

B. You may wish to consult an attorney, especially if a criminal complaint has or may be filed with the local police.

DISCRIMINATION, SEXUAL HARASSMENT, AND EQUAL EMPLOYMENT OPPORTUNITY (EEO)

To provide an educational and working environment free of unlawful discrimination or harassment to all members of the university community and to establish a complaint resolution policy to help identify and eliminate discrimination, including sexual harassment and to resolve such complaints in a fair and timely manner.

It is the policy of Sam Houston State University to review and resolve complaints of discrimination and/or sexual harassment by any member of the University community, including faculty, staff, students or visitors. Each supervisor has a responsibility to maintain the workplace free of sexual harassment. This duty includes discussing this policy with all employees and assuring them that they are not to endure discrimination, to include insulting, degrading or exploitative sexual treatment; and that false accusations will result in disciplinary action up to and including termination. For employee-related complaints, the Associate Vice President for Human Resources and Risk Management or designee will be responsible for maintaining records of all formal complaints and the results of such complaints. For student-related complaints, the Dean of Students or designee will be responsible for maintaining records of all formal complaints and the results of such complaints. Sexual harassment is a form of sex discrimination and will be treated as such by the University. Sexual harassment, which includes acts of sexual violence, is a form of sex discrimination prohibited by Title IX. Sam Houston State University, in accordance with applicable federal and state law and institutional values, prohibits

discrimination or harassment on the basis of race, creed, ancestry, marital status, citizenship, color, national origin, sex, religion, age, disability, veteran's status, sexual orientation, or gender identity. All personnel actions, including recruitment, employment, training, upgrading, promotion, demotion, termination, and salary administration are reviewed to ensure Equal Employment Opportunity (EEO) compliance.

1.0 Definitions

a. **DISCRIMINATION** — Defined as conduct directed at a specific individual or a group of identifiable individuals that subjects the individual or group to treatment that adversely affects their employment or education because of their race, creed, ancestry, marital status, citizenship, color, national origin, sex, religion, age, disability, veteran's status, sexual orientation, or gender identity.

b. **HARASSMENT** — A form of discrimination that's defined as verbal or physical conduct that is directed at an individual or group because of race, creed, ancestry, marital status, citizenship, color, national origin, sex, religion, age, disability, veteran's status, sexual orientation, or gender identity when such conduct is sufficiently severe, pervasive, or persistent so as to have the purpose or effect of interfering with an individual's or group's academic or work performance; or of creating a hostile academic or work environment. This conduct can include technology-based communications such as texting, online classroom chats, or social networking sites.

c. **SEXUAL HARASSMENT** — A form of sex discrimination and is described as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature, including but not limited to technology-based communications such as texting, online classroom chats, or social networking chats,

even if carried out under the guise of humor, and constitutes sexual harassment when:

- (1) submission to or tolerance of such conduct is made either explicitly or implicitly a term or condition of an individual's employment or education; or
- (2) submission to or rejection of such conduct by an individual is used as the basis for academic or employment decisions (including admissions and hiring) affecting that individual; or
- (3) such conduct has the purpose or effect of substantially interfering with an individual's academic or professional performance or creating an intimidating, hostile or offensive employment, educational or living environment.

Physical conduct that, depending on the totality of circumstances present, including frequency and severity, may constitute sexual harassment includes, but is not limited to,

- unwelcome intentional touching;
- deliberate physical interference with or restriction of movement or;
- sexual violence.

Verbal conduct, defined as oral, written, or symbolic expressions, that, depending on the totality of circumstances present, may constitute sexual harassment includes, but is not limited to,

- (1) explicit or implicit propositions to engage in sexual activity;
- (2) gratuitous comments, jokes, questions, anecdotes, or remarks of a sexual nature about clothing or bodies;
- (3) gratuitous remarks about sexual activities or speculation about sexual experiences;
- (4) persistent, unwanted sexual or romantic attention;
- (5) subtle or overt pressure for sex-

ual favors;

- (6) exposure to sexually suggestive visual displays such as photographs, graffiti, posters, calendars, or other materials;
- (7) deliberate, repeated humiliation or intimidation based upon sex.

2.0 Reporting

A person who believes that he or she has been subjected to any type of discrimination, including sexual harassment, should report the incident to the appropriate University official, administrator, or supervisor. Students are encouraged to report such incidents to the Assistant Dean of Students for Parent Relations and Special Programs or the Associate Vice President for Human Resources and Risk Management. Employees and visitors are encouraged to report to the Associate Vice President for Human Resources and Risk Management. The Associate Vice President for Human Resources and Risk Management and the Assistant Dean of Students for Parent Relations and Special Programs are both designated as Title IX Coordinators for the University. The Associate Athletics Director for Student Services is designated as the NCAA Title IX Coordinator for Athletics. Incidents should be reported as soon as possible after the time of their occurrence. Every attempt will be made to keep the information confidential and restricted to only those who have an absolute need to know. A person who makes a complaint of sexual harassment should be advised that principles of fairness and due process may require disclosure to the alleged harasser, who shall be warned against retaliation upon pain of disciplinary action.

The Associate Vice President for Human Resources and Risk Management office is located on the fourth floor of the College of Humanities and Social Science Building at 1901 Avenue I, Suite 410, Huntsville, TX 77340. The main Human Resources phone number is (936) 294-1070. The Assistant Dean of Students for Parent Relations and Special Programs office is located on the

second floor of the Lowman Student Center at 1802 Avenue I, Suite 215, Huntsville, TX 77340. The main Dean of Students phone number is (936) 294-1785. The Associate Athletics Director for Student Services office is located in the Ron Mafrige Field House at 620 Bowers Blvd., Room 321-C, Huntsville, TX 77340. The main Athletics phone number is (936) 294-3286.

3.0 Procedure for Resolving Complaints

Any student, staff employee, or faculty member who feels he/she is the victim of discrimination and/or sexual harassment should follow these steps:

a. INFORMAL COMPLAINT

All complaints will be considered informal until they are filed in writing. A person who believes he/she is the victim of discrimination and/or sexual harassment is encouraged to seek an informal resolution as follows:

[STEP ONE]

In circumstances where it is perceived that personal safety or employee/student status is not in jeopardy, the offended individual should clearly communicate to the offender that the behavior is unwelcome and must cease immediately.

[STEP TWO]

(1) If Step One fails or is deemed inappropriate, the offended individual should report the incident(s) to the University Civil Rights Compliance (CRC) Officer. The University CRC Officer is the Associate Vice President for Human Resources and Risk Management. Students may report student on student incidents to the Assistant Dean of Students for Parent Relations and Special Programs.

(2) The Dean of Students' Office will investigate the allegation(s). This may require interviews with the alleged victim and the accused student(s). In some circumstances interviews with other persons who have knowledge of the alleged incident may also be conducted. When-

ever possible the identity of the victim will not be revealed during the investigation process or without the victim's consent.

b. FORMAL COMPLAINT

To be considered a formal complaint, the complaint must be submitted to the CRC Officer in writing within ninety (90) days of the incident. The complaint should contain the following information:

- Name of the complainant;
- Contact information, including address, telephone number, email address;
- Name of person(s) directly responsible for alleged violation(s);
- Date(s) and place(s) of alleged violation(s);
- Nature of alleged violation(s) as defined in this policy;
- Detailed description of the specific conduct that is the basis of alleged violation(s);
- Copies of documents pertaining to the alleged violation(s);
- Names and contact information (if known) of any witnesses to alleged violation(s);
- Action requested to resolve the situation;
- Complainant's signature and date of filing;
- Any other relevant information.

RETALIATION PROHIBITED — A supervisor, employee, or student commits an unlawful employment practice and/or violation of the Student Code of Conduct and Discipline if the supervisor, employee or student retaliates or discriminates against a person, who (a) opposes a discriminatory or harassing practice, (b) makes or files a complaint alleging employment discrimination or harassment, (c) or testifies, assists, or participates in any manner in an investigation or proceeding. Any employee or student who retaliates against another

employee or student violates the university's policies and procedures and may be subject to disciplinary action up to and including termination of employment and/or suspension. Instances of alleged retaliation shall be investigated pursuant to the procedures of this policy.

SANCTIONS — University sanctions for violations of this policy may include any disciplinary action listed in section 5.9 of the Code of Student Conduct and Discipline. As required by Title IX, the university will use a preponderance of the evidence standard (i.e., it is more likely than not that sexual harassment, discrimination, or violence occurred) when investigating allegations of sexual harassment or violence. Unlawful discrimination and sexual harassment are illegal under state and federal law. Official governmental investigations by the Equal Employment Opportunity Commission, the Texas Commission on Human Rights, and/or the Office of Civil Rights of the Department of Education may result in civil lawsuits against any person guilty of unlawful discrimination or sexual harassment.

STUDENT RESIGNATION POLICY

1. PURPOSE

To establish a standard procedure for the processing of student resignations from the University.

2. DEFINITION

Resignation refers to a situation in which a student withdraws from all classes in which he/she is enrolled at the University.

3. GUIDELINES

3.01 If a student resigns from the 1st class day through the 12th class day (4th class day in the summer), no record of the resignation will appear on the student's academic record.

3.02 If a student resigns after the 12th class day (4th class day in the summer) and prior to taking any final examination,

a record of the resignation will appear on the student's academic record with a mark of "W."

3.03 To resign (officially withdraw) from the University, a student must either report to the Registrar's Office to complete a Resignation Request or use the online resignation form.

3.04 The resignation becomes effective on the date the form is received by the Registrar's Office. This date will be used for determining any eligible refund.

3.05 The Refund Policy of the University is directed by the Texas Education Code, Section 54.006.

4. REQUEST TO WITHDRAW AFTER DEADLINE BASED ON EXTENUATING CIRCUMSTANCES

4.01 A resignation request after the deadline will be considered where, in the University's judgment, the student has demonstrated extenuating circumstances such as incapacity due to a significant personal injury or to an injury and/or illness requiring an extensive period of recuperation; a significant personal emergency; or inability to contact the University by the deadline because of a medical or personal emergency.

4.02 The student will need to make this request in writing to the academic dean of the major field of study.

4.03 Written verification of emergency must be provided by a physician, hospital, etc. Death in the immediate family may be verified by an obituary notice or a memorial folder.

4.04 The student will be notified of the dean's decision.

4.05 The student may appeal the dean's decision to the Office of the Provost and Vice President for Academic Affairs.