



**Angelo State University**  
**Operating Policy and Procedure**

**OP 52.40: Sexual Harassment in the Work Place**

**DATE:** June 15, 2011

**PURPOSE:** The purpose of this Operating Policy and/or Procedure (OP) is to establish the university's policy and investigative procedures on sexual harassment in the work place.

**REVIEW:** This OP will be reviewed in January of odd numbered years by the director of human resources with recommended revisions forwarded through the vice presidents to the president by February 15 of the same year.

**POLICY/PROCEDURE**

**1. Policy**

It is the policy of Angelo State University that no employee of the university may sexually harass another employee, student, contractor or visitor of the university. Any violation of this policy will result in disciplinary action up to and including termination of employment.

**2. Definition**

Sexual harassment is defined as unwelcome sexual advances, requests for sexual favors, and/or other verbal or physical conduct of a sexual nature when:

- a. Submission to such conduct is made either explicitly or implicitly a term or condition of employment;
- b. Submission to or rejection of such conduct is used as the basis for employment decisions; 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 employment working 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; sexual favoritism; 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.

In determining whether alleged conduct constitutes sexual harassment, the university shall construe any act or omission within the totality of the circumstances, such as the nature of the sexual advances and the context in which the alleged incidents occurred. Each determination shall be made from the facts on a case-by-case basis.

The university may not dismiss a complaint once registered with the appropriate authority until the case has been resolved by the university. However, the university may take appropriate disciplinary action for any sexual harassment occurring in the employment or academic environment even in the absence of an individual complaint. To the fullest extent practicable, the university shall keep complaints of sexual harassment and the terms of their resolution confidential.

Disciplinary action may consist of action up to and including termination of employment. The university shall adopt policy statements, procedures, and training to prohibit sexual harassment and to require prompt and appropriate corrective action for a violation of this policy and the relevant Federal and State laws on sexual harassment. If disciplinary action is imposed on an individual for engaging in sexual harassment, the individual may invoke the applicable due process and appeal procedures of the university as provided in the Angelo State University Operating Policies and Procedures Manual-OP 52.17 Grievance & Appeals.

### **3. Reporting Sexual Harassment Complaints**

Reports of alleged sexual harassment should be reported to the university's director of human resources. If a complainant wishes to speak initially with a member of the same sex and one is not available, the director of human resources will make arrangements for a person of the same sex to be brought in to listen to the complaint. Persons who feel they have been a victim of sexual harassment should file a complaint in a timely manner because extended delays may make it difficult to accurately reconstruct events, identify and interview witnesses, and retrieve relevant documents and information.

If this alleged victim is a member of the ASU faculty or staff at the time of the incident, then the initial contact should be to the Office of Human Resources, East Office Annex to:

Mr. Kurtis Neal, Human Resources Director

### **4. Procedures For Conducting An Investigation**

To initiate a sexual harassment investigation, the complainant must submit a written detailed account of the alleged incident(s) to the director of human resources. In conducting the investigation, the director may consult with other university personnel as needed to assist in gathering all pertinent information in a timely manner. The director will organize and record the information in a manner so that a conclusion can be drawn and appropriate action taken. The investigation may include, but will not be limited to, the following steps:

- a. Reduction of the complainant's allegations to specific and relevant issues.
- b. Formation of a strategy for conducting the investigation.
- c. Informing the alleged offender of the complaint and allowing him or her any applicable due process or other rights, including an opportunity for a written response to the allegations.

- d. Gathering and examining relevant evidence and information, including interviews with other witnesses, if any.
- e. Preparation of a report containing the findings and the resolution of the case. If it is determined by the university that sexual harassment occurred, then appropriate action will be taken. The range of possible sanctions that could be imposed include such actions as an apology, a promise to refrain from the offending behavior, a reassignment of either or both parties, a formal reprimand, termination from the university, or other appropriate sanctions as determined by the investigating official within the particular facts of the individual case. The findings of the investigation may also fully exonerate the alleged offender. If it is determined that the complainant intentionally filed a dishonest or malicious report, appropriate university disciplinary action may be taken against the complainant.

#### **5. Protection Against Retaliation**

Angelo State University will take reasonable action to ensure that the complainant, the alleged offender, and those testifying on behalf of either party or supporting either party in other ways, are protected from retaliation. Persons who retaliate against anyone because of their involvement in a sexual harassment investigation may be subject to disciplinary action in accordance with established university procedures.

#### **6. Equal Employment Training**

New employees will receive training on the sexual harassment policy through new employee orientation. Thereafter, employees will receive supplemental training every two years. Employees are required to sign a statement that verifies attendance in this training. Signed attendance statements will be recorded in the employee's personnel file.

Additional information will be disseminated through sexual harassment training sessions and the distribution of sexual harassment material. Information about the university's sexual harassment policy can also be obtained from the Office of Human Resources.

#### **7. Responsibility for Compliance**

It is the responsibility of all university employees and management personnel to comply fully with all provisions of the laws, statutes, executive orders, legislative acts, federal guidelines, and pertinent case law, which form the sexual harassment policy of the university.