

## **Trinity University Harassment Policies**

Trinity University is committed to the maintenance of an academic environment free of all forms of discrimination or coercion that adversely affect the working or learning environment. It is fitting that the University reaffirm this commitment, specifically as it pertains to sexual harassment relating to a person's race, sex, sexual orientation, religion, national origin, age, or physical conditions.

### **Sexual Harassment:**

#### **A. Policy and Definition:**

It is the policy of Trinity University that no member of the University community may sexually harass another. Unwelcome advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when

- (1) submission to such conduct is made either explicitly or implicitly a term or condition of instruction, employment, or participation in other University activities;
- or**
- (2) 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**
- (3) 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 sexual harassment, the full context in which the incident occurred should be considered.

#### **B. Guidelines:**

- (1) It is a violation of University policy to fail to investigate complaints reported by the person who is the subject of the alleged sexual harassment, or reported by a witness, and fail to take timely corrective action in the event that misconduct has occurred.
- (2) Filing a complaint or otherwise reporting sexual harassment shall not cause any reflection on 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 filing a sexual harassment complaint is grounds for a subsequent harassment complaint. Likewise,

the person accused of sexual harassment is entitled to the same protection until such a time as the charges may be substantiated by investigation.

- (3) A false allegation of sexual harassment is a violation of this policy and is itself subject to the procedures and sanctions following. To constitute such a violation, however, the complaint would ordinarily need to be false as to specific allegation of fact. That an investigating party or committee should, while agreeing on factual matters alleged, nevertheless differ in judgment or interpretation of the incident and conclude that it did not constitute sexual harassment, would not make a complaint a violation apart from evidence of conscious and willful intent to distort or exaggerate the allegation and damage the accused party.
- (4) The rights of confidentiality of all parties involved in a sexual harassment charge shall be strictly observed.

**C. Procedure for an Informal Complaint:  
Consultation.**

- (1) In most cases, complaints of sexual harassment can be dealt with informally. In the case of complaints made by or against members of the classified staff, the Director of Human Resources will work with the responsible administrator in seeking resolution of the complaint.
- (2) The administrator will evaluate the validity of the complaint and the degree of seriousness of the offense and seek, to the extent possible and appropriate, to resolve the matter. An informal 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.
- (3) Careful attention should be given to mitigating or aggravating circumstances.
- (4) When valid complaints are resolved informally, the offending party should be cautioned that repetition of such conduct could lead to formal investigation and sanctions.
- (5) Although a major purpose of consultation and informal resolution is to resolve problems, heighten awareness and achieve changes in behavior without resorting to formal investigatory or disciplinary proceedings, nothing in this paragraph 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 proposed resolution. The administrator may encourage moving to a formal complaint when, in his or her judgment, the complaint has a sufficient degree of seriousness, or is a repetition of previous complaints, so as to indicate that informal resolution has been inadequate.

#### **D. Procedure for a Formal Complaint:**

If the following consultation regarding the complaint as specified above, the person alleging sexual harassment should wish to make a formal complaint he or she should submit a written description of the offensive behavior and the circumstances surrounding it to the party responsible for overseeing investigation of the complaint (Human Resources Director if classified staff). 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.

- (1) **Investigation:** In cases of formal complaints against faculty members, 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 and to recommend sanctions, if any.
  - (a) For allegations against faculty members, the three members of the committee will be selected from the academic faculty by the Faculty Senate, except that, when the complaint is brought by a student, one of the faculty members will be selected by the vice president for Student Affairs.
  - (b) 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, except that, when the complaint is brought by a student, one of the contract staff members will be selected by the vice president for Student Affairs.
  - (c) For allegations against students, the investigation and determination of sanctions will be handled under the existing policies stated in the "Student Handbook" and procedures of the Student Affairs Office.
  - (d) 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, except that, when the complaint is brought by a student, one of the staff members will be selected by the vice president for Student Affairs.
  - (e) Review by the committee of a complaint: Members of the committee should meet to discuss the complaint. Unless the committee concludes that the complaint is without merit, the parties to the dispute should be invited to appear before the committee and to confront any adverse witnesses. The committee may conduct its own informal inquiry, call witnesses, and gather 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, it should be communicated in writing to both parties, along with a summary of the basis for the determination.

(2) **Sanctions:** If a sanction is recommended against a faculty, contract, or classified staff member, the committee report and the recommendation for a sanction will be sent to the appropriate vice president (and Human Resources Director if classified). As in the procedures of consultation, 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 must be carefully considered in reaching an equitable recommendation.

- (a) Allegations against faculty: Sanctions may be taken 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 the “Policy Statements on Academic Freedom, Responsibility, Tenure, Due Process...,” article VIII.
- (b) Allegations against contract staff members: Sanctions may be taken up to and including termination of employment. If the individual wishes to appeal a sanction, the appeal should be directed to the president of the University.
- (c) Allegations against student: Allegations against student: Sanctions may be taken up to and including expulsion from the University in accordance with policies stated in the “Student Handbook”. If the person to whom the sanction is applied wishes to appeal the decision, he or she may do so in accordance with the “Joint Statement on Rights and Freedoms of Students.”
- (d) Allegations against classified staff: Sanctions may be taken up to and including termination of employment from the University in accordance with the “Classified Staff Handbook.” If the person to whom the sanction is applied wishes to appeal the decision, he or she may do so in accordance with the grievance and appeal procedures of the “Classified Staff Handbook.”

**Harassment related to race, sex, sexual orientation, religion, national origin, age or physical condition:**

**A. Policy and Definition:**

Discriminatory, demeaning or abusive behavior based on race, sex, sexual orientation, religion, national origin, age or physical condition constitutes harassment when such behavior affects the conditions of an individual's employment or access to learning or interferes with an individual's work performance or creates and intimidating, hostile, or offensive University environment.

**B. Guidelines and Procedures:**

Such harassment is subject to the same guidelines and procedures as apply to sexual harassment. As with sexual harassment:

- (1) Initial emphasis is on the effort to resolve the problem and effect any necessary changes in behavior without more formal procedures.
- (2) The circumstances of the alleged offense, including any mitigating or aggravating factors, and the seeming intent of the behavior (and, if the allegation is sustained, any history of previous offenses of a related nature) will be carefully considered in determining the fact and the degree of seriousness of an offense.
- (3) Any imposition of sanctions on faculty members is subject to the processes and procedures of the "Policy Statements and Academic Freedom, Responsibility, Tenure, Due Process..." and, on students, of the "Joint Statement on the Rights and Freedoms of Students."

**C. Sexist Language:**

It is not the intent of this policy to regard as harassment most of what ordinarily is meant by the term sexist language. 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.

**D. Implementation and Amendment:**

- (1) Implementation: The "Trinity University Policy Statement on Harassment" 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. Amendments may be initiated by the Faculty Senate, the academic faculty, or the Board of Trustees. Before voting on a prepared amendment, at least 14 days

notice shall be given in writing to the membership of the Faculty Senate, the academic faculty, or the Board of Trustees.

**E. Resolution Concerning Non-Sexist Language:**

As part of Trinity's ongoing commitment to speaking and writing effectively and of our general goal of promoting social equality, members of the University community should avoid linguistic practices which may be construed as undermining equality.

**TRINITY UNIVERSITY**  
**Harassment Policy**

I, \_\_\_\_\_, hereby certify that I have been given a copy of Trinity University's "Harassment Policy," and that I have read and understood the policy and procedures.

I also understand and agree that no type of harassment is permitted at Trinity University.

\_\_\_\_\_  
Employee Signature

\_\_\_\_\_  
Date