

Sexual Harassment Policy
College of Education
Texas A&M University
Approved Dean's Council October 5, 2000

The College of Education is committed to providing a learning and working environment where individual differences are recognized and respected. It is the responsibility of each member of the community to respect the personal dignity of others. Students, faculty, and staff come to our College from many different backgrounds and include different races, religions, sexual orientations, and ethnic ancestries. Learning to understand the differences among us, as well as the similarities, is an important dimension of education, one that continues for a lifetime. Tolerance alone, however, is not enough. Respect and understanding are crucial in creating an environment for learning. As a community we will not tolerate harassment because of race, religion, ethnicity, gender, or sexual orientation. Not only must we oppose it; we must use all available tools and resources to overcome it. All students, staff, and faculty must be assured that the College will take action to prevent such misconduct and that anyone who engages in such behavior may be subject to disciplinary procedures.

As an academic community, we are committed to the principles of free inquiry and free expression. Vigorous discussion and debate are fundamental to continuing growth of our knowledge base, as well as for professional and personal growth. The freedom of inquiry, the freedom to teach and to learn, however, are seriously compromised when bias-related behavior is allowed to occur. Sexual harassment compromises the integrity of our College and the tradition of intellectual freedom and the trust placed in its members.

Sexual harassment, including any form of sexual intimidation or exploitation is inappropriate in a community of learners. Sexual harassment subverts the mission and the work of an academic community and can threaten the career, educational experience and well-being of students, faculty, and staff. Sexual harassment is especially offensive when it occurs in relationships between teacher and student or between supervisor and subordinate. In those situations, sexual harassment exploits unfairly the power inherent in the position of the faculty member or supervisor. Retaliation for bringing a sexual harassment complaint is also prohibited.

Consensual romantic or sexual relationships between supervisor and employee or between faculty and student are strongly discouraged. These relationships may be subject to concerns about the validity of consent, conflicts of interest, and unfair treatment of students or employees. Such relationships can undermine the atmosphere of trust essential to the educational process and the employment relationship. No person involved in a consensual relationship should have direct responsibility for evaluating the employment or academic performance or for making decisions regarding the promotion, tenure, or compensation of the other party to the relationship.

Policy and Definition

The Texas A&M System Policy (34.01) definition of sexual harassment is as follows:

2.1 Sexual harassment means unwelcome sexual advances, requests for sexual favors, or other verbal, visual or physical conduct of a sexual nature, submission to which is made a condition of a person's exercise or enjoyment of any right, privilege, power, or immunity, either explicitly or implicitly.

2.2 In relation to the foregoing, sexual harassment may range from unthinking and often unintentional verbal denigration of a person on the basis of gender to actual physical assault. Some examples that may constitute sexual harassment are: offensive sexual flirtations, advances, or pressure for sexual activity; unwanted touching, pinching, or unnecessary brushes; unwanted exposure to sexual graffiti, photographs or suggestive objects; sexual innuendoes or statements made at inappropriate times or disguised as humor, or obscene gestures; disparaging remarks about one's gender; or any offensive or abusive physical contact.

2.3 Conduct, whether on or off System property, will constitute sexual harassment when:

- (1) submission to, or toleration of, such conduct is made (either explicitly or implicitly) a term or condition of employment or participation in other System-related activities;
- (2) submission to or rejection of such conduct by an individual is used as a basis for employment decisions or academically-related decisions affecting such individual;
- or,
- (3) such conduct has the purpose or effect of unreasonably interfering with an individual's ability to function normally, or of creating an intimidating, hostile, or offensive environment.

Texas A&M University Rules regarding sexual harassment (34.01.99M1) outline resource people on campus as well as filing options and procedures for individuals with an inquiry or complaint.

- If the alleged offender is a student the contact office is Director of Student Life
- If the alleged offender is a non- faculty employee the contact office is Human Resources Department Employee Relations Office
- If the alleged offender is a faculty member the contact office is Office of the Dean of Faculties and Associate Provost
- If the alleged offender is a unrelated third party (people outside the University) the contact office is Human Resources Department Employee Relations Office

Confidentiality: Persons gathering general information, seeking guidance, or filing a complaint may be concerned about the confidentiality of the information they are sharing. While the

University wishes to create an environment in which individuals feel free to discuss concerns and make complaints, the University may be legally obligated to take action when its officials are informed that sexual harassment may be occurring.

Once an individual discloses identifying information to an official of the University, that person will be considered to have filed a complaint with the University. An official of the University is any employee with supervisory responsibilities or higher.

The confidentiality of the information received will be protected as far as legally possible. The expressed wishes of the complainant regarding confidentiality will be considered in the context of the University's legal obligation to act upon the charge and the right of the alleged offender to be informed. To the extent possible, the proceedings will be conducted in a manner that protects the confidentiality of all parties involved.

Protection from Retaliation: The University will take reasonable action to assure that the complainant, the alleged offender, and those testifying on behalf of either part or supporting either party in other ways, are protected from retaliation. Persons who retaliate will be subject to disciplinary action up to and including termination. This action can be taken at any time during or following an investigation of a sexual harassment complaint.

Protection of the Alleged offender: When a complaint of sexual harassment is filed, the alleged offender will be informed of the allegations, the identity of the complainant, and the facts surrounding the allegations. In the event the allegations are not substantiated, reasonable steps will be taken to restore the reputation of the alleged offender if damaged by the proceedings. A complainant who intentionally makes dishonest or malicious allegations will be subject to University discipline up to and including termination.

In the College of Education we want to provide support and assist any students, staff, and faculty in any alleged sexual harassment situation. Many staff and faculty are prepared and willing to assist you. Any of the following resource people are available for assistance. Please contact one of them if you have question, concerns or a complaint regarding a sexual harassment issue.

Staff concerns	Department Head Debi Buckley, Assistant Dean for Administration and Finance
Student concerns	Department Head, Jim Kracht, Associate Dean for Undergraduate Studies, Becky Carr, Assistant Dean for Academic Affairs
Faculty concerns	Department Head Jan Hughes, Associate Dean for Graduate Studies and Faculty Development