

McLennan
Community
College

POLICIES AND PROCEDURES

Subject: Sexual Harassment Policy Reference: F-V-k, 1
Source: Board of Trustees Eff. Date: October 19, 2006
Approval Auth.: Board of Trustees Approved: _____
Remarks: Replaces previous policy dated April 24, 2001

Date: October 19, 2006

Sexual harassment is reprehensible and will not be tolerated by McLennan Community College. All members of the college community (including, but not necessarily limited to the Board of Trustees, the administration, the faculty/staff, students and members of the public while on campus) are expected to conduct themselves in a manner that will provide an atmosphere free from sexual harassment.

Prohibited Acts

No member of the college community shall engage in sexual harassment.

Definition of Sexual Harassment

For the purposes of this policy, "sexual harassment" is defined as unwelcome advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature when:

- (a) Submission to such conduct is made explicitly or implicitly a term or condition of an individual's employment or status in a course, program, or activity;
- (b) Submission to or rejection of such conduct is used as a basis for an employment or educational decision affecting an individual; or
- (c) Such conduct has the purpose or effect of unreasonably interfering with an individual's work or educational performance or of creating an intimidating, hostile, or offensive environment for work or learning.

Informal Complaint Procedure

- (a) At the complainant's option, an informal complaint alleging that any provision of this policy has been violated may be

brought to one of the following: the Director of Human Resources, the EEO Officer; the Vice President, Instruction; the Vice President, Student Services; or the Executive Vice President.

- (b) The administrator to whom an informal complaint is brought will counsel the complainant as to the options available under this policy and, at the complainant's request; (a) may help the complainant resolve to draft a formal complaint if the complainant decides to follow that route.

Formal Complaint Procedure

- (a) A person wishing to make a formal complaint alleging a violation of this policy must do so in writing by filing the formal complaint with the EEO officer. The formal complaint must be detailed and specific enough that a proper investigation may be conducted based on the formal complaint, and the formal complaint must contain the complainant's consent to an investigation into the allegations contained in the formal complaint. The EEO officer will consult with the appropriate vice president to determine the method by which the investigation will be conducted and the appropriate administrator to conduct the investigation.
- (b) An investigation of a formal complaint is for the purpose of establishing whether there is a reasonable basis for believing that an alleged violation of this policy has occurred.
- (c) The administrator who is conducting the investigation may interview the person who filed the formal complaint, the person accused, and any other person believed to have knowledge of relevant facts and may take any other action necessary to reasonably and properly investigate the formal complaint. At all times, the administrator conducting the investigation will take steps to insure confidentiality, to the extent possible. The administrator conducting the investigation shall afford any person accused by formal complaint of a violation of this policy a full opportunity to respond to the allegations.
- (d) After an investigation into a formal complaint is complete, the appropriate vice president may: (i) conclude that there is not a reasonable basis for believing that an alleged violation of this policy occurred; (ii) negotiate a resolution of the formal complaint, without reaching a conclusion as to whether or not there was a reasonable basis for believing that an alleged violation of this policy occurred; or (iii) institute formal action as described in Section entitled "Process of Taking Formal Action" of this policy.

Process of Taking Formal Action

- (a) If a negotiated resolution of a formal complaint cannot be reached and the appropriate vice president has concluded that there is a reasonable basis for believing that an alleged violation of this policy has occurred, then formal action will be taken.
- (b) In cases in which a faculty/staff member has been accused by formal complaint of violating this policy, the vice president responsible for the unit employing the person accused and the EEO officer shall be responsible for making decisions regarding formal action. In cases in which a student has been accused by formal complaint of violating this policy, the Vice President, Student Services and the EEO officer will be responsible for making decisions regarding formal action.

Formal Action

- (a) Except as specifically modified by other provisions of this policy, formal action involving allegations of:
 - (i) Violations of this policy by faculty and staff members will be governed by the McLennan Community College Personnel Handbook.
 - (ii) Violations of this policy by students will be governed by the student Highlander's Guide.
- (b) The president, upon the recommendation of the appropriate vice president and EEO officer, shall decide if a hearing will be conducted and the process to be used. If the hearing process is utilized, the following rules will be followed. Upon motion from one of the parties made before the start of the hearing process, the hearing panel shall close all or part of any hearing held under this policy. Upon motion from one of the parties after the hearing has started or from some other interested party, the hearing panel may close all or part of a hearing under this procedure.
- (c) Disciplinary action against faculty and staff members will be recommended to the President by the vice president of the unit employing the accused staff member in conjunction with the EEO officer.
- (d) Disciplinary action against students will be governed by the Highlander's Guide.

Protection of Complainant and Others

- (a) The complainant will, to the extent possible, be informed fully of steps taken during the investigation.

- (b) All reasonable action will be taken to assure that the complainant and those testifying on behalf of the complainant or supporting the complainant in other ways will suffer no retaliation as the result of their activities in regard to the formal complaint or any investigation or other proceeding arising out of the formal complaint.

Protection of the Accused

- (a) At the time an investigation into a formal complaint commences, the accused will be provided a copy of the formal complaint and informed of the allegations, the identity of the complainant, and the facts surrounding the allegations.
- (b) In the event the conclusion is reached that there is not a reasonable basis for believing that an alleged violation of this policy occurred, all reasonable steps will be taken to restore the reputation of the accused, if it was damaged by the formal complaint or any investigation or other proceeding arising out of the formal complaint.
- (c) A complainant found to have been intentionally dishonest in making an informal complaint or formal complaint or to have made an informal complaint or formal complaint maliciously is subject to college discipline.

Protecting Both Parties

- (a) To the extent possible, an investigation into a formal complaint and any other proceedings arising out of a formal complaint will be conducted in a way calculated to protect the confidentiality interests of both parties.
- (b) After an investigation of a formal complaint, the parties will be informed of the facts developed in the course of the investigation.
- (c) The parties will be informed promptly about the outcome of any proceedings arising out of a formal complaint.
- (d) The college reserves the right to investigate any/all complaints, written or unwritten, with or without the consent of the complainant.