

34.01.01.W1/BF Sexual Harassment
Approved September 24, 2004
Supplements System Policy 34.01

1. GENERAL

The employment environment at West Texas A&M University shall be free from all forms of sexual harassment. Sexual harassment is unacceptable conduct and will not be tolerated. Conduct constituting sexual harassment is specifically prohibited and will result in sanctions.

2. DEFINITION

Sexual harassment means unwelcome sexual advances, requests for sexual favors, or other verbal, visual or physical conduct of a sexual nature, submission of which is made a condition of an individual's employment, submission to or rejection of such conduct is used for the basis for employment decisions affecting that individual, or when such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or education experience or creating an intimidating, hostile or offensive work environment.

Examples that may constitute sexual harassment are: offensive or unwanted sexual flirtation, advances or pressure for sexual activity; unwanted touching, pinching or unnecessary touching; unwanted exposure to sexual graffiti, photographs or suggestive objects; sexual innuendos or statements which cause a hostile or offensive working environment; or obscene gestures, disparaging remarks about one's gender or any offensive or abusive physical contact.

3. PROCEDURES

The reporting of allegations of sexual harassment is a very serious matter, and the following steps will be taken to resolve complaints.

Informal complaints should be filed with the immediate supervisor within 30 calendar days and are aimed at stopping the harassing behavior. The complainant, alleged offender, and the supervisor should formulate a plan of action to resolve the complaint within 10 working days. If the complaint is against the immediate supervisor or if the immediate supervisor is unable to resolve the issue, then the next higher level supervisor is consulted until resolution is accomplished. The complaint and resolution of the complaint should be filed with the Director of Personnel Services.

Formal complaints are filed with the Director of Personnel Services when and only after the informal process has not resulted in a satisfactory resolution for all involved parties. The formal procedure will determine if sexual harassment has occurred; the culpability of the alleged offender and the appropriate remedies or action.

A formal complaint must be made in writing to the Director of Personnel Services and should contain a minimum of:

- (1) Time(s) and date(s) that alleged offense occurred
- (2) Other employee(s) involved
- (3) Names of witnesses
- (4) Summary of complaint
- (5) Informal complaint summary, and the resolution that is unacceptable to any involved party.

The Director of Personnel Services will review the complaint and may return the complaint if the informal process has not been exhausted. This would include working with the immediate supervisor, the next higher level supervisor, or the senior division officer.

If the Director of Personnel Services determines that the informal complaint process was followed and that a satisfactory resolution was not achieved, then the formal complaint will be forwarded to the appropriate vice president and alleged offender. The division or department of the person accused will determine which vice president investigates the case. If the person accused is the vice president, the president will investigate the case. If the president is the person accused, the complaint will be sent to the Chancellor. The Director of Personnel Services will have ten (10) working days to review and forward the case as appropriate, but may take up to thirty (30) working days depending on the complexity and number of individuals involved in the complaint.

Should the formal complaint proceed to a vice president, he/she will investigate the case within ten (10) working days, but may take up to thirty (30) working days. The investigation will include interviewing the complainant and witnesses suggested by the complainant who may have knowledge of the offending behavior. The alleged offender will be given an opportunity to respond to the complaint orally or in writing and may suggest additional witnesses. The investigation should also include interviewing any other such witnesses as are deemed appropriate under the circumstances. All witnesses who provide relevant information will be asked to submit a written, signed statement attesting to their knowledge of the circumstances. The vice president may use the assistance of the University Police Department to investigate the complaint. Additional time may be needed depending on the complexity of the complaint. Notice will be sent should additional time be required.

The vice president investigating will make the determination of the sanctions and will forward the decision to the complainant, the alleged offender, the supervisor and the senior division officers as appropriate.

4. RETALIATION PROHIBITED

Retaliatory action of any kind is prohibited when taken against a witness or other person providing testimony, or against the complainant seeking redress under the applicable

rules dealing with sexual harassment. Such retaliatory action shall be regarded as a separate and distinct cause for complaint.

5. FILING OF FALSE COMPLAINTS

Any person who knowingly and intentionally files a false complaint under this regulation is subject to disciplinary action up to and including dismissal.

6. EMPLOYEE GRIEVANCE OF A DISCIPLINARY ACTION

Any employee disciplined pursuant to this regulation may grieve that action in accordance with the TAMU System Policy 32.01, 12.01, 32.01.01, 32.01.02, and other rule(s) and procedure(s) as appropriate.

CONTACT FOR INTERPRETATION: Director of Personnel Services