



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

**OP 10.22: Anti-Discrimination Policy and Grievance Procedure for Students**

**DATE:** August 18, 2015

**PURPOSE:** The purpose of this Operating Policy/Procedure (OP) is to provide students with policy information and procedures to address concerns about discrimination.

**REVIEW:** This OP will be reviewed in January of odd-numbered years or as needed by the executive director of student affairs and the director of human resources with recommended revisions forwarded through the vice president of student affairs and enrollment management to the president by March 1.

**POLICY/PROCEDURE**

Angelo State University (ASU) does not tolerate discrimination or harassment of students based on or related to sex, race, national origin, religion, age, disability, status as a covered veteran, genetic information, or other protected categories, classes, or characteristics. While sexual orientation is not a protected category under state or federal law, it is ASU policy not to discriminate on this basis. Actions related to admission, discipline, housing, extracurricular, and academic opportunities shall not be made based on a student's protected status. Discriminatory behavior is prohibited regardless of the manner in which it is exhibited, whether verbally, in writing, or electronically displayed or conveyed.

Individuals who violate these policies and laws are subject to disciplinary action, up to and including expulsion.

**1. Definitions**

a. Discriminatory Harassment

Discriminatory harassment is verbal or physical conduct based on a student's sex, race, national origin, religion, age, disability, sexual orientation, genetic information, or other protected categories, classes, or characteristics and is so severe, persistent, or pervasive that it adversely affects the victim's education or creates an intimidating, hostile, abusive, or offensive educational environment that interferes with the victim's ability to realize the intended benefits of the university's resources and opportunities.

Examples of inappropriate behavior that may constitute discriminatory harassment include, but are not limited to:

- Slurs and jokes about a protected class of persons or about a particular person based on protected status, such as sex or race;
- Display of explicit or offensive calendars, posters, pictures, drawings, screen savers,

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e-mails, or cartoons in any format that reflects disparagingly upon a class of persons or a particular person;

- Derogatory remarks about a person's national origin, race or other ethnic characteristic;
- Disparaging or disrespectful comments if such comments are made because of a person's protected status;
- Loud or angry outbursts or obscenities in the academic environment directed toward another student, faculty, staff, or visitor; or
- Disparate treatment without a legitimate business reason.

b. Sexual Harassment

Sexual harassment consists of unwelcomed verbal, written, or physical conduct of a sexual nature that is sufficiently severe, persistent, or pervasive such that it unreasonably interferes with the student's educational experience.

Examples of inappropriate behavior that may constitute unlawful sexual harassment include, but are not limited to:

- Sexual teasing, jokes, remarks, questions;
- Sexual looks and gestures;
- Sexual innuendoes or stories;
- Communicating in a demeaning manner with sexual overtones;
- Inappropriate comments about dress or physical appearance;
- Gifts, letters, calls, e-mails, or materials of a sexual nature;
- Sexually explicit visual material (calendars, posters, cards, software, internet materials);
- Sexual favoritism;
- Pressure for dates or sexual favors;
- Unwelcome physical contact (touching, patting, stroking, rubbing)
- Non-consensual video or audio-taping of sexual activity;
- Inappropriate discussion of private sexual behavior;
- Exposing one's genitals or inducing another to expose their genitals;
- Unwelcome physical contact (touching, patting, stroking, rubbing);
- Non-consensual video or audio-taping of sexual activity;
- Exposing one's genitals or inducing another to expose their genitals;
- Sexual assault; or
- Other gender-based threats, discrimination, intimidation, hazing, bullying, stalking, or violence.

*Note: While not appropriate, not all rude or offensive comments or conduct constitute sexual harassment or unlawful discrimination.*

## 2. Reporting Concerns

Students complaining of discriminatory and sexual harassment should contact the director of Title IX Compliance, room 112 Houston Harte University Center, (325) 942-2047. Students

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complaining of discriminatory and sexual harassment in their employment capacity should contact the Office of Human Resources, East Annex Building, (325) 942-2168. An online reporting form is also available on the Title IX webpage at <http://www.angelo.edu/titleix>.

### **3. Office of Civil Rights Complaints**

Nothing in this policy shall prevent a student from presenting a charge of discrimination or other grievance covered by this policy to an external agency, such as the United States Department of Education: Office of Civil Rights (OCR), 400 Maryland Avenue, SW, Washington, DC 20202-1100, Customer Service Hotline Number: (800) 421-3481, <http://www.ed.gov/ocr>.

### **4. Non-retaliation**

Retaliation is strictly prohibited against a person who files a complaint of discrimination or harassment in good faith, opposes a charge or testifies, or assists or participates in an investigative proceeding or hearing. Retaliatory harassment is an intentional action taken by an accused individual or allied third party, absent legitimate non-discriminatory purposes, that harms an individual as reprisal for filing or participating in a grievance process.

### **5. Confidentiality**

Confidentiality of both complainant and accused will be honored to such extent as is possible without compromising the university's commitment to investigate allegations of discrimination and harassment and only in instances where there is no credible threat to the safety of the complainant, respondent, or others. The willful and unnecessary disclosure of confidential information by anyone, including the alleged victim, regarding discrimination and harassment complaints to any person outside of the investigation process may result in appropriate disciplinary measures against the offending party.

### **6. Faculty/Staff and Student Relationships**

ASU is committed to the promotion of professional and educational relationships and open channels of communication among all individuals. The faculty/staff and student relationship is of the highest value and impacts a student's educational experience. Consensual relationships, including affectionate liaisons or other intimate or close relationships between faculty and students in a faculty member's class or with whom the faculty member has an academic or instructional connection are prohibited. Faculty/staff with direct or indirect teaching, training, research oversight or direction, supervisory, advisory, or evaluative responsibility over the student should recognize and respect the ethical and professional boundaries that must exist in such situations. If questions arise about situations involving faculty/staff and student relationships, they can be directed to the student's academic dean, Provost's Office, the executive director of student affairs.

### **7. Grievance or Complaint Processes**

A grievance is a formal complaint pertaining to adverse actions taken on the basis of the student's protected status or other violation of law or ASU policy. A violation of a university policy alone does not necessarily constitute a violation of law or an action prohibited by law. Complaint processes are outlined in the *Student Handbook*.

## **8. Grievances and Investigations – Complaints Involving Other Students**

Grievances and investigations of formal complaints against other student(s) pertaining to adverse actions taken on the basis of the student's protected status or other violation of law or Angelo State University policy are guided by the Student Conduct Procedures outlined in the *Student Handbook*, Part I, section B (*Code of Student Conduct*).

## **9. Grievances and Investigations – Complaints Involving Employees, Whether Faculty, Staff, or Students**

- a. This grievance process is applicable to all students who choose to complain about unlawful discrimination, harassment, or other violations of the law that adversely affect their educational environment and the responding party is an employee, whether faculty, staff, or student.
- b. All grievance investigations and procedures will be non-adversarial in nature. These procedures are entirely administrative in nature and are not considered legal proceedings.
- c. The filing of a grievance shall not affect the ability of Angelo State University to pursue academic and disciplinary procedures for reasons other than the student's filing of a grievance.
- d. A student may consult with the executive director of student affairs to determine if he/she wishes to file a formal grievance. Students wishing to file a grievance should complete the grievance form located at [www.angelo.edu/titleix](http://www.angelo.edu/titleix). However, even if a formal grievance is not filed, the executive director of student affairs may notify key personnel at his or her discretion about the allegation, and other action may be taken by Angelo State University as deemed appropriate. Other actions include, but are not limited to, conferring with supervisors or other administrators concerning inappropriate behavior occurring within their area of responsibility and informing alleged offenders of Angelo State University's policy and educating departments and supervisors as needed on this and other policies.
- e. If the grievance involves the executive director of student affairs, the grievance should be presented to the Office of Human Resources.
- f. Student complaints of discrimination or harassment by an employee will be investigated jointly by the Office of Student Affairs and the Office of Human Resources.
- g. The investigation may consist of the review of the grievance and any supporting documentation, examination of other relevant documentation, and interviews with relevant individuals. The extent of the investigation and its procedures will be determined by and at the discretion of the Office of Student Affairs and/or the Office of Human Resources. Other administrators may be consulted to assist with the investigation.
- h. After the investigation is complete, the Office of the Student Affairs and/or the Office of Human Resources or designee will provide a written determination to the student who has filed the grievance, the accused parties, and the appropriate administrators.
- i. The finding of the Office of Student Affairs and/or the Office of Human Resources is final and not appealable.

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- j. In the event a finding of a violation of this policy is made, appropriate disciplinary action will be taken as determined by the appropriate administrator.
- k. If either party disagrees with the imposed disciplinary action, or lack thereof, he or she may appeal within ten (10) business days through procedures established in OP 06.11 Faculty Grievance Procedures and OP 52.17 Staff Employee Complaint Procedure.
- l. Any disciplinary action taken in connection with a grievance filed pursuant to this policy shall be reported in writing to the Office of Student Affairs and the Office of Human Resources at the time the disciplinary action is implemented. Confirmation of the disciplinary action can be provided via a copy of a counseling or other written disciplinary action, resignation, termination document, etc.
- m. At the conclusion of the investigation, the student shall be advised that if the discrimination or unlawful activity persists the student should contact the Office of Human Resources. Likewise, in the event the student believes unlawful retaliation for filing a grievance has taken place, the student should contact the executive director of student affairs or the Office of Human Resources and/or file a grievance for retaliation.
- n. In the event of a finding of a violation of this policy, the Office of Human Resources will follow up with the grievant within sixty (60) days to ensure that the complained of behavior has ceased.

## **10. Complaint Processes**

- a. Discriminatory and/or Sexual Harassment
  - 1. Angelo State University has established policies and grievance procedures providing for prompt and equitable resolution of student complaints of discrimination and harassment, including sexual harassment, sexual violence, and other forms of sexual misconduct.
  - 2. For complaints by a student against another student regarding incidents of discrimination or harassment, see Part I, Section B.2 and Part I, Section C of the *Code of Student Conduct* in the Angelo State University Student Handbook.
  - 3. For complaints by students against faculty or staff regarding incidents of discrimination or harassment, see the Anti-Discrimination Policy in Part II, Section C of the Angelo State University Student Handbook.
  - 4. For complaints against student organizations related to incidents of discrimination or harassment, detailed policies and procedures are available in Part I, Section B.2 and Section D in the Angelo State University Student Handbook.

- b. Disability-Related Complaints

Any students seeking remedy on the basis of a disability must register as a disabled student with Student Disability Services and must provide all required documentation of a disability. Students who are denied services or denied a specific accommodation request by a Student Disability Services counselor may appeal the decision to the executive director of student affairs. The ADA Campus Coordinator for Students is the

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Director of Student Disability Services, room 112, Houston Harte University Center,  
(325) 942-2047.

c. Employment

A student who wishes to pursue a grievance concerning employment with the university and who has not found satisfaction or resolution with his or her immediate supervisor or the person in charge of that department may contact the Office of Human Resources.