

Texas Woman's University
University Policy Manual

Policy Name:	Sexual Harassment
Policy Number:	3.05
Date Passed:	June 1989
Date Reviewed:	May 2010
Next Review:	May 2012
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:

1. submission to, or toleration of, such conduct is made either explicitly or implicitly a term or condition of an individual's employment or education;
2. 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,
3. 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 Associate Vice President for 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.

Texas Woman's University University Policy Manual

Policy Name:	Faculty Standards of Conduct/Corrective Action Guidelines
Policy Number:	5.23
Date Passed:	June 2005
Date Reviewed:	June 2012
Next Review:	June 2014
Signed By:	Chancellor and President

Texas Woman's University has several policies that apply to faculty performance. These documents include:

Promotion and Tenure Policy
Framework for Annual Performance Review
Post-Tenure Review Policy

These policies concern faculty members' discharging their responsibilities in the traditional areas of teaching, scholarly accomplishments, and service. The Standards of Conduct Policy & Corrective Action Guidelines apply to situations and actions not covered by any other university policies.

When a faculty member's conduct is not in keeping with the behavior standards expected of an employee of Texas Woman's University, the supervisor or administrative officer has the responsibility to investigate the situation so that facts are known and can lead to correction if needed. Faculty members are subject to corrective action, including dismissal, for violation of University rules or regulations, departmental policies, federal, state, or local laws. The term "faculty member" in this policy includes persons with faculty or librarian appointments.

The TWU *Faculty Handbook, Section B: Faculty Employment Policies and Practices* provides an overview of faculty employment-related policies and emphasizes the importance of faculty to act responsibly, specifically two sections titled "Academic Freedom" (Policy 1.01) and "Faculty Responsibilities" (Policy 5.02).

Other TWU employment policies may also be related to this policy (Policy 5.23).

In cases of employment offenses or misconduct alleged to involve acts of discrimination, including sexual harassment, refer to the policies on Nondiscrimination and Sexual Harassment set forth in Section B of the Faculty Handbook and Policy 3.05 Sexual Harassment.

The concept of progressive discipline acknowledges that a faculty member may be guilty of an employment offense or misconduct that, while serious, does not necessarily justify dismissal and/or loss of tenure. Activities of a faculty member that fall outside the scope of employment shall constitute

misconduct only if such activities adversely affect the legitimate interests of the University. Examples of such conduct include, but are not limited to: Conduct, professional or personal, involving moral turpitude. Action(s) that results in preventing other members of the University community from fulfilling their responsibilities or that create a clear and present danger to members of the University community.

Discipline Sanctions Options

Sanctions are disciplinary actions imposed on an individual that may include punishment or other corrective actions. Sanctions may extend from mild to severe and from informal to formal. In cases of employment offenses or misconduct, a range of sanctions short of dismissal should be available. This range of sanctions from minor to major constitutes progressive discipline. However, the imposition of any sanction must be regarded as a serious disciplinary step, and even a first offense may warrant the most extreme penalty and loss of tenure. Any sanctions imposed must be selected to meet the severity, the frequency, and/or flagrant nature of the infraction. In some instances the faculty member may be placed on leave of absence until final action is taken.

Appropriate sanctions may include, but are not limited to the randomized list below. These sanctions do not appear in hierarchical order.

- Reassignment to other duties
- Oral reprimand
- Reassignment of workspace
- Restitution
- Loss of tenure and/or dismissal
- Written reprimand
- Placement of the faculty member under direct supervision of the **component administrator** (Associate Dean/Chair/Director/ Program Director) or Dean with a specific plan for remediation and for a specific period of time
- Loss of summer teaching employment for those on less than twelve month contracts
- Loss of perquisites or of privileges of rank
- Loss of merit raises
- Reduction in salary
- Reduction in rank with loss of salary not to exceed the prevailing promotional increment. This action in no way abrogates tenure.
- Suspension with or without pay
- Reduction in contract period

In cases of employment offenses or misconduct alleged to involve acts of unlawful discrimination, and/or sexual harassment, the matter will be reviewed in accordance with University policy.

Procedures

These procedures must be followed when a faculty member is alleged by the University to have committed conduct, other than discrimination, to initiate this review. If, however, the **component administrator** regards the alleged conduct as one that warrants only an oral reprimand, the **component administrator** may follow these procedures at his or her discretion.

Depending upon the severity of the alleged offense or misconduct, the Provost may immediately place a faculty member on leave with pay pending an investigation of alleged misconduct or other employment offense. The leave pending investigation shall commence immediately by decision of the Provost or designee. The faculty member will be provided with written notice of allegations. The procedures listed below are to be followed in sequence.

The **component administrator** notifies the Dean in writing of the alleged conduct and reasons for initiating this review.

The **component administrator** notifies the faculty member in writing of the alleged conduct with reasons for initiating this review.

The faculty member is given an opportunity to respond in writing, normally within ten (10) working days after receipt of the notice.

The **component administrator** reviews the faculty member's response (if any was made) and his/her past performance and employment record and gathers any additional information prior to determining if a sanction is warranted.

Normally within ten (10) working days after receiving the faculty member's response, the **component administrator** notifies the Dean of the response and includes his or her recommendations regarding the alleged conduct with a copy to the faculty member. If warranted, the **component administrator's** recommendation may include an appropriate sanction.

The Dean may impose any sanction less than dismissal or revocation of tenure. The Dean notifies the faculty member and the component administrator of the sanction (if any) to be imposed. Notification is normally given within fifteen (15) working days.

The faculty member is given ten (10) working days to respond in writing to the Dean before any sanction(s) becomes effective.

If the proposed sanction is termination of employment or revocation of tenure, the Dean notifies the Provost. This notification will include all appropriate documentation.

The Provost notifies the faculty member and the component administrator of the sanction to be imposed. Notification is normally given within fifteen (15) working days.

When an **component administrator** is alleged by the university to have committed conduct which would initiate a review under this policy, the Dean will follow the above procedures fulfilling the component administrator's duties; and the Provost and Vice President for Academic Affairs will act in the Dean's role. When a Dean is alleged by the university to have committed conduct which would initiate a review under this policy, the Provost will follow the above procedures fulfilling the Chair and Dean's duties, and the Chancellor and President will act in the Provost's role.

Appeal of Recommended Sanctions

Faculty may appeal the sanctions determined/imposed by the Dean or the Provost to the Faculty Review Committee. Such appeals are governed by the *Faculty Handbook, Sec. B: Faculty Employment Policies and Procedures, Appeal to Faculty Review Committee*. The Faculty Review Committee may recommend acceptance, modification or rejection of the findings and/or sanctions. When sanctions have been recommended by the Dean, the Faculty Review Committee reports to the Provost and the Provost makes the final decision. When sanctions have been recommended by the Provost or Chancellor, the Faculty Review Committee reports to the Chancellor and the Chancellor makes the final decision.

Record Retention

Unless otherwise required by law or university employment policies, records retention will follow the university's *Records Retention Policy*.

EEO Compliance

All disciplinary action taken under this policy resulting in loss of tenure or termination of employment will be subject to review by the Equal Employment Opportunity Officer to ensure EEO Compliance. Nothing in these guidelines limits "at will" employment in Texas and at Texas Woman's University or existing non-renewal policies, post-tenure review policies or procedures, or existing policies or practices that academic administrators serve in that administrative capacity at the pleasure of the Chancellor and President.