



# PRAIRIE VIEW A&M UNIVERSITY

A Member of the Texas A&M University System

## **PROCEDURES FOR HANDLING SEXUAL HARASSMENT** **ALLEGATIONS**

*Revised April 2009*

*(See Prairie View A&M University's Policy Against Sexual Harassment and the Texas A&M University System Policy 08.01 and Regulation 08.01.01 Civil Rights Compliance)*

### **RESOLUTION PROCESS**

1. Any individual (faculty, staff or student) who believes he or she has been subjected to sexual harassment may, but is not required to, discuss the offending behavior with the alleged harasser. The object of such discussion is to alert the alleged harasser that the conduct is in violation of the University/System's policies and that the offending behavior should cease immediately.
2. Any individual (faculty, staff or student) who believes he or she has been subjected to sexual harassment may verbally request resolution by a third party (i.e., supervisor, and or equal opportunity officer). In consultation with the Office of Equal Opportunity the receiving official will determine which method of resolution to pursue.
3. Any individual (faculty, staff or student) who believes he or she has been subjected to sexual harassment should submit a formal written, signed complaint to the Office of Equal Opportunity within (90) days of the most recent incident.

The complaint should contain the following information:

- (1) Name of the complainant: (person filing the complaint)
- (2) Contact information, including address, telephone and email
- (3) Name of person(s) directly responsible for alleged violation(s);
- (4) date(s) and place(s) of alleged violations;
- (5) Nature, date(s) of alleged violations(s) as defined in University/System policies;
- (6) detailed description of the specific conduct that is the basis of the alleged violation(s);
- (7) Names of any witness to the alleged violation(s) or have information regarding the alleged violation (s)
- (8) Action requested to resolve the situation;
- (9) Complainant's signature and date of filing; and
- (10) Any other relevant information.

#### 4. **Methods of Resolution**

Methods of resolution include, but are not limited to, coaching the complainant on how to address the situation causing the problem directly; mediating the dispute between the parties concerned; aiding in the modification of a situation in which the offensive conduct occurred; assisting a department or division with the resolution of a real or perceived problem; conducting a documented meeting with the alleged offender that involves a discussion of the requirements of University/System policy and regulation and University/System rule and procedures; or investigating the complaint as directed by the Office of Equal Opportunity.

#### 5. **Time Limit**

A complaint must be made within ninety (90) calendar days of the occurrence of the most recent alleged violation(s).

#### 6. **Acknowledgement**

In the case of a formal written complaint, the Office of Equal Opportunity will send the complainant a brief acknowledgement of the complaint in a timely manner, stating that the complaint will be evaluated and advising the complainant that he or she will be contacted within (10 days). The acknowledgement letter will include a copy of PVAMU's Policy Against Sexual Harassment; System Policy 08.01 and System Regulation 08.01.01, and any other University/System rule(s) and procedures as appropriate.

#### 7. **Complaint Evaluation**

The University may decide *NOT* to proceed with a complaint investigation under a variety of circumstances, such as:

- (1) The complainant fails to describe in sufficient detail the conduct that is the basis of the complaint;
- (2) The conduct described in the complaint is not covered by University/System policies and regulation;
- (3) The complaint is not timely;
- (4) The complainant declines to cooperate in the University's investigation;
- (5) The complaint has been withdrawn; or
- (6) A resolution or remedy deemed appropriate by the University has already been achieved, or has been offered by the University and rejected by the complainant.

If it is determined that the University will not proceed with a complaint investigation, the Office of Equal Opportunity will send a notification letter explaining the reason(s) to the complainant.

The notification letter will also include a statement informing the complainant that, within ten (10) working days of the notification, he or she may appeal the determination not to proceed with a complaint investigation to the appropriate vice president.

The request for appeal must be a signed, written document articulating why the decision to dismiss the complaint was allegedly in error. The appropriate vice president shall respond within twenty (20) working days of receipt of the appeal. If the decision to dismiss is upheld, that decision is final. If the decision is overturned, the complaint is sent back to the Office of Equal Opportunity for investigation in accordance with applicable University/System rule(s) and procedures.

## **8. Investigative Process and Findings**

If the decision is made to conduct an investigation into the complaint, the investigator(s) will interview both the complainant and the alleged offender(s) and other persons who are considered to have pertinent factual information related to the complaint. The investigator(s) shall also gather and examine documents relevant to the complaint. Findings will be based on the totality of circumstances surrounding the conduct complained of, including but not limited to the context of that conduct, its severity, its frequency, whether it was physically threatening or humiliating or was simply offensive in nature.

## **9. Report of Findings and Recommendation**

- 9.1. When an investigation is completed, the investigator(s) will provide a statement of findings, copies of relevant documents, and any physical evidence considered to the appropriate vice president within thirty (30) calendar days after being assigned the complaint, unless unusual circumstances require more time. If a complaint is directed against a vice president or a departmental director who would otherwise act on a complaint, the function assigned to that individual will be delegated to another person.

### **Corrective Measures:**

- 9.2 If after the investigation it is found that a complainant's charge is substantiated and determined that the University/Systems' policy and regulations were violated, the appropriate vice president following consultation with the investigator(s) or other knowledgeable person(s) as appropriate, shall determine the necessary disciplinary corrective actions taken, to remedy any discrimination or harassment that is appropriate for the severity of the inappropriate conduct in accordance with System Policy 33.02 (Discipline and Dismissal of Employees) and other applicable regulation(s), rule(s), and reprimands, reassignment, suspension without pay and termination of employment.
- 9.3 The appropriate vice president will promptly notify the complainant and the alleged offender(s) in writing that the investigation has been completed and recommendations have been made.

- 9.4 The appropriate vice president will provide the Office of Equal Opportunity within (15) days of receipt of the investigative findings a written report of recommendations to remedy or resolve complaint. The Office of Equal Opportunity will periodically monitor the outcome of the recommendations with the appropriate departmental administrator.
- 9.5 The University shall document every resolution of a sexual harassment complaint. Such documentation shall be retained in the Office of Equal Opportunity and shall be kept confidential to the extent permitted by law.