

Anti-Harassment Policy

General Description

Policy Summary:

Trinity University is committed to the maintenance of an academic environment free of all forms of conduct considered to be harassment according to Title VII of the Civil Rights Act of 1964 as such conduct adversely affects the working or learning environment. The University reaffirms its commitment that unlawful harassment relating to a person's race, sex, color, sexual orientation, gender identity, gender expression, religion, national origin, age, or disability is prohibited. This prohibition against harassment includes harassment of employees, job applicants, students, or prospective students.

Policy Content

Policy and Definition

1. Sexual Harrassment

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

- a. submission to such conduct is made either explicitly or implicitly a term or condition of instruction, employment, or participation in other University activities;
- b. submission to or rejection of such conduct by an individual is used as a basis for evaluation in making academic or personnel decisions affecting the individual; or
- c. such conduct has the purpose or effect of interfering with an individual's work performance or creating an intimidating, hostile, or offensive University environment.

2. harassment Based on Other Protected Categories

In addition to prohibiting sexual harassment, the University also prohibits harassment based upon an individual's race, sex, color, sexual orientation, gender identity, gender expression, religion, national origin, age, citizenship status, or disability. For these purposes, prohibited harassment includes, without limitation, slurs, jokes, other verbal, graphic, or physical conduct relating to an individual's race, sex, color, sexual orientation, gender identity, gender expression, religion, national origin, age, citizenship status, or disability when:

- a. submission to such conduct is made either explicitly or implicitly a term or condition of instruction, employment, or participation in other University 306 CHAPTER 8. EMPLOYMENT POLICIES AND BENEFITS activities;
 - b. submission to or rejection of such conduct by an individual is used as a basis for evaluation in making academic or personnel decisions affecting the individual; or
 - c. such conduct has the purpose or effect of interfering with an individual's work performance or creating an intimidating, hostile, or offensive University environment.
-

In determining whether an alleged behavior constitutes harassment under this policy, the full context in which the incident occurred should be considered.

Guidelines

1. It is University policy to investigate complaints made by any person who is the subject of alleged prohibited harassment or when such conduct is reported by a witness, and to take timely corrective action in the event that misconduct has occurred.
2. Filing a complaint or otherwise reporting harassment under this policy shall not affect the individual's status as a faculty member, contract staff member, classified staff member, or student, nor shall it affect future employment, compensation, work assignment, or evaluation of the individual. Retaliation against a person for filing a complaint of harassment or reporting observed acts of alleged harassment is prohibited. Likewise, the person accused of violating this policy is entitled to the same protection until such a time as an investigation may be conducted and a determination made concerning the resolution of the complaint.
3. The confidentiality of all parties involved in an alleged violation of this policy will be maintained to the extent reasonably possible.

Procedures

1. Procedure for an Informal Complaint: Consultation
 - a. In many cases, complaints under this policy may be resolved informally. If comfortable, a person who has been offended by the conduct of another may discuss the issue with the person who has offended him or her, and this may resolve the issue. If a person is not comfortable discussing his or her concerns in this manner, he or she is not required to do so. In this situation: (i) students should contact the Vice President for Student Life; (ii) faculty should contact the Department Chair; (iii) contract staff should contact the Vice President responsible for the employee's area; and (iv) classified staff should contact the Chief Human Resources Officer. No student, faculty member, classified staff, or contract staff is required to complain directly to the person who is the source of the alleged harassment. Therefore, if one of the above-listed individuals is the source of the harassment, the complaint should be made to the Compliance Officer/Title IX Coordinator.
 - b. The person receiving the complaint will evaluate the complaint and the degree of seriousness of the offense and seek, to the extent possible and appropriate, to resolve the matter. In the process of attempting to resolve a complaint, statements may be taken and witness interviews may be conducted. A resolution might take the form of clarifying to the offending party the kind of behavior that may be deemed objectionable and securing the cessation of such behavior; it might also take the form

of clarifying to the complaining party that the incident does not constitute harassment.

- c. When complaints are resolved without formal sanctions, the offending party may be cautioned that repetition of such conduct could lead to sanctions.
- d. Although a major purpose of consultation and early resolution is to resolve problems, heighten awareness, and achieve changes in behavior without resort to formal investigatory or disciplinary proceedings, nothing in this policy should be construed as discouraging more formal procedures when the seriousness or repetitive character of the offense makes that the more appropriate course of action, or when the complaining party is not satisfied with the resolution of the informal procedure.

2. Procedure for a Formal Complaint

The complainant will submit a written description of the offensive behavior and the circumstances surrounding it to the parties responsible for overseeing investigation of the complaint. Upon receipt of the written statement, the alleged offender should be provided with a copy of the statement and identity of the party making the complaint.

If the complaint is not resolved through the informal procedure, or if an individual chooses, a formal investigation will be conducted by the appropriate Vice President working in conjunction with the Compliance Officer/Title IX Coordinator. In addition to reviewing prior statements, the individual making the complaint will be interviewed as part of the investigation. A new or supplemental written statement from the individual making the complaint may be requested. After the interview or statement is received, the following steps will be taken:

- a. Appointment of Ad Hoc Committee. In cases of complaints against faculty members or contract or classified staff members, the appropriate Vice President will request that an ad hoc committee composed of three members be appointed to investigate the allegations.
 1. For allegations against faculty members, the three members of the committee will be selected from the Academic Faculty by the Faculty Senate.
 2. For allegations against contract staff members, the committee will be composed of three contract staff members selected by the Vice President with administrative responsibility for the accused staff member.
 3. For allegations against classified staff, the committee will be composed of three employees selected by the Vice President with administrative responsibility for the accused staff member.
 4. Notwithstanding (i) through (iii) above, if an allegation is made by a student against a faculty member, contract staff member, or classified staff member, one of the three members of the committee shall be selected by the Vice President for Student Life.

5. For the allegations against students, the investigation and determination of sanctions will be handled under existing policies stated in the Student Handbook and the procedures of the Office of Student Life.
- b. Committee Review of a Complaint. Members of the committee should meet with the Compliance Officer/Title IX Coordinator to discuss the complaint and review any statements or other materials relative to the complaint. In addition to interviewing the person asserting a complaint, the Committee will make every reasonable effort to interview the person who allegedly violated this policy. The Committee has the discretion to decide who else to meet with or interview in connection with the investigation. The Committee may review additional information relevant to the complaint, including interviewing witnesses, reviewing policies or other documents, and gathering whatever information it deems necessary to assist it in reaching a determination as to the merits of the allegations. Once such a determination has been reached, a report will be drafted by the Compliance Officer/Title IX Coordinator and, after approval by the Ad Hoc Committee, provided to the appropriate Vice President.
- c. Recommended Sanctions. If a sanction is recommended against a faculty member, a contract or classified staff member, the recommended sanction(s) shall be part of the Ad Hoc Committee report. The Committee may consider the seriousness of the offense, the context in which the incident occurred, any mitigating or aggravating circumstances, and any history of past offenses of a related nature in making its recommendation.
- d. Acceptance of Sanctions. The Vice President reviewing the Ad Hoc Committee report and recommendation has the discretion to implement the sanction or impose a different sanction in his/her discretion.
 1. Sanctions against Faculty. Sanctions may be recommended up to and including termination of employment in accordance with University policy. Principles governing the imposition and appeal of minor and major sanctions are stipulated in Chapter 3A: Academic Freedom, Responsibility, and Employment of Faculty (Policy Statement), Article VIII: Procedures for Imposition of Sanctions Other than Dismissal, and, on students, in the Trinity University Student Handbook section on “Standards of Student Conduct.”
 2. Sanctions against Contract Staff Members. Sanctions may be recommended up to and including termination of employment. The contract staff member may appeal a sanction by appealing directly to the President of the University.
 3. Sanctions against Classified Staff. Sanctions may be recommended up to and including termination of employment from the University in accordance with the Classified Staff Handbook. The classified staff member may appeal the decision by filing it in accordance with the grievance appeal procedures of the Classified Staff Handbook.
 4. Sanctions against Students. Sanctions may be taken up to and including expulsion from the University in accordance with policies stated in the Student

Handbook. Students who want to appeal the decision may do so in accordance with the Student Handbook section on “Standards of Student Conduct.”

Gender-Based Language

It is not the intent of this policy to regard as harassment the use of gender-based references. The foregoing definitions, procedures, and sanctions do not apply to an individual’s personal choice among conventions of language which fall within the broad and changing range of common English usage, for example, the generic use of “man,” “mankind.” or masculine pronouns.

Note: The Resolution on Nonsexist Language, which was adopted by the Faculty in Conjunction with approval of this Policy Statement on Harassment, is found in Chapter 6I: Nonsexist Language, Effective Writing, and Oral Communication.

Implementation and Amendment

1. Implementation

The Trinity University Anti-Harassment Policy shall become effective when approved by

1. The Trinity University Faculty Senate;
2. The Trinity University Academic Faculty; and
3. The Trinity University Board of Trustees.

2. Amendment

The Trinity University Anti-Harassment Policy may be amended by majority vote of

1. The Trinity University Faculty Senate;
2. The Trinity University Academic Faculty;
3. The Student Government Association; and
4. The Trinity University Board of Trustees.

Amendments may be initiated by the Faculty Senate, the Academic Faculty, the Student Government Association, or the Board of Trustees. Before voting upon a prepared amendment, at least fourteen days notice shall be given in writing to the membership of the Faculty Senate, the Academic Faculty, the Student Government Association, or the Board of Trustees.

Requirements

Approvals:

VP for Finance and Administration

Revision Management

Revision History Log:

Revision #:	Date:	Nature of Change:	Recorded By:
v1.0	8/12/2019 3:56 PM	New document	Kelleebeth Cantu