

## TEXAS A&M UNIVERSITY-KINGSVILLE

### **34.01.99.K1 Sexual Harassment**

*Approved June 1, 2001*

*Revised June 18, 2003*

*Revised February 21, 2006*

Supplements System Policy 34.01

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#### 1. GENERAL

The employment and educational environment throughout Texas A&M University-Kingsville shall be free from all forms of sexual harassment. Such conduct constitutes unprofessional behavior and is specifically prohibited and will result in appropriate sanctions. Sexual harassment as defined in Section 39-03 of the Texas Penal Code, is a Class A misdemeanor and a violation of State and Federal statutes. Nothing in this policy shall be construed either to limit the legitimate exercise of free speech or to infringe upon the academic freedom of any member of the university community.

#### 2. DESIGNATED OFFICIALS FOR ALLEGATIONS OF SEXUAL HARASSMENT

The investigator for complaints alleging sexual harassment shall be the Affirmative Action Officer or his/her designee, as directed by the President. The Affirmative Action Officer and his/her designees will be provided training in proper investigative procedures. The designees will be independent from those who are charged with making other personnel decisions.

#### 3. DEFINITION

3.1 Sexual harassment means unwelcome sexual advances, requests for sexual favors, or other verbal, visual, or physical conduct of a sexual nature, submission to which is made a condition of a person's exercise or enjoyment of any right, privilege, power, or immunity, either explicitly or implicitly.

3.2 In addition, unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when (a) submission to such conduct is made (either explicitly or implicitly) a term or condition of an individual's employment, (b) submission to, or rejection of, such conduct by an individual is used as a basis for employment decisions affecting the individual or (c) such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive environment.

4. DISCIPLINARY AND OTHER ACTIONS

Sexual harassment is prohibited at Texas A&M University-Kingsville. Any employee who has sexually harassed another employee or a student, or who has otherwise violated this policy, shall be guilty of misconduct and subject to disciplinary action up to and including dismissal, in accordance with applicable law, rules and policies. Any student who has sexually harassed another student or an employee or otherwise violated this policy shall be subject to disciplinary action up to and including expulsion.

5. RETALIATION

Retaliation is prohibited against one who brings a complaint of sexual harassment or against one who participates in the investigation of a sexual harassment complaint and shall be a violation of this rule and shall constitute misconduct subject to disciplinary action as stated in paragraph 4.

6. FILING A FALSE SEXUAL HARASSMENT COMPLAINT

Knowingly filing a false sexual harassment complaint is prohibited. Any person filing a false claim of sexual harassment is in violation of this rule; such a violation constitutes misconduct subject to disciplinary action as stated in paragraph 4.

7. REPORTING REQUIRED

Any student, faculty member, staff member, or administrator who has witnessed what is perceived to be a violation of this rule should report that conduct to the Affirmative Action Officer. Any supervisor who has witnessed or becomes aware of the alleged occurrence of sexual harassment involving a person within that supervisor's purview is required to take prompt corrective action as appropriate and to report the matter to the Affirmative Action Officer. Failure of the supervisor to take appropriate corrective action or to report the incident shall be a violation of this rule and shall constitute misconduct subject to disciplinary action.

8. COMPLAINT PROCEDURE.

Sexual harassment complaints may be informal or formal. The steps involved in initiating either type of complaint, process to follow when investigating complaints of alleged harassment and the steps following the investigation are all contained in A&M-Kingsville Procedure 34.01.99.K1.01, Sexual Harassment, Harassment, Discrimination.

9. CONSENSUAL RELATIONSHIPS

All employees should avoid inappropriate romantic or sexual relationships between employees and/or students because, in part, it exposes them to allegations of sexual harassment. Specifically, it is inappropriate for faculty members to become romantically or sexually involved with students who are enrolled in a course or expect to enroll in a course taught by a faculty member, or who are otherwise under the supervision of a faculty member. It is similarly inappropriate for a staff member to form romantic or sexual relationships with students or with any individual working under their direct supervision.

10. DISTRIBUTION OF POLICY

Copies of this Rule shall be furnished to all employees (faculty, staff, and administrators) and students at Texas A&M University-Kingsville and will be made available upon request. Any person involved in the process under this rule needing accommodations for a disability should notify the Affirmative Action Officer.

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CONTACT FOR INTERPRETATION: Director of Human Resources

RECOMMENDATION: \_\_\_\_\_  
Vice President for Finance and Administration

RECOMMENDATION: \_\_\_\_\_  
Compliance Officer

APPROVAL: \_\_\_\_\_  
President Date