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Policy Against Sexual Harassment

(Revised) June 1, 2008

Policy Statement

Prairie View A & M University is dedicated to excellence in teaching, research and service. It is committed to values and policies that enhance respect for individuals and their culture. Our student body and our workforce are comprised of people of color, women, immigrants, non-traditional students and persons with disabilities. To reap the rewards of diversity, the University has developed and will continue to develop policies and programs that combat bigotry and other biases in all their forms and will build on the strengths offered by a multicultural, multiracial and multigenerational campus.

Prairie shall be free from all forms of sexual discrimination and sexual harassment. Sexual misconduct is prohibited and will result in appropriate sanctions.

Sexual harassment, a form of sex discrimination, creates an atmosphere that is harmful to our university's academic missions. It interferes with faculty, staff and student's ability to perform their duties. Sexual harassment creates an environment of disrespect, insensitivity and mistrust.

This policy provides information every member of the University community should read and understand. It defines sexual harassment according to federal law and University policy, discusses impermissible conduct and offers procedures for seeking help.

Prairie View A & M University will absolutely not tolerate sexual harassment of any student, faculty, staff or visitor. Our community must address allegations as they occur without delay. The responsibility for eliminating sexual harassment rests on the shoulders of the entire University community. Faculty, staff and students should be aware that violation of this policy will lead to serious disciplinary action up to and including dismissal.

**George C. Wright, President
Prairie View A&M University**

Title VII Definitions of Sexual Harassment

(Texas A&M University System Regulation 34.01 Sexual Harassment, March 9, 2005) Employees only)

Sexual Harassment is a form of sex discrimination which is a violation of Title VII of the Civil Rights Act of 1964. For purposes of this policy, sexual harassment is defined as **unwelcome** sexual advances, requests for sexual favors, or other verbal, visual, or physical conduct of a sexual nature when:

- Submission to such conduct is either explicitly or implicitly in a term or condition for an individual's employment or academic standing.
- Submission to or rejection of such conduct by an individual is used as a basis for employment or academic decisions affecting such individual; or
- Such conduct has the purpose or effect of unreasonably interfering with an individual's work or academic performance or creating an intimidating, hostile or abusive work or academic environment

Prohibited Conduct

It is a violation of University policy for any member of the University community to:

- Engage in sexual harassment
- Retaliate against any member of the University for filing a complaint alleging or participating in any investigation/proceeding to determine if sexual harassment has occurred
- Making intentionally false accusations of sexual harassment

Title IX of the Education Amendments of 1972 *(Students/Employees)

Title IX protects both male and female students and employees from unlawful sexual harassment in all school programs or activities.

Sexual harassment can occur between individuals of different sexes or of the same sex; employee to student;

non-University employee to student; employee to employee; non-University personnel to employee.

Although sexual harassment most often exploits a relationship between individuals of unequal power (such as between a faculty member and student, supervisor and employee, tenured and untenured faculty members), it may also occur between individuals of equal power (such as between fellow students or co-workers) or in some cases even where it appears that the harasser has less power than the individual harassed (for example, a student sexually harassing a faculty member). Sexual harassment is not determined by the intent of the harasser instead by the impact the behavior has on the person being harassed.

Types of Sexual Harassment

Quid Pro Quo

Quid pro quo occurs when a person in authority such as a manager, supervisor or faculty member makes an **unwelcome** sexual advance or request for a sexual favor to an employee or student and submission to or rejection of the advance is a condition of employment or academic standing.

One version of this type of harassment is *"If you do this (sex favor) for me, I will do that (work/academic favor) for you."*

The other version is, "If you don't do this (sex favor) for me, then I won't do that (work/academic favor) for you"

Hostile Work Environment

Hostile environment harassment consists of unwelcome sexual misconduct that substantially interferes with work/academic performance or creates a hostile working/learning environment.

This is a type of harassment that can take place between an employee/student and anyone with whom the employee/student interacts with during their performance of work/academic responsibilities—faculty, supervisors, co-workers, contractors, suppliers, vendors, etc.

Forms of Sexual Harassment

Sexual Harassment generally occurs by one or more of the following forms of conduct—physical, verbal and/or visual.

Sexual Harassment Forms Comes in Many Forms

Physical Conduct

- Touching
- Unwanted massages
- Patting, caressing, or fondling
- Impeding or blocking movement
- Standing closer than appropriate or necessary for the work being done
- Touching or rubbing oneself sexually around or in view of another person
- Assault

Verbal Conduct

- Targeting a person with sexual comments, slurs, jokes, epithets or rumors
- Verbal sexual advances, threats or propositions
- Verbal abuse of a sexual nature
- Making sexual comments about a person's clothing, body, or looks
- Sexually degrading words used to describe an individual
- Suggestive or obscene letters, notes, or invitations
- Turning work/academic discussions into sexual discussions
- Asking about sexual fantasies, preferences, or history
- Asking personal questions about social or sexual life
- Telling lies or spreading rumors about a person's sex life

Visual Conduct

- Leering (looking at someone in a sexually suggestive manner)
- Making suggestive gestures
- Displaying pornography, sexually suggestive pictures, cartoons, posters or literature
- Having sexually suggestive software on a work/academic computer

Consensual Relationships

Dating or sexual relationships that might be appropriate in other circumstances have inherent dangers when they occur in a university setting. Negative consequences may result from a faculty member, supervisor or other member of the university community engaging in a relationship with any person for whom he or she has (or will have) professional responsibility.

These dangers can include: (1) a student or employee may feel coerced into an unwanted relationship because he or she fears that refusal to enter into the relationship will adversely affect their education or employment;

(2) inappropriate conflicts of interest when it comes to evaluating the employment or academic abilities of a dating partner; (3) the perception of sexual favoritism from students or fellow-co-workers; (4) physical or emotional harm to one party when, and if, a breakup occurs.

Faculty members, supervisors and other members of the university community who have professional responsibility for other individuals should be aware that any romantic or sexual involvement with a student or employee for whom they have such a responsibility may raise questions as to the mutuality of the relationship and may lead to charges of sexual harassment. For the reasons stated above such relationships are strongly discouraged.

If such a relationship does occur, action may be taken to alleviate the conflict of interest and remove professional responsibility over the affected subordinate.

For purposes of this section, an individual has "professional responsibility" for another individual at the university if he or she performs functions; including, but not limited to, teaching, counseling, grading, advising, evaluating, hiring, supervising or making decisions or recommendations that confer benefits such as promotions, financial aid or awards or other remuneration that may impact upon other academic or employment opportunities.

Academic Freedom

This policy shall not be interpreted to constitute interference with academic freedom.

Filing False Complaints

Any person who knowingly and intentionally files a false sexual harassment complaint is subject to disciplinary action up to and including dismissal from the University.

Policy Enforcement

The University may assess a range of corrective actions for policy violations. Such corrective actions may include termination of employment or permanent dismissal from the University. Any student, faculty or staff found in violation, following applicable disciplinary proceedings will be subjected to these varying penalties.

Confidentiality

The privacy of individuals who bring complaints of sexual harassment, who are accused of sexual harassment or who are otherwise involved in the complaint process should be respected and information obtained in connections with the filing, investigation, or resolution of complaints should be handled as confidentially as possible. It is not possible; however, to guarantee absolute confidentiality and no such promises should be made by any one who is in the complaint process.

Responsibility of University Community

Members of the University community who become aware of allegations of sexual harassment should encourage the offended individual to report the alleged sexual harassment to the Office of Equal Opportunity or the Vice President of Student Affairs and Institutional Relations immediately.

Responsibilities of Supervisors

Each dean, director, department chairperson, executive officer, administrator or other person with supervisory responsibility is responsible within his or her area or jurisdiction for the implementation of the policy.

Supervisors must report to the Office of Equal Opportunity, or in its absence, The Vice President of Student Affairs and Institutional Relations, any complaint of sexual harassment or any incident of sexual harassment that he or she becomes aware of or reasonably believes to exist. Having reported such complaint or incident, the supervisor should keep it confidential and not disclose it further, except as necessary during the complaint process.

Retaliation Prohibited

A student, faculty or staff member who retaliates in any way against the individual (s) who initiated a sexual harassment complaint or who participated in a sexual harassment investigation is subject to disciplinary action up to and including dismissal.

Making a Sexual Harassment Complaint

Members of the University community who believe themselves to be offended under the policy are strongly encouraged to report the allegations of sexual harassment as soon as possible within **(90) days of the latest incident**. Delay in making a complaint may make it difficult to investigate the allegations.

Report all allegations and complaints of sexual harassment to the Office of Equal Opportunity, A. I. Thomas Building, Ste 013, (936) 261-2123 or 2130.

Informal Resolution of Complaints

After receiving a complaint of sexual harassment, the Office of Equal Opportunity shall, in appropriate cases, make efforts to resolve the complaint informally; i.e., by an arrangement that is acceptable to the complainant, the accused and the university. Examples of informal resolutions include; but not limited to:

- Having a supervisor or the Office of Equal Opportunity speak to the accused regarding the allegations of sexual harassment and counsel the accused as to the appropriate behavior;
- Arranging for a training/workshop session on sexual harassment for the unit, division or department in which the sexual harassment is alleged to have occurred;
- Having the accused write a letter of apology.

Whenever possible, an informal resolution should be acknowledged in writing and signed by the complainant. The accused should also be asked to sign such an acknowledgement.

Formal Resolution of Complaints

(Refer to PVAMU's Procedures for Handling Sexual Harassment Allegations June 1, 2008)

If no informal resolution of a complaint is achieved, the Office of Equal Opportunity shall conduct a formal investigation of the complaint. In the event that a complaint is anonymous, the complaint should be investigated as thoroughly as possible under the circumstances. Promptly following the completion of the investigation, the Office of Equal Opportunity shall report his or her findings to the appropriate Vice President of the accused and in the event that the accused is a Vice President to the President.

Following such report, the appropriate Vice President or a designee shall promptly take such action as he or she deems necessary and proper to correct the effects of or to prevent further harm to an affected party or others similarly situated. Actions could range from a letter in personnel file up termination.

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