

**TEXAS SOUTHERN UNIVERSITY**  
**MANUAL OF ADMINISTRATIVE POLICIES AND PROCEDURES**

**SECTION: Human Resources**  
**AREA: Employee Relations**

**NUMBER: 02.05.11**

<b>TITLE/SUBJECT: Sexual Harassment Policy</b>
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**I. PURPOSE AND SCOPE**

The University's sexual harassment policy is designed to apply to employment and academic relationships among faculty, administrators, staff, and students and prohibits opposite-sex (male-to-female, female-to-male), and same-sex (female-to-female, male-to-male) harassment. Every employee of the University must avoid offensive or inappropriate sexual and/or sexually harassing behavior at work. Furthermore, the University's guidelines apply to all sexual advances, regardless of whether they are made in the office, outside the office, or during social or business occasions.

**II. DEFINITIONS**

Texas Southern University has adopted and incorporated the regulations of the Equal Employment Opportunity Commission (EEOC) and case law that define sexual harassment and hostile work environment harassment. Prohibited conduct and activities include:

1. Unwelcome sexual advances;
2. Request for sexual favors, whether or not accompanied by promises or threats relating to the employment relationship or that in any way influence any personnel decision regarding a person's employment, evaluation, wages, advancement, assigned duties, shifts or any other condition of employment or career development;
3. Any verbal or physical conduct of a sexual nature that threatens or implies, either explicitly or implicitly, that an employee's submission to or rejection of sexual advances will in any way influence any personnel decision regarding his or her employment, evaluation, wages, advancement, assigned duties, shifts or any other condition of employment or career development;
4. Any verbal or physical conduct that has the purpose or effect of substantially interfering with an employee's ability to do his or her job;
5. Any verbal or physical conduct that has the purpose or effect of creating an intimidating, hostile or offensive working environment; and
6. Certain conduct in the workplace, whether physical or verbal, committed by supervisors or non-supervisory personnel, including but not limited to references to an individual's body; use of sexually degrading words to describe an individual; offensive comments;

off-color language or jokes; innuendoes; and sexually suggestive objects or behavior, books, magazines, photographs, cartoons or pictures.

### **III. POLICY PROVISIONS**

1. It is the policy of Texas Southern University that all employees and students have the right to work in and attend class in an environment free of discrimination and sexual harassment. As such, the University has a no-tolerance policy on sexual harassment. Any employee who sexually harasses a fellow employee or a student is subject to discipline, up to and including termination of his or her employment. Any student who sexually harasses an employee or fellow student is subject to discipline up to and including expulsion from school.
2. Retaliation against employees or students who report sexual harassment or assist the University in investigating a complaint is against the law and University policy (MAPP 02.05.14), and is strictly prohibited. Retaliation includes but is not limited to refusing to recommend an employee or student for a benefit for which he or she qualifies, spreading rumors about the employee or student, encouraging hostility from co-workers and/or students and escalating the harassment.

### **IV. PROHIBITED CONDUCT**

1. It is a violation of University policy for anyone to engage in sexual harassment as defined in Section II.
2. It is a violation of University policy for anyone who is authorized to effectively recommend or take personnel or academic actions affecting faculty, staff members or students to engage in sexual harassment as defined in Section II.
3. It is a violation of University policy for anyone to offer sexual favors in order to obtain preferential treatment with regard to conditions of employment or academic standing.
4. It is a violation of University policy for an administrator/supervisor to take personnel or academic actions as a reprisal or in retaliation against an individual for reporting sexual harassment.
5. As with other university policies, it is also a violation of University policy for anyone to make false accusations of sexual harassment or other misconduct. In the event the University learns that an employee or student has made a sexual harassment complaint in bad faith or has knowingly provided false information regarding a complaint, appropriate disciplinary action may be taken against the individual who provided the false information.

### **V. RESPONSIBILITIES OF THE UNIVERSITY**

1. Whenever there is a violation of this policy, prompt corrective action shall be taken by the University consistent with existing rules, regulations, and policies. The University

shall take preventive and corrective disciplinary action, up to and including termination of employment, against any employee who engages in sexual harassment.

2. The Office of Human Resources shall be responsible for the coordination, dissemination, training and implementation of this policy and shall work closely with senior academic and non-academic administrators to assure compliance with the provisions of this policy. The Office of General Counsel and the Office of Human Resources shall serve as resources with regard to training and guidance on sexual harassment-related matters.
3. Each dean, director, department chairman and/or administrative officer of an operational unit shall cooperate with the Office of Human Resources in the implementation and dissemination of this policy and in providing an environment free of sexual harassment. Such officials shall refer complaints arising under this policy to the Office of Human Resources.
4. Failure of supervisors to promptly report allegations of sexual harassment or failure to take timely corrective actions is a violation of University policy and may be considered a violation of the law. The University shall take appropriate disciplinary action, up to and including termination of employment, against any supervisor who fails to report and/or take timely corrective action in cases of sexual harassment.
5. It is the obligation of every faculty and staff member of the University to adhere to this policy and attend sexual harassment training within the first thirty (30) days of employment and every year thereafter. Employees who do not complete the required training will be subject to disciplinary action up to and including termination.
6. All University employees and students are required to participate in a sexual harassment investigation when their assistance is requested.
7. The University shall exercise reasonable care to prevent and promptly correct any sexually harassing behavior, and to safeguard all students, faculty and staff members against sexual harassment. The University shall also exercise due diligence to prevent any harm that could have been avoided.
8. The person affected by the sexual harassment of another must make an attempt to take advantage of a reasonable preventive or corrective opportunity provided by the University or to otherwise avoid harm.
9. Retaliation against a student or employee who reports sexual harassment or assists the University in investigating a complaint is prohibited. Any individual who retaliates against a complainant under these circumstances will be subject to appropriate disciplinary action, up to and including termination of employment.

## **VI. COMPLAINTS**

1. Texas Southern University (TSU) encourages any student, employee or visitor who thinks that she or he has been subjected to sex discrimination, sexual harassment or

sexual assault by another student, member of the faculty or staff, campus visitor or contractor, to report that action immediately to the University's Title IX Coordinator or Deputy Coordinator as designated in MAPP 02.05.09 – Title IX Grievance Procedure.

- 1.1. An employee or student who has a complaint of sexual harassment against an individual, including any professor, instructor, supervisor, co-worker, or visitor, should also report such conduct to his or her supervisor or department chair.
- 1.2. If the complaint involves the employee's supervisor or someone in the direct line of supervision, or if the employee for any reason is uncomfortable in dealing with his or her immediate supervisor, the employee should report the complaint directly to the Deputy Title IX Coordinator in the Office of Human Resources. If the complaint involves the Deputy Title IX Coordinator, the employee should report the matter to the Associate Vice President/CHRO & Title IX Coordinator in the Office of Human Resources.
2. All complaints must be submitted in writing within one hundred eighty (180) days after the occurrence (or last of a series of incidents) of the alleged discrimination.
3. All employees are required to promptly report incidents of sex discrimination, sex harassment and sexual assault that come to their attention to the University's Title IX Coordinator or Deputy Coordinator.
4. The University will work to investigate all complaints as quickly and as professionally as possible. All investigations will be resolved in accordance with the University's Title IX Grievance Procedures (MAPP 02.05.09).
5. When investigations confirm the allegations, appropriate corrective action will be taken, up to and including termination for employees, and up to and including expulsion for students.

## **VII. CONFIDENTIALITY**

The University will make every attempt to keep the information provided in the complaint and investigation process confidential to the fullest extent permitted by the circumstances and allowed by law. However, confidentiality cannot be guaranteed.

## **VIII. ABANDONMENT OF COMPLAINT**

1. The following acts on the part of the employee may constitute abandonment of a complaint:
  - 1.1. Failing to respond or take an action required by the procedure within the specified time limit;
  - 1.2. Failing to appear for a scheduled meeting without adequate cause; or
  - 1.3. Otherwise failing to advance the complaint in a timely manner, as determined by the Office of Human Resources.

2. The Associate Vice President of Human Resources may unilaterally declare a complaint to be abandoned and close the file, or may undertake a review of the status of the complaint upon request of the department head. No further action or appeal will be allowed following such determination of abandonment and closure of the file.

**IX. REVIEW AND RESPONSIBILITY**

Responsible Party: Associate Vice President/CHRO

Review: Every three years, on or before September 1

**APPROVALS**

*Keisha L. Davis*

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Responsible Party/Policy Owner

*Kenneth Huewitt*

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Vice President

*[Signature]*

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President

Effective Date 2/1/2011