

Policies of the University of North Texas Health Science Center	Chapter 5
<b>05.205 Sexual Harassment</b>	Human Resources

**Policy Statement.**

It is the policy of the University of North Texas Health Science Center that acts of sexual harassment, as defined herein, toward guests of and visitors to the campus or any member of the health science center community including faculty, staff, students and candidates for positions at the health science center (regardless of the individual's gender) will not be tolerated. All members of the administration, faculty, staff and students will be subject to disciplinary action for violation of this policy. Members of the public doing business with the health science center who violate this policy may be subject to sanctions.

Conduct constituting sexual harassment, as defined herein, toward another person of the same or opposite sex is prohibited by this policy.

PURPOSE: To provide the University of North Texas Health Science Center community (faculty, staff, administrators and students) and members of the public visiting the health science center a work place and educational environment free of sexual harassment and intimidation.

**Application of Policy.**

Faculty, Staff, Student Employees, Students, Visitors and Persons Doing Business with the Health Science Center.

**Definitions.**

1. **SEXUAL HARASSMENT DEFINED:** Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature (regardless of gender), even if carried out under the guise of humor, constitute a violation of this policy when:
  - a.) Submission to or tolerance of such conduct is made either explicitly or implicitly a term or condition of an individual's employment or education; or
  - b.) Submission to or rejection of such conduct by an individual is used as the basis for academic or employment decisions (including admissions and hiring) affecting that individual; or
  - c.) Such conduct has the purpose or effect of substantially interfering with an individual's academic or professional performance or creating an intimidating, hostile or offensive employment, or educational environment.

Sexual harassment takes many forms; examples of conduct which might be considered sexual harassment under this policy include but are not limited to):

- sexual exploitation of a relationship between individuals of unequal power and authority,
  - sexual exploitation of a relationship between peers and students that could affect the workplace or educational environment,
  - repeated and unwanted requests for dates, sexual flirtations, or propositions of a sexual nature,
  - subtle pressure for a sexual relationship,
  - sexist remarks about a person's clothing, body or sexual activities,
  - unnecessary touching, patting, hugging, or brushing against a person's body,
  - direct or implied threats that submission to sexual advances will affect or be a condition of employment, work status, grades, or letter of recommendation,
  - sexist remarks about a person's clothing, body or sexual activities,
  - unnecessary touching, patting, hugging, or brushing against a person's body,
  - direct or implied threats that submission to sexual advances will affect or be a condition of employment, work status, grades, or letter of recommendation,
  - physical assault,
  - conduct of a sexual nature that causes humiliation or discomfort, such as use of inappropriate terms of address, and
  - sexually explicit or sexist comments, questions or jokes
  - conduct of a sexual nature that creates a hostile work or educational environment
2. **CONSENSUAL RELATIONSHIPS:** Staff in supervisory positions and other positions of authority and faculty must be sensitive to the potential for sexual harassment as well as conflicts of interest in personal relationships with subordinate faculty and staff members or with students. Even among peers, conflicts can arise. It is the policy of the health science center that a consensual relationship between faculty or staff members in positions of authority and their subordinates or their students are not permitted
- Staff in positions of authority and faculty need to be sensitive to the potential for sexual harassment as well as conflicts of interest in personal relationships with their subordinate faculty and staff members or with their students. For details regarding Consensual Relationships see policy 2.08.
3. **FALSE CHARGES:** False charges may result in disciplinary action against the complainant by the Health Science Center or civil action against the complainant by the accused. An unsubstantiated charge is not considered "false" unless it is made with the knowledge that it is false.
4. **CONFLICTS:** To the extent this policy conflicts with the provisions of the Faculty Handbook and any other health science center policy or publication, this sexual harassment policy shall take precedence

### **Procedures and Responsibilities.**

1. Faculty and staff should report suspected violations of this policy and/or the Nondiscrimination Policy (05.201) to their immediate supervisor, the administrative director

or chair of their department, Human Resource Services Department or the Equal Employment Opportunity Office. Students should report violations to the administrative director or chair of the department in which the alleged incident occurred, to the Associate Dean of Student Affairs, or the Equal Employment Opportunity Office

- a) Dissemination: The President, Vice Presidents, Deans, Directors, and Department Chairs shall take appropriate steps to disseminate this policy statement and to inform employees and students of procedures for lodging complaints
- b) Notification: The President, Vice Presidents, Deans, Directors, Department Chairs, and other managers or supervisors and appropriate committees of the health science center are required to report as soon as possible any reported and/or suspected violations of this policy (regardless of the severity) to the next level of supervision and to the Equal Employment Opportunity Office. Failure to report allegations of sexual harassment as set forth herein by those vested with the responsibility to do so is a violation of this policy. Others who are not managers or supervisors are strongly encouraged to report suspected violations of this policy ( See sec. 6 below)
- c) Action: The Department Chair/Director, in consultation with the Equal Employment Opportunity Office and the Office of Vice Chancellor and General Counsel (and in cases involving staff in consultation with Human Resource Services) may, when appropriate, take immediate action to prevent the possibility of continued sexual harassment or retaliation after he/she becomes aware of a complaint.

Responsible Party: Managers and Supervisors

- 2. Confidentiality: All individuals who are involved in the complaint reporting, mediation and/or investigation process are obligated to maintain confidentiality of the proceedings (see 05.210).

Responsible Party: All involved in process

- 3. Non-Retaliation: Retaliation against an individual for attempting to resist sexual harassment, filing a complaint, attempting to stop sexual harassment against another individual, or for participating in any way in an investigation of a sexual harassment complaint will not be tolerated. Retaliation by faculty, staff or administrators is a violation of this policy. Employees should report suspected retaliation to their immediate supervisor, the department head or to the Human Resource Services Department. The Equal Employment Opportunity Office should also be notified. Students should report suspected retaliation to the Associate Dean of Student Affairs. A claim of retaliation may result in a subsequent investigation.

Responsible Party: All involved in process

- 4. LEGAL IMPLICATIONS AND SANCTIONS:

- a) HSC: Health science center sanctions for violations of the health science center policy on sexual harassment may include any disciplinary action, up to and including termination of employment for faculty, staff, and student employees or the dismissal of students. These activities may not be a violation of state or federal law, but such activities may be viewed as constituting moral turpitude or gross neglect of academic responsibilities found in the Faculty Handbook and a major work rule violation under the Performance Counseling and Discipline Policy.
- b) Civil: Sexual harassment is illegal under Title VII of the Civil Rights Act of 1964, the Texas Commission on Human Rights Act and Title IX of Education Amendments of 1972. The statutes apply to and protect both males and females. Official governmental investigations by the Equal Employment Opportunity Commission, the Texas Commission on Human Rights, and/or the Office of Civil Rights of the Department of Education may result in civil liability against the University and any person found to have committed sexual harassment.
- c) Criminal: Sexual harassment by a public servant is a criminal offense under 39.02 of the Texas Penal Code. Depending on the severity of the acts, sexual harassment may also specifically include indecent exposure, public lewdness, assault, or sexual assault under Chapter 21 and 22 of the Texas Penal Code.

Responsible Party: Faculty, Staff, Administrators

### **References and Cross-references.**

Title VII of the Civil Rights Act of 1964, as amended.

Title IX of the Education Amendments pertaining to academic life.

### **Forms and Tools.** (optional)

Prompt reporting of a complaint is strongly encouraged, as it allows for rapid response to and resolution of objectionable behavior. Procedures for filing a complaint are explained in 05.210, *Information and Procedural Guidelines for Pursuing and Resolving a Complaint of Discrimination, Including Sexual Harassment* and 05.902, *Voluntary Alternative Dispute Resolution*

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Revised: