



**OFFICE OF THE DIRECTOR
THE UNIVERSITY OF TEXAS SYSTEM POLICE
POLICIES AND PROCEDURES MANUAL**



TITLE: SEXUAL HARASSMENT AND MISCONDUCT		
POLICY NUMBER: A-7	EFFECTIVE DATE: 09/01/07	RESCINDS / AMENDS: A-7 dated 09/01/04
RELATED LAWS: Title VII of the Civil Rights Act of 1964, as amended Civil Rights Act of 1972, Title IX The Equal Employment Opportunity Commission Guidelines Texas Commission on Human Rights Act		RELATED STANDARD(S) / RULE(S): The University of Texas Regents' <i>Rules and Regulations</i> , 30105

I. PURPOSE

The purpose of this policy is to set forth the commitment of The University of Texas System Police to create an environment free from sexual misconduct and sexual harassment and to comply with federal and state laws regarding sexual harassment.

II. DEFINITIONS

1. Sexual Harassment

Sexual harassment includes unwelcome sexual advances, requests for sexual favors, verbal or physical conduct of a sexual nature when:

- submission to such conduct is made either explicitly or implicitly a term or condition of employment;
- submission to or rejection of such conduct is used as a basis for evaluation in making personnel decisions affecting an individual; and/or
- such conduct has the purpose or effect of unreasonably interfering with an individual's performance as an employee or creating an intimidating, hostile, or offensive environment.

2. Sexual Misconduct

Sexual misconduct includes unwelcome sexual advances, requests for sexual favors, or verbal or physical conduct of a sexual nature directed towards another individual.

3. Examples of deliberate behavior that could be considered sexual misconduct or sexual harassment include but are not limited to:

- physical contact of a sexual nature including touching, patting, hugging, or brushing against a person's body;
- explicit or implicit propositions or offers to engage in sexual activity;
- comments of a sexual nature including sexually explicit statements, questions, jokes or anecdotes;
- remarks of a sexual nature about a person's clothing or body;
- remarks about sexual activity;
- speculation about sexual experience;
- exposure to sexually oriented graffiti, pictures, posters, or materials; and/or,
- physical interference with or restriction of an individual's movements.

III. POLICY:

The University of Texas System Police is committed to the principle that the working environment of its officers and employees should be free from inappropriate conduct of a sexual nature. Sexual misconduct and sexual harassment are unprofessional behaviors and officers or other individuals who engage in such conduct will be subject to disciplinary action.

This policy applies to all officers, employees, visitors, and applicants for employment of The University of Texas System Police. It applies not only to unwelcome conduct that violates state and federal laws concerning sexual harassment, but also to any inappropriate conduct of a sexual nature. It is also applicable regardless of the gender of the complainant or the alleged harasser.

IV. PROCEDURES

A. Consensual Relationships

1. Romantic or sexual relationships between a supervisor and a person under his or her supervision create situations that may lead to sexual harassment, conflicts of interest, favoritism, and low morale. Therefore, such relationships are discouraged. This policy is not intended to discourage the interaction of supervisors and employees where it is appropriate and ethical.
2. If a romantic or sexual relationship exists between a supervisor and an employee under his or her supervision, the supervisor must immediately inform his or her supervisor of the relationship. Failure to do so may result in disciplinary action. Additionally, displays of affection in the work environment are strictly prohibited and may result in disciplinary action. A display of affection includes but is not limited to kissing, handholding, and other behavior identified in this policy.
3. Complaints concerning consensual relationships impacting the work environment by non-participating individuals will be treated as third-party sexual harassment complaints.

B. Options for Employees to Address Possible Violations

1. The University of Texas System Police provides an informal resolution process and a formal complaint procedure that employees may use to address possible violations. The informal process described in this policy may be used as a prelude to filing a formal complaint, or as an alternative. It is not necessary that the informal option be used. Anyone who believes that he or she has been subject to sexual harassment or sexual misconduct may immediately file a formal complaint by following procedures outlined in this policy.
2. Counseling services are available to employees who have concerns about sexual harassment and are available under the informal or formal process.

C. Retaliation Prohibited

Any officer or employee who retaliates in any way against an individual who has brought a complaint pursuant to this policy or an individual who has participated in an investigation of such a complaint is subject to disciplinary action, including dismissal.

D. Confidentiality

The University of Texas System Police will endeavor to maintain confidentiality to the extent permitted by law. Where the complainant's desire to maintain anonymity may constrain attempts to establish facts and eliminate the potential harassment, The University of Texas System Police will attempt to find the right balance between the complainant's desire for confidentiality with the responsibility of The University of Texas System Police to provide an environment free of sexual harassment. The University of Texas System Police may take more formal action to ensure an environment free of sexual harassment and sexual misconduct.

E. Informal Resolution Option

The individual is provided assistance to attempt to resolve possible sexual harassment or sexual misconduct if the individual does not wish to file a formal complaint. Such assistance includes developing strategies for the individual to effectively inform the offending party that his or her behavior is unwelcome and should cease; action by an appropriate University of Texas System Police official to stop the unwelcome conduct; or mediation. The University of Texas System Police may also take more formal action to ensure an environment free of sexual harassment and sexual misconduct.

F. Reporting of Sexual Harassment or Sexual Misconduct

1. The University of Texas System Police encourages any person who believes that he or she has been subjected to sexual misconduct or sexual harassment to immediately report the incident to the supervisor of the accused officer or employee, the Chief of Police or Director of Police, and/or to the institution's Human Resources office or EEO Officer. In no case will a complainant be required to report such behavior to the person accused of the misconduct. When a supervisor receives a complaint, he/she will immediately notify the Chief of Police or Director of Police, or the institution's Human Resources office or EEO officer. The Chief of Police or Director of Police, or the

institution's Human Resources office or EEO officer will advise the complainant of the procedures for filing a formal complaint of sexual harassment.

2. Complaints should be filed as soon as possible after the conduct causing the complaint, but no later than 30 calendar days after the event occurred.
- G. The Complaint Investigation Policy, II-74-4 (B-9), shall be followed upon receipt of a complaint of sexual harassment or sexual misconduct against any officer. Complaints against employees, who are not officers, will be investigated and resolved in accordance with the institution's policy relating to sexual harassment and sexual misconduct.

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