



TEXAS TECH UNIVERSITY HEALTH SCIENCES CENTER

Operating Policy and Procedure

HSC OP: 70.14, **Sexual Harassment**

PURPOSE: The purpose of this Health Sciences Center Operating Policy and Procedure (HSC OP) is to establish a policy prohibiting sexual harassment and establishing procedures for filing complaints about sexual harassment.

REVIEW: This HSC OP will be reviewed on February 1 of every even-numbered year (ENY) by the Assistant Vice President for Human Resources, the Managing Director of Equal Employment Opportunity, and the Executive Vice President for Finance & Administration, with recommendations for revisions forwarded to the President by March 1.

POLICY/PROCEDURE:

1. Policy.

- a. **Objective.** The objective of TTUHSC is to provide an environment in which faculty, staff and students may pursue their careers and studies with a maximum of productivity and enjoyment. Behavior or conduct which interferes with this goal will not be tolerated.
- b. **Policy Statement.** It is the policy of TTUHSC to maintain a work place and a learning environment free of sexual harassment and intimidation. **SEXUAL HARASSMENT IS ILLEGAL.**
- c. **Legal Basis.** Harassment of students on the basis of sex is a violation of Section 106.31 of Title IX of the Education Amendments of 1972.

Harassment of TTUHSC employees on the basis of sex is a violation of Section 703 of Title VII of the Civil Rights Act of 1964, Section 39.03 Texas Penal Code and the Texas Commission on Human Rights Act of 1983.

- d. **Definition.** Sexual harassment is defined as:

Sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature constitute sexual harassment when:

- (1) Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment, participation in a TTUHSC sponsored educational program or activity or in return for a grade or other consideration;
- (2) Submission to, or rejection of, such conduct by an individual is used as the basis for an academic or employment decision affecting such individual; or
- (3) Such conduct has the purpose or effect of unreasonably interfering with an individual's academic or work performance or of creating an intimidating, hostile or offensive working or educational environment.

Examples of inappropriate behavior often cited in sexual harassment complaints include, but are not limited to the following: sexual teasing, jokes, remarks, or questions; sexual looks and gestures; sexual innuendoes or stories; pressure for dates or sexual favors; gifts, letters, calls, e-mails, or materials of a sexual nature; unwelcome physical contact (touching, patting, stroking, rubbing); sexually explicit visual material (calendars, posters,

cards, software, internet materials); catcalls or whistling in a demeaning manner with sexual overtones; and/or inappropriate comments about dress or physical appearance.

e. Sexual Harassment Prevention Training.

Pursuant to state legislation, all new benefits eligible faculty and staff, and insurance eligible graduate students, must attend non-discrimination training within the first 30 days of employment and receive supplemental training every two years. This training includes Sexual Harassment Prevention Training. Employees are required to sign a statement which verifies attendance to this training. Signed attendance statements will be recorded in the employee's personnel file.

f. Dissemination of Sexual Harassment Information.

Employees are informed of the Sexual Harassment policy through new employee orientations, compliance EEO training sessions, the distribution of sexual harassment pamphlets and the placement of sexual harassment prevention posters at various locations throughout the campus. Information about the TTUHSC Sexual Harassment policy can also be obtained from the Human Resource Office or the Texas Tech System's EEO Office.

g. Non-Retaliation.

Retaliation is strictly prohibited against a person who files a complaint of sexual harassment in good faith, opposes a charge or testifies, assists or participates in an investigative proceeding or hearing.

h. Confidentiality.

Confidentiality of both complainant and accused will be honored to such extent as is possible without compromising TTUHSC's commitment to investigate allegations of sexual harassment. The willful and unnecessary disclosure of confidential information by anyone, including the alleged victim, regarding a sexual harassment complaint to any person outside of the investigation process may result in appropriate disciplinary measures against the offending party.

2. Complaint Procedures.

a. Students.

- (1) Sexual harassment complaints must be filed within 180 days after the incident occurs. (Title VII of Civil Rights Act of 1964 and Title IX of the Educational Amendments of 1972.)
- (2) Students believing they are the targets of sexual harassment in the academic environment by faculty, staff, or other students should report their complaint (see Attachment A) to the dean of the school in which they are enrolled. If the complaint involves the dean's office, the complaint should be filed with the Office of Equal Employment Opportunity (EEO).
- (3) Students complaining of sexual harassment in their employment capacity should proceed directly to the Office of EEO as provided in Section 2.b. of this policy. If the complaint involves the Office of EEO, the complaint should be filed with the dean of the school in which the student is enrolled.
- (4) When a signed complaint is filed, an investigation will be conducted by either the dean of the appropriate school or the Office of EEO, whichever is applicable. Although the Office of EEO will undertake no official action on behalf of the employee without a filed, signed complaint, it may informally notify key personnel with a need to know about the allegation. However, other action may be taken by the Office of EEO as deemed appropriate. Such action may include

conferring with supervisors or other administrators concerning inappropriate behavior occurring within their area of responsibility, informing alleged offenders of TTUHSC's policy and educating departments and supervisors as needed on this and other policies. Investigation of a complaint of sexual harassment will include, but not be limited to, conferring with the complainant, the accused, and the supervisor of the accused and may also involve examination of relevant documentation and interviews with other pertinent individuals. The appropriate vice president or dean will be notified of the complaint.

- (5) The investigation will be conducted as quickly as possible and the results reported in writing to the complainant, the accused and the appropriate vice president and dean.
- (6) In the event a finding of sexual harassment is made, the accused will be subject to disciplinary action, as determined by the appropriate vice president or dean.
- (7) In the event a complaint filed is against a member of the senior administration, the next senior level administrator shall be notified of the complaint by the dean or the EEO Officer. In such events, that administrator shall also be responsible for any disciplinary or corrective action required as a result of the investigation and shall be the first level administrator for any appeal filed.
- (8) Appeals by either party may be directed to the appropriate dean, vice president or the next higher level administrator. Appeals must be made within 10 working days of the parties being notified of the finding.

b. Faculty and Staff.

- (1) Sexual harassment complaints must be filed within 180 days after the incident occurs. (Title VII of Civil Rights Act of 1964 and Title IX of the Educational Amendments of 1972.)
- (2) Employees who believe they are being sexually harassed, but are unsure about filing a formal complaint, should discuss the situation with a representative of the Office of EEO. Although the Office of EEO will undertake no official action on behalf of the employee without a filed, signed complaint, it may notify key personnel with a need to know about the allegation. However, other action may be taken by TTUHSC as deemed appropriate. Such action may include conferring with supervisors or other administrators concerning inappropriate behavior occurring within their area of responsibility, informing alleged offenders of TTUHSC's policy and educating departments and supervisors as needed on this and other policies.
- (3) When a signed complaint (Attachment A) is filed in the Office of EEO, an investigation will be conducted by that office. The vice president of the appropriate administrative division or the dean will be notified of the complaint.
- (4) Investigation procedures of a complaint are at the discretion of the EEO Office. Investigation of a complaint of sexual harassment may include conferring with the complainant, the accused, and the supervisor of the accused, and may also involve examination of relevant documentation and interviews with other pertinent individuals.
- (5) The Office of EEO will inform the complainant and the accused of the results of the investigation and report the findings to the appropriate TTUHSC administrator(s).
- (6) The appropriate TTUHSC administrator, after reviewing the findings of the Office of EEO, will proceed toward resolution of the complaint.

- (7) In the event a complaint filed is against a member of the senior administration, the next senior administrator shall be notified by the EEO Officer of the complaint. In such events, that administrator shall also be responsible for any disciplinary or corrective action required as a result of the investigation and shall be the first level administrator for any appeal filed.
- (8) In the event a finding of sexual harassment is made, appropriate disciplinary action will be taken.
- (9) Either party may, within 10 working days, choose to appeal the finding of the Office of EEO or any disciplinary action proposed by the appropriate TTUHSC administrator through the grievance procedures established for faculty in the faculty handbook of the appropriate school and for staff, under HSC OP 70.10.
- (10) Follow-up: If the investigation supported the allegation of sexual harassment, a follow-up will be made by the EEO Office no later than sixty (60) days after an investigation has been completed and the findings have been reported in writing to the appropriate university administrator. The follow-up will involve the following:
 - (a) Contact the appropriate university administrator to determine whether appropriate disciplinary action or other corrective action has been taken as necessary. Confirmation of appropriate disciplinary or corrective action can also be acknowledged via copy of PAF, resignation letter, termination documents, etc.
 - (b) Contact the complaining party to verify that no further sexual harassment, discourteous conduct, or retaliation by any person has occurred. The complaining party should be asked to describe with sufficient detail any incidents which the complaining party alleges to have occurred after the original allegations were filed.

3. **Right to Change Policy.**

Texas Tech University Health Sciences Center reserves the right to interpret, amend, or rescind this policy in whole or in part at any time.