

CAMERON UNIVERSITY

Sexual Harassment Policy

Policy Statement

Cameron University explicitly condemns sexual harassment of students, staff and faculty. Sexual harassment is unlawful and may subject those who engage in it to University sanctions, as well as civil and criminal penalties.

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Who Should Know This Policy

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| √ President | √ Faculty |
| √ Vice Presidents | √ Other Accounting/Finance Personnel |
| √ Deans | √ Students |
| √ Department Chairs | √ Other Groups |
| √ Directors | √ All Employees |
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Responsibilities

Responsible for Policy

University Officer Responsible
Ninette Carter

Vice President for Business and Finance

Procedure

1.0 STATEMENT OF PURPOSE:

In support of the above policy, the following procedures and information are provided.

When criminal action is pursued in addition to an administrative grievance under this policy, the Equal Opportunity Officer, hereafter referred to as EO Officer, will coordinate his/her investigative actions with the University or local law enforcement authorities to ensure that criminal prosecution is not jeopardized. The University-designated EO Officer may defer administrative action at the request of University or local law enforcement authorities pending completion of the criminal investigation. Where review by the University-designated EO Officer or other University executive officer determines that immediate administrative action is necessary for the safety, health and well-being of the campus community, such action may be taken in advance of resolution of criminal charges.

Since some members of the University community hold positions of authority that may involve the legitimate exercise of power over others, it is their responsibility to be sensitive to that power. Faculty and supervisors, in particular, in their relationships with students and subordinates, need to be aware of potential conflicts of interest and the possible compromise of their evaluative capacity. Because there is an inherent power difference in these relationships, the potential exists for the less powerful person to perceive a coercive element in suggestions regarding activities outside those appropriate to the professional relationship. It is the responsibility of faculty and staff to behave in such a manner that their words or actions cannot reasonably be perceived as sexually coercive, abusive or expletive. Sexual harassment also can involve relationships among equals as when repeated advances, demeaning verbal behavior, or offensive physical contact interfere with an individual's ability to work and study productively.

Cameron University is committed to providing an environment of study and work free from sexual harassment and to insuring the accessibility of appropriate grievance procedures for addressing all complaints regarding sexual harassment. The University reserves the right, however, to deal administratively with sexual harassment issues whenever becoming aware of their existence. Records of all complaints, except for hearings before the Faculty Appeals Board, shall be transmitted to and maintained by the University-designated EO Officer as confidential records.

Cameron University encourages victims to report instances of sexual assault and other sex offenses, either forcible or non-forcible. In addition to internal grievance procedures, victims are encouraged to file complaints or reports with campus police or local law enforcement agencies **by telephoning 2911**, as soon as possible after the offense occurs in order to preserve evidence necessary to the proof of criminal offenses. The campus police department is available to assist victims in filing reports with other area law enforcement agencies.

2.0 DEFINITION OF SEXUAL HARASSMENT

Sexual harassment shall be defined as unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature in the following context:

- When submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or academic standing, or
- When submission to or rejection of such conduct by an individual is used as the basis for employment or academic decisions affecting such individual, or

- When such conduct has the purpose or effect of unreasonably interfering with an individual's work or academic performance or creating an intimidating, hostile, or offensive working or academic environment.

2.1 EXAMPLES OF PROHIBITED CONDUCT

Conduct prohibited by this policy may include, but is not limited to:

1. Unwelcome sexual flirtation, advances or propositions for sexual activity, or
2. Continued or repeated verbal abuse of a sexual nature, such as suggestive comments and sexual comments and sexually explicit jokes, or
3. Remarks of a sexual nature to describe a person's body or clothing, or
4. Display of sexually demeaning objects or pictures, or
5. Offensive physical contact, such as unwelcome touching, pinching, brushing the body, or
6. Coerced sexual intercourse, or
7. Sexual assault, or
8. Rape, date or acquaintance rape, or other sex offenses, forcible or non-forcible, or actions indicating that benefits will be gained or lost based on response to a sexual advance.

3.0 RETALIATION

Any attempt to penalize or retaliate against a person for filing a complaint or participating in the investigation of a complaint sexual harassment will be treated as a separate and distinct violation of Cameron University Policy.

4.0 SANCTIONS

Appropriate disciplinary action may include a range of actions up to and including dismissal and/or expulsion.

GRIEVANCE PROCEDURE FOR COMPLAINTS BASED UPON DISCRIMINATION, SEXUAL HARASSMENT, SEXUAL ASSAULT, CONSENSUAL SEXUAL RELATIONSHIPS, RETALIATION OR RACIAL AND ETHNIC HARASSMENT

1.0 WHO MAY USE PROCEDURE

- 1.1 The grievance procedure embodied herein shall be available to any person who, at the time of the acts complained of, was employed by, or was enrolled as a student at Cameron University.

2.0 FILING OF COMPLAINT

- 2.1 Acceptance of Procedure Conditions. Complainants who exercise the right to use this procedure agree to accept its conditions as outlined. A grievance filed under this procedure normally may not be filed under any other University grievance procedure. Depending upon the nature of the issues involved, the complainant will be advised by the EO Office or his/her designee about the appropriate procedure(s) to utilize.

2.2 Equal Opportunity Officer. Persons who have complaints alleging discrimination based upon race, color, national origin, sex, age, religion, disability or status as a veteran or complaints alleging sexual harassment, consensual sexual relationships, retaliation, or racial and ethnic harassment may file them in writing with the EO Officer, also referred to as EO Officer, or with their department head/chair, academic dean, or administrative supervisor. These individuals and the EO Officer or the EO Officer designee are referred to as “Administrator.”

2.3 Multiple Issues. Where multiple issues exist, (i.e. sexual harassment and violation of due process or grade appeal), the complainant must specify all grounds of which the complainant should have reasonably known at the time of filing.

3.0 TIMING OF COMPLAINT

3.1 Any complaint must be filed with the EO Officer or other appropriate administrator within 180 calendar days of the act of alleged discrimination or harassment. All other time periods may be reasonably extended by the administrator.

4.0 WITHDRAWAL OF COMPLAINT

4.1 The complainant may withdraw the complaint at any point during the investigation or prior to the adjournment of a formal hearing.

5.0 CONFIDENTIALITY

5.1 Proceedings. Investigators and members of the Hearing Panel are individually charged to preserve confidentiality with respect to any matter investigated or heard. A breach of the duty to preserve confidentiality is considered a serious offense and will subject the offender to appropriate disciplinary action. Parties and witnesses also are admonished to maintain confidentiality with regard to these proceedings.

5.2 Records. Upon disposition of a complaint, all records involving discrimination or harassment shall be transmitted to and maintained by the EO Officer as confidential records except to the extent disclosure is required by law. This includes records of complaints handled by administrators.

6.0 ADMINISTRATIVE ACTION

6.1 Unilateral Action. The University recognizes its obligation to address incidents of discrimination and harassment on campus when it becomes aware of such incidents even if no complaints are filed, and the University reserves the right to take appropriate action unilaterally under this procedure.

6.2 Students. With respect to students, the Vice President for Student Affairs or other appropriate persons in authority may take immediate administrative or disciplinary action which is deemed necessary for the welfare or safety of the University Community. Any student so affected must be granted due process including a proper hearing. Any hearing involving disciplinary suspension or expulsion shall be conducted by the Office of the Vice President of Student Affairs, in accordance with the principles set forth in the Cameron University Code of Student Conduct, as

the same may be amended from time to time. Lesser administrative or disciplinary action may be appealed to the Vice President for Student Affairs. Such requests must be in writing and filed within seven calendar days following the summary action. Appeals will be conducted in the manner set forth under “Appeals and Review” in the Code of Student Conduct.

- 6.3 Personnel. With respect to employees, upon a determination at any stage in the investigation or grievance procedure that the continued performance of either party’s regular duties or University responsibilities would be inappropriate, the proper executive officer may suspend or reassign duties or responsibilities or place either party on leave of absence pending the completion of the investigation or grievance procedure.

7.0 PROCEEDINGS

- 7.1 Investigation. Upon receipt of a complaint, the EO Officer or other appropriate administrator is empowered to investigate the charge, to interview the parties and others, and to gather any pertinent evidence. The investigation should be completed within 60 calendar days of receipt of the complaint, or as soon as practical. If a time period is extended for more than 10 calendar days, the EO Officer will provide written or oral notice of reason for extension to all parties involved. The investigator shall prepare a record of the investigation. In arriving at a determination of a policy violation at any stage of the proceedings, the evidence as a whole and the totality of the circumstances and the context in which the alleged incident(s) occurred shall be considered. The determination will be made from the facts on a case by case basis.

- 7.2 Completion of Investigation. Upon completion of the investigation the EO Officer or other administrator is authorized to take the following actions:

7.2.1 Satisfactory Resolution. The matter may be resolved to the satisfaction of the University and both the complainant and the respondent. If a resolution satisfactory to the University and both parties is reached through the efforts of the EO Officer or other administrator, the administrator shall prepare a written statement indicating the resolution. At that time the investigation and the record thereof shall be closed.

7.2.2 Dismissal. If it is determined that no policy violation occurred, the complaint will be dismissed. Notice of dismissal will be given in writing to each party involved.

7.2.3 Determination of Impropriety. If the investigator determines an impropriety has occurred, both parties will be notified of the finding of impropriety and of the action to be taken.

7.2.4 Actions Regarding Faculty. In the case of a complaint against a faculty member, the administrative investigator may determine that the evidence is sufficiently clear and serious so as to warrant the immediate commencement of formal proceedings as provided in the Abrogation of Tenure, Dismissal Before Expiration of a Term Appointment, and Severe Sanctions sections of the Faculty Handbook. If the Vice President for Academic Affairs and the President concur with the administrator’s finding, the case may be removed at the option of the accused from the grievance proceedings contained herein and further action in the case shall be governed by the Abrogation of Tenure, Dismissal Before Expiration of a Term Appointment, and Severe Sanctions section in the Faculty Handbook. Otherwise, this policy and procedure shall apply.

7.3 Appeals. In the event of either dismissal or determination of impropriety, as described in Sections 7.2.2 or 7.2.3, either party may lodge an appeal. An appeal must be filed with the EO officer in writing within 15 calendar days of the date of the notice of dismissal. The appeal must request a hearing according to the provisions of Section 8 of this procedure. Unless an appeal is filed within the 15 calendar day period, the case will be considered closed.

8.0 HEARING

8.1 Request for a Hearing. Appeals and complaints unresolved following an investigation may result in a hearing before a hearing panel selected from the membership of the Committee on Discrimination and Harassment as described below. Faculty versus faculty grievances with multiple issues will be heard by a Faculty Appeals Board. The request for a hearing must be in writing, and filed with the EO Officer.

8.1.1 Form of Request. The request for a hearing must contain the particular facts upon which the policy violation allegation is based as well as the identity of the appropriate respondent(s). A notice of the request and a copy of the request shall be given to the proper respondent(s) by the EO Officer.

8.1.2 Accused Party Response to Request. Written response to the request for a formal hearing must be sent to the EO Officer within 10 calendar days of the date of the notice that a formal hearing has been requested. A copy of the response shall be given to the party requesting the hearing.

8.2 Selection of a Hearing Panel. Within 10 calendar days following receipt of the written request for a hearing, the EO Officer shall initiate the process to determine the members of the Hearing Panel who are to conduct a hearing. A five-member hearing panel will be chosen by the parties to the complaint from the twenty-four (24) member Committee on Discrimination and Harassment/Faculty Appeals Board. A Committee on Discrimination and Harassment shall be established on campus and composed of eight (8) staff members, eight (8) students, and eight (8) faculty members. Five (5) staff members will be appointed by the Vice President for Business and Finance; five (5) students will be appointed by Student Government Association; and the President will appoint three (3) staff and three (3) students. All faculty members will be appointed by the Faculty Council. The terms of appointment shall be for three (3) years with initial terms of 1, 2, and 3 years in each category to provide the staggered membership, except that each student shall be appointed for a one year term. The selection process shall be in the following manner: the complainant and the respondent alternately select two names each from the pool. Those selected choose a fifth name from the pool to serve as chair. If the four panelists cannot agree on the fifth, the names of the five additional Committee members will be drawn by lottery. Each panelist will strike one name off the list of five names. The remaining person shall be the fifth panelist. Either party to the complaint may ask the EO Officer to disqualify any member of the Hearing Panel upon a showing of cause. No panelist shall be expected to serve if he/she feels that a conflict of interest exists. Replacements shall be selected in the same manner as the original panel.

8.3 Pre-Hearing Conference. Within 10 calendar days of receiving notification of selection, or as soon as practical, the Chair shall convene the Hearing Panel for an informal discussion of the grievance and a decision as to whether there exist adequate grounds for a hearing. The parties involved and the EO Officer shall be present during the informal discussion. Prior to the informal

discussion, the EO Officer shall conduct an orientation. Each panel member shall be given a copy of the written complaint, the request for a hearing, and the written response. No witnesses or evidence will be heard.

- 8.4 Advisers and Attorneys. At all meetings, each party may be accompanied by an adviser. In the event that a party chooses to be advised by an attorney he/she may do so at his/her expense. If an adviser is used, the name of the person so assisting must be furnished to the EO and the other party 10 calendar days in advance of the pre-hearing conference. The EO will forward the name of the person to the Hearing Panel. Advisers may advise their clients at the pre-hearing conference but may not directly address the Hearing Panel. If the Panel decides at its pre-hearing conference that there is no basis for a hearing, it shall report the determination in writing to the proper Executive Officer with a copy to the President and the EO Officer. The Executive Officer shall render his or her decision on the matter in writing to each of the parties involved in the informal proceedings. After the pre-hearing conference, if a party wishes to have an adviser present at any stage of a hearing he/she must notify the Hearing Panel Chair and other party(ies) of the name of the adviser at least 10 calendar days in advance of the scheduled hearing. Advisers may advise their clients at the hearing but may not directly address the Hearing Panel or witnesses, except as required for student disciplinary hearings leading to suspension or expulsion.
- 8.5 Hearing Guidelines. The panel shall be convened by the EO Officer for further orientation prior to the formal hearing. Each panel member shall be given a copy of the Hearing Guidelines. The hearing panel procedures in conducting a hearing shall be established with reference to the Hearing Guidelines and shall provide that the parties may present all of the evidence that they consider germane to the determination. The parties also may call witnesses to testify and may cross-examine witnesses called by the other party. The hearing shall be closed unless all principals in the case agree to an open hearing. Audio tape recordings of the proceedings shall be arranged by the Chair of the Hearing Panel and paid for by the University. Transcripts may be charged to the requesting party.
- 8.6 Notice and Scheduling. The Chair of the Hearing Panel shall notify the parties of the dates, times and locations of hearings and meetings. Parties are responsible for notifying their witnesses. Hearings shall be scheduled to reasonably ensure that the complainant, respondent, and essential witnesses are able to participate. Upon request Legal Counsel may serve as an adviser to the Hearing Panel.

9.0 CONCLUSION OF PROCEEDINGS

- 9.1 Satisfactory Resolution Prior to Hearing Completion. In the event the matter is resolved to the satisfaction of all parties prior to completion of the hearing, a written statement shall indicate the agreement recommended by the parties and shall be signed and dated by each party and by the Chair of the Hearing Panel. The recommendation will be referred to the appropriate Executive Officer for final determination.
- 9.2 Panel's Findings and Recommendations. In the event a solution satisfactory to the parties is not reached prior to the completion of the hearing, the Panel shall make its findings and recommendations known to the proper Executive Officer, with copies to the President of the University and the EO Officer. The Panel's report, with its findings and recommendations, shall be prepared and properly transmitted within seven (7) calendar days after conclusion of the hearing.

- 9.3 Executive Officer's Decision. Within fifteen (15) calendar days of receipt of the Hearing Panel's findings and recommendations, the proper Executive Officer shall inform the complainant and the respondent of the findings of the Hearing Panel and the Officer's decision. A copy of the Officer's decision shall be transmitted to the Chair of the Hearing Panel, with copies to the President of the University and the EO Officer. In a case investigated initially by an administrator, the administrator also shall be informed of the Officer's decision. In the event the allegations are not substantiated, reasonable steps in consultation with the accused may be taken to restore that person's reputation.
- 9.4 Appeal to the President. A party may appeal the decision of the Executive Officer by filing a written notice of appeal with the President within 15 calendar days after the party receives notice of prospective action or of action taken, whichever is earlier. If the President does not act to change the decision of the Executive Officer within 15 calendar days of receiving the appeal, the decision of the Executive Officer shall become final under the executive authority of the President.

To contact the Equal Opportunity Office:

Cameron Campus:
Room 100, School of Business
580-581-5542

Alternate Office:
Norman Campus
Room 102, Evans Hall Room 111, Library Building
405-325-3546 or 405-271-2110

Contacts

Policy Questions: Ninette Carter, Vice President for Business and Finance, (580) 581-2226

Forms

In support of this policy, the following forms are included:
None

Policy History

Policy

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