

## **Texas College Sexual Harassment / Sexual Assault Policy**

### **I. Policy.**

Texas College reaffirms the principle that its students, faculty, and staff have a right to work and pursue education in an environment free of sexual discrimination, sexual harassment and sexual assault. This kind of sexual misconduct seriously undermines the atmosphere of trust and respect that is essential to a healthy work and academic environment. The policy adopted by Texas College attempts to sensitize, inform, and enforce a strict code of conduct for all members of the College community. Any constituent of the College who has knowledge of an offense is encouraged to report promptly all complaints about sexual discrimination, sexual harassment, and sexual assault to the Office of Human Resources. Employees found to be in violation of this policy shall be subject to disciplinary action which may include verbal or written reprimand, demotion, transfer, suspension or termination.

Sexual misconduct is reprehensible conduct that absolutely will not be tolerated. The College abhors the abuse potentially inherent in sexual relationships between faculty/staff members and students, as well as, between supervisors and subordinates. Moreover, the College recognizes that sexual misconduct may occur between persons of the same institutional status (peers). Such instances of behavior between or among members of the educational community that create an unacceptable environment will not be tolerated.

### **A. Definition and Examples of Sexual Harassment**

Sexual harassment is a form of sex discrimination, which is prohibited. For the purpose of this policy, sexual harassment is defined as unwelcome sexual advances, requests for sexual favors, verbal or physical conduct of a sexual nature, and any other offensive behavior based upon sex when:

1. submission to such conduct is made either explicitly or implicitly a term or condition of employment;
2. submission to or rejection of such conduct by an individual is used as the basis for academic or employment decisions; and
3. submission to or rejection of such conduct interferes with an individual's academic or work performance or creates an intimidating, hostile, or offensive academic or working environment.

Specific examples of behaviors that are encompassed in this definition and are considered forms of sexual harassment include but are not limited to the following:

1. gender harassment, including sexist statements and behavior that convey insulting, degrading, or sexist attitudes;
2. sexual bribery or coercion involving solicitation of sexual activity or other sex-linked behavior by promise of reward or threat of punishment, such as threats or insinuations that a person's employment, wages, academic grade, promotional opportunities, classroom or work assignments, letters of recommendation or other conditions of employment or academic life may be affected adversely by not submitting to sexual advances or that submission to sexual advances may favorably

affect the same;

3. unwelcomed sexual propositions, invitations, solicitations, and flirtations;
4. unwelcomed verbal expressions of a sexual nature, including graphic sexual commentaries about a person's body, dress, appearance, or sexual activities or remarks about previous sexual experiences; the unwelcomed use of sexually degrading language, jokes or innuendoes; unwelcomed suggestive or insulting sounds or whistles; obscene phone calls;
5. sexually suggestive objects, pictures, videotapes, audio recordings or literature, placed in the work or study area, that may embarrass or offend individuals; (Such material if used in an educational setting should be related to educational purposes.)
6. consensual sexual relationships where such relationships lead to favoritism toward a student or subordinate employee with whom the teacher or superior is sexually involved and where such favoritism adversely affects other students and/or employees;
7. direct propositions of a sexual nature;
8. subtle pressure for sexual activity, one element of which may be conduct such as repeated and unwanted staring;
9. a pattern of conduct (not legitimately related to the subject matter of the course, if a course is involved or to employment, if employment is involved) that tends to bring discomfort and/or humiliation, which may include comments of a sexual nature, or sexually explicit jokes, statements, questions, or anecdotes;
10. a pattern of conduct that would tend to bring discomfort and/or humiliation to a reasonable person at whom the conduct was directed, which may include unnecessary touching, patting, hugging, or brushing against a person's body.

## **B. Definition of Sexual Assault**

Sexual assault is a criminal act. It is defined as intentional sexual contact, characterized by the use of force, physical threat of force, or abuse of authority; or when the victim does not or cannot consent. Sexual assault is not restricted to any gender, race, or age.

## **C. Responsibility**

All members of the College community, including independent contractors, vendors, and others conducting business with the College or on College premises, are responsible for ensuring that their conduct does not constitute sexual harassment of another member of the College community. Individuals who are aware of or have experienced an incident of sexual harassment or sexual assault should report the matter promptly to the Director of Human Resources or the appropriate vice president.

College administrators and supervisors have the further responsibility of preventing and eliminating sexual misconduct within the areas they oversee. If these individuals have knowledge that sexual misconduct, is occurring, receive a complaint of sexual

harassment or assault, or obtain other information indicating possible sexual misconduct, they must take immediate steps to ensure that the matter is addressed, even if the alleged problem is not within their specific area of responsibility.

**D. No Retaliation**

Retaliation against a person who complains of sexual harassment is prohibited and constitutes a violation of institutional policy and federal law. Therefore, faculty, administrators, staff, applicants for employment, students, etc. may not be subjected to restraint, interference, coercion or reprisal for action taken in a sexual harassment matter; this includes filing a sexual harassment complaint, or serving as a witness, committee member, or investigator in a sexual harassment complaint.

**E. False Accusation**

An employee of the College who makes a false and malicious complaint of sexual harassment will be subject to disciplinary action which may include verbal or written reprimand, demotion, transfer, suspension, or termination.

Cases involving students who bring such false accusations will be remanded to the student judicial system for adjudication.