Texas A&M University-Kingsville

Procedure 34.01.99.K1.01  Sexual Harassment, Harassment, Discrimination

Approved June 18, 2003
Revised January 19, 2006
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Supplements University Rule 34.01.99.K1

1. GOAL

1.1 This procedure outlines the method for reporting sexual harassment, harassment, or discrimination. It also outlines the method for investigating a charge of sexual harassment, harassment or discrimination. Texas A&M University-Kingsville takes these charges seriously and will investigate all charges that indicate sexual harassment, harassment, or discrimination may have occurred by the facts given by the complainant.

1.2 A person who believes he/she has been the victim of sexual harassment, harassment, or discrimination may pursue either the informal or the formal complaint resolution procedure. A complaint must be initiated within one hundred eighty (180) days of the incident. A faculty member, staff member, or a student may initiate a complaint.

1.3 When a complaint is filed, the university will not tolerate reprisal aimed at the complainant in any form.

2. INFORMAL COMPLAINT

2.1 The complainant should clearly communicate to the offender that the behavior is unwelcome and must cease immediately. If there is a fear of reprisal or for his/her personal safety, or if the offensive behavior does not cease, the offended individual should report the incident(s) as set forth in paragraph 2.2 or paragraph 3.1.

2.2 A complaint may be initially made to the complainant’s immediate supervisor, a department head, any supervisory employee, the Dean of Students, or the Affirmative Action Officer (AAO). If not reported to the AAO, the individual receiving the information will forward the information to the AAO immediately.

2.3 If someone other than the AAO attempts to resolve the complaint, they shall consult with the AAO.

2.4 Under this informal procedure, the complainant may, at any time elect to withdraw the complaint. However, the University may choose to follow up on the complaint and take appropriate action as needed.

3. FORMAL COMPLAINT
3.1 Formal complaints must be filed in writing with any one of the following: the AAO, the Vice President for Student Affairs, the Vice President of Finance and Administration, Vice President of Institutional Advancement, Provost and Vice President of Academic Affairs, a College Dean or supervisor, the Director of the Women’s Center, or of the Center for Life Services and Wellness.

3.2 Upon receiving a formal complaint, the recipient will immediately forward the complaint to the AAO.

3.3 Under this formal procedure, the complaint may not be withdrawn. The university will follow up on the complaint and take appropriate action.

3.4 Guidelines for a formal complaint:

3.4.1 The written complaint must provide as much detail as possible (names, departments, dates, witnesses and other information necessary to conduct an investigation) and must be submitted within 180 calendar days of the alleged act of sexual harassment, harassment or discrimination.

3.4.2 Investigations will be conducted discreetly, however, it may be necessary to reveal names at some point in the investigation to allow a complete investigation.

3.4.3 A faculty or student observer, other that the complainant, may be present during the investigation proceedings, but the observer will not be permitted to offer comments on or about the proceedings, nor act as advocate for any participant.

4. NOTIFICATION

4.1 After receiving a formal complaint, the AAO shall immediately notify the alleged offender and the appropriate Vice President. The AAO will notify the appropriate administrator and the Department Head, or the Dean of Students within five working days following receipt of the complaint.

5. INVESTIGATION TIMELINES
5.1 The AAO may appoint someone other than himself/herself as investigator of the charge. Any such appointment shall be made within three (3) working days of receipt of the charge. The AAO will notify the complaining party of the identity of the investigator as soon as the investigator is appointed.

5.2 The investigator shall complete his/her investigation within twenty (20) working days of his/her receipt of the charge.

5.3 A written report containing the investigator’s conclusions and recommendation for sanctions, if any, shall be prepared within twenty-five (25) working days of receipt of the charge. In the event the investigator is someone other than the AAO, the written report shall be delivered to the AAO. The AAO shall transmit a copy of the investigation report to the complainant, the alleged offender and the appropriate administrator who will issue appropriate sanctions (if any).

5.4 The complainant or alleged offender may appeal the investigator’s decision on sexual harassment, harassment or discrimination to the appropriate Vice President within ten (10) working days of receiving the finding. The alleged offender may appeal any sanctions imposed to the appropriate Vice President within ten (10) working days of receiving the finding.

5.5 Within five (5) working days of the receipt of such an appeal, the appropriate Vice President may ask for additional investigation, which will be completed as soon as possible.

5.6 Following receipt of the findings, the appropriate Vice President will communicate, within five (5) working days, a written decision to all parties involved. The decision of the Vice President shall be final and binding.