

## **Sexual Harassment Procedure**

In order to deal promptly and fairly with charges of sexual harassment and to protect the rights and dignity of all individuals involved, each System component will establish and give wide publicity to a procedure for filing a complaint.

### 1. Definitions

a. Sexual Harassment is defined in System Policy 34.01.

b. Complainant – A student, faculty or staff member, or student employee who perceives that he/she has been subjected to sexual harassment, and who chooses to lodge an informal and/or formal complaint under University procedure.

c. Affirmative Action Officer (AAO) – The individual responsible for administering the University's affirmative action and equal employment opportunity policies and procedures. The Director of Human Resources currently serves as this administrator. The AAO has the authority to determine jurisdiction when lines of responsibility and appeal are unclear; grant extensions when appeals and responses cannot be made within established time frames; seek advice from the Office of General Counsel of the Texas A&M University System; and maintain all necessary and appropriate records on behalf of the University.

d. Informal Complaint – A verbal petition made by a complainant to his/her immediate supervisor, that simply seeks to have specific behavior(s) cease, behavior(s) which the complainant perceives to be sexual harassment, without the necessity for an investigation and the potential imposition of sanctions. If an informal complaint has not resolved the problem to the complainant's satisfaction, a formal written complaint may be filed.

e. Formal Complaint – A written petition, made by a complainant, that not only seeks to have specific behavior(s), which the complainant perceives to be sexual harassment, cease, but also initiates an investigation and may result in imposition of disciplinary action or sanction.

f. Sanctions – Disciplinary actions, taken by the University, which involve the imposition of certain restrictions or penalties on a student, employee, vendor, or visitor, and which may range in severity from a verbal reprimand to expulsion from the University (in the case of a student), being barred from Tarleton property and functions (if a vendor or visitor), or dismissal (if an employee). The implementation of sanctions will be made in accordance with other, applicable University rules and System policies.

g. Ad Hoc Committee – A committee, appointed by a vice president or designee, whose responsibility consists of reviewing a previous decision and/or sanctions. Following this review, the committee will recommend to the vice president that the decision and/or sanctions be upheld,

modified, or overturned. An ad hoc committee is composed of no more than five members. This committee should include a three/two representation of the same gender and status (student, faculty, or staff) of the complainant and representation of the same gender and status of the alleged offender.

h. Intermediate Administrator – A dean, assistant or associate vice president, or other, equivalent administrator, who typically fulfills an intermediate role between a department head and a vice president.

i. Immediate Supervisor – In the context of this Rule statement, the immediate supervisor of the alleged offender.

## 2. Complaint Resolution Procedure

A person who believes he/she has been the victim of sexual harassment may pursue either the informal or the formal complaint resolution procedure. A complaint must be initiated within one year of the incident which has given rise to the complaint. A complaint may be initiated by a faculty member, staff member, or a student.

### a. Informal Complaint:

Resolution of an informal complaint may be pursued as follows:

(1) A complaint of sexual harassment may be initially directed to the Immediate supervisor, a department head, an intermediate administrator, a vice president, the AAO, or the Dean of Students Life (DOSL).

(2) If an offended individual does not fear reprisal or for his/her personal safety, he/she should clearly communicate to the offender that the behavior is unwelcome and must cease immediately. If the offending behavior does not cease, the offended individual should report the incident(s) to one of the individuals listed in (1) above.

(3) At the request of the complainant, the immediate supervisor or other administrator who has been contacted will attempt to resolve the complaint while, at the same time, maintaining complainant's anonymity. Before attempting to resolve the complaint, the supervisor or administrator will consult with the AAO. If the person contacted is not the immediate supervisor of the alleged offender, then the alleged offender's immediate supervisor shall also be notified of the allegations made against his/her subordinate.

(4) Under this informal procedure, the complainant may, at any time, elect to withdraw the complaint. However, the University, through the advice of the AAO and the System Office of General Counsel and/or System Office of Community Development, may choose to follow up on the complaint, and take appropriate action.

### b. Formal Complaint:

All formal complaints must be filed in writing with the AAO or the Dean of Students Life. Upon

receiving a formal complaint, the Dean of Students Life will notify the AAO within five working days if the complaint involves a student employee.

(1) Notification

The status of the alleged offender will determine the appropriate procedure for notification that a formal complaint has been filed. Such notification will occur in one of the following ways:

(a) If the alleged offender is an employee of the University, the AAO will notify the intermediate administrator and the department head, within five working days following receipt of the complaint, that a formal complaint has been filed.

(b) If the alleged offender is a student, the Dean of Student Life will meet with him/her within five working days to give notification that a formal complaint has been filed. If the student is an employee of the University, the Dean of Student Life will notify the head of the department where the student is employed.

(2) Investigation

(a) If the alleged offender is an employee of the University:

After notification by the AAO, the intermediate administrator shall immediately notify the alleged offender and the vice president over the alleged offender's area. Within fifteen working days, the intermediate administrator, with the assistance of the department head and AAO shall investigate and decide the case and determine whether harassment occurred and what sanctions (if any) should be imposed. This decision shall be communicated in writing to the complainant, the alleged offender, the vice president, and the AAO. The complainant or alleged offender may appeal this decision to the vice president within ten working days of receiving the finding.

Within five working days of the receipt of such an appeal the vice president may convene an ad hoc committee. If an ad hoc committee is convened, said committee will provide a report to the vice president within twenty working days of appointment.

Following receipt of the committee's findings and recommendations, the vice president will communicate, within five working days, a written decision to all parties involved.

If an ad hoc committee is not convened to review an appeal of the decision and/or sanctions, the vice president will have fifteen working days to communicate a written decision to all parties involved.

Any decision made by the vice president may be appealed to the President of the University within ten working days of receipt. The decision of the President, reached within twenty working days, shall be final and binding.

(b) If the alleged offender is a student:

Following the notification meeting, the Dean of Student Life (DOSL) will begin an investigation of the complaint. Within fifteen working days, the DOS will conclude the investigation, render a decision, and impose sanctions, if warranted. This decision will be communicated in writing to the complainant, the alleged offender, the department head (if the student is a University employee), the Vice President for Student Services (VPSS), and the AAO.

An appeal of a decision by the DOSL may be made to the VPSS within ten working days. If deemed appropriate, the VPSS may convene an ad hoc committee within five working days.

If an ad hoc committee is convened, said committee will provide a report to the VPSS within twenty working days. Following receipt of the committee's report, the VPSS will communicate, within five working days, a written decision, concerning the appeal, to all parties involved.

If an ad hoc committee is not convened to review an appeal of the decision and/or sanctions, the VPSS will have fifteen working days to communicate a written decision to all parties involved.

Any action taken by the VPSS may be appealed to the President of the University within ten working days of receipt. The decision of the President, reached within twenty working days, shall be final and binding.

### 3. Retaliation Prohibited

Retaliatory action of any kind, taken against an individual as a result of a person's attempt to seek redress under the applicable procedures dealing with sexual harassment, is prohibited. Such action by an individual will be regarded as a distinct cause for disciplinary action up to and including dismissal from the University.

### 4. Malicious Complaints

If it is determined that an allegation of sexual harassment is totally without foundation, and if there is evidence of malicious intent, the complainant may be subject to disciplinary action.

### 5. Training and Education

Recognizing the necessity for increased awareness of and sensitivity to the issue of sexual harassment, and the need to ensure supervisors at all levels are prepared to address and respond to this issue within the guidelines of the System Policy and this Rule statement, appropriate training initiatives will be developed, implemented, and maintained by the AAO.