) The evidence presented by the complainant will be reviewed by the CRC Officer to determine if there is cause to believe that a discrimination 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 discrimination.
- (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 discrimination 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. Appeals must be filed within five (5) working days of receiving an answer and each step should be completed within ten (10) working days. The complaint should contain the following information:

- Name of the complainant;
- Contact information, including address, telephone number, email address;
- Name of person(s) directly responsible for alleged violation(s);
- Date(s) and place(s) of alleged violation(s);
- Nature of alleged violation(s) as defined in this policy;
- Detailed description of the specific conduct that is the basis of alleged violation(s);
- Copies of documents pertaining to the alleged violation(s);
- Names and contact information (if known) of any witnesses to alleged violation(s);
- Action requested to resolve the situation;
- Complainant's signature and date of filing;
- Any other relevant information.

[STEP ONE]

- (1) The CRC Officer will, as determined necessary, investigate and/or review with pertinent parties the written complaint.

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- (2) If the CRC Officer does not feel there is cause to believe that discrimination occurred, he/she will so advise the complainant in writing stating the reason for his/her decision.
- (3) If the CRC Officer feels there is cause to believe that discrimination did occur, he/she will notify the charged party that he/she has been formally charged with discrimination and will give him/her a copy of the complaint. 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 she/he determines appropriate to resolve the complaint. The President's decision will be final and binding.

5. 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 her/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** -- A supervisor or employee commits an unlawful employment practice if the supervisor or employee retaliates or discriminates against a person, who (a) opposes a discriminatory or harassing practice, (b) makes or files a complaint alleging employment discrimination or harassment, (c) or testifies, assists, or participates in any manner in an investigation or proceeding. Any employee who retaliates against another employee violates the University's policies and procedures and may be subject to disciplinary action up to and including termination. Instances of alleged retaliation shall be investigated pursuant to the procedures of this policy.

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- f. EMPLOYEE SANCTIONS -- University sanctions for violations of this policy may include any disciplinary action, up to and including termination of employment for faculty or staff. Unlawful discrimination is illegal under state and federal law. Official governmental investigations by the Equal Employment Opportunity Commission, the Texas Workforce Commission Civil Rights Division, and/or the Office of Civil Rights of the Department of Education may result in civil lawsuits against any person guilty of unlawful discrimination or harassment.

Reviewed by: David M. Hammonds, Associate VP for Human Resources & Risk Management-03/16/2016
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