

SEXUAL HARASSMENT MISCONDUCT & SEX DISCRIMINATION

UT AUSTIN'S COMMITMENT

The University of Texas at Austin is committed to maintaining working and learning environments that are free from inappropriate conduct based on gender.

WHERE TO REPORT

UT encourages all individuals who think that they may have been subjected to sex discrimination, sexual harassment, or sexual misconduct by University faculty, staff, students, visitors, or contractors to **report it immediately to any of the persons or offices listed below.**

- **Dr. Sherri Sanders**, Associate Dean of Students, Office of the Dean of Students, 4.104 Student Services Building, 512-471-5017
- **Ms. Linda Millstone**, Director Equal Opportunity Services Office, 4.302 North Office Building A (NOA), 512-471-1849
- **Any University administrator, official, or unit supervisor**

To ensure situations involving sex discrimination, sexual harassment, or sexual misconduct are handled appropriately, every University administrator, official, and unit supervisor (including deans and department chairs) is responsible for promptly referring reported incidents of sex discrimination, or sexual harassment to either the Office of the Dean of Students or to Equal Opportunity Services.

Complaints or allegations of student to student sex discrimination, sexual harassment or sexual misconduct will be handled by the Student Judicial Services area of the Dean of Students Office.

DEFINITIONS

SEX DISCRIMINATION

Sex discrimination involves 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 on account of their gender. Behaviors that may constitute sex discrimination, depending on the totality of the circumstances present, include but are not limited to:

- Exclusion from educational resources or activities on the basis of one's gender;
- Being subjected to jokes or derogatory comments about one's gender; or
- Being held to different standards or requirements on the basis of one's gender.

SEXUAL HARASSMENT

Sexual harassment is a form of sex discrimination that can occur when:

- the submission to unwelcome **physical conduct** of a sexual nature, or unwelcome requests for sexual favors, or other **verbal conduct** of a sexual nature is made an implicit or explicit term or condition of employment or education; or
- the submission to or the rejection of unwelcome physical conduct of a sexual nature, or to unwelcome requests for sexual favors, or other verbal conduct of a sexual nature is used as a basis for academic or employment decisions or evaluations; or
- unwelcome physical acts of a sexual nature, or unwelcome requests for sexual favors, or other verbal conduct of a sexual nature have the effect of creating an objectively hostile environment that interferes with employment or education.

Examples of physical conduct that might constitute sexual harassment include but are not limited to:

- Unwelcome, intentional touching; or
- Deliberate physical interference with or restriction of movement.

Verbal conduct is defined as oral, written, or symbolic expressions that:

- Personally describe or are personally directed at a specific individual or group of identifiable individuals; and
- Are not necessary to an argument for or against the substance of any political, religious, philosophical, ideological, or academic idea.

Examples of verbal conduct that might constitute sexual harassment include but are not limited to:

- Explicit or implicit propositions to engage in sexual activity;
- Gratuitous comments, jokes, questions, anecdotes or remarks of a sexual nature about clothing or bodies;
- Gratuitous remarks about sexual activities or speculation about sexual experiences;
- Persistent, unwanted sexual or romantic attention;

- Subtle or overt pressure for sexual favors;
- Exposure to sexually suggestive visual displays such as photographs, graffiti, posters, calendars or other materials;
- Deliberate, repeated humiliation or intimidation based upon sex.

The examples of verbal conduct on this list are rarely, if ever, necessary for an argument for or against the substance of any political, religious, philosophical, ideological, or academic idea. Constitutionally protected expression cannot be considered harassment under University policy.

For more information about the University's Sexual Harassment policy and procedures please see the *Sex Discrimination and Sexual Harassment Policy* at: <http://www.utexas.edu/policies/hoppm/04.B.02.html>.

SEXUAL MISCONDUCT

Sexual misconduct is conduct of a sexual nature that is unprofessional and/or inappropriate for educational and working environments but that is not so serious or pervasive that it meets the definition of sexual harassment. Examples of behavior that could constitute sexual misconduct include but are not limited to:

- Repeatedly engaging in sexually oriented conversations, comments, or horseplay including the use of language or the telling of jokes or anecdotes of a sexual nature in the workplace, office, or classroom even if such conduct is not objected to by those present.
- Gratuitous use of sexually oriented materials not directly related to the subject matter of a class, course, or meeting even if not objected to by those present.
- Failure to observe the appropriate boundaries of the supervisor/subordinate or faculty/student relationship, including participation of a supervisor, teacher, advisor, or coach in an unreported consensual romantic or sexual relationship with a subordinate employee or student.

For more information about the Sexual Misconduct Policy and its procedures, see <http://www.utexas.edu/policies/hoppm/04.B.03>.

CONSENSUAL RELATIONSHIPS

The University strongly discourages any of its employees who have direct teaching, supervisory, advising or evaluation responsibilities from engaging in consensual romantic or sexual relationships with the persons they teach, supervise, advise or evaluate. Such relationships create conflicts of interest and appearances of impropriety that impair the integrity of academic or employment decisions. Should such a relationship develop, the individual with responsibility for a subordinate employee, student, or student/employee has the obligation to disclose its existence to an immediate supervisor and to cooperate in making alternative arrangements for the supervision, evaluation, teaching, grading, or advising of that person. *For more information on the policy regarding consensual relationships, please refer to <http://www.utexas.edu/policies/hoppm/04.A.02.html>.*

CONFIDENTIALITY

The confidentiality of a complaint made under the Sex Discrimination and Sexual Harassment Policy or the Sexual Misconduct Policy, and of all documents, correspondence, interviews, and discussions relating to the investigation of a complaint will be maintained on a need-to-know basis to the extent permitted by law. The documentation related to existence and resolution of incidents of sex discrimination, sexual harassment, and sexual misconduct will be maintained by Equal Opportunity Services. The Office of the Dean of Students will also maintain documentation in cases involving students.

PROHIBITION OF RETALIATION

Students, faculty, and staff members are prohibited from retaliating in any way against an individual who has brought or participated in the investigation of a complaint of sex discrimination, sexual harassment or sexual misconduct.

FILING OF FALSE COMPLAINTS

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

For more information about sexual harassment, sex discrimination, and sexual misconduct, please call the Equal Opportunity Services (EOS) office at 512-471-1849, or visit the EOS Web site www.utexas.edu/eos. Students with questions should call the Office of the Dean of Students (DOS) at 512-471-5017, or visit the Student's Guide to Sexual Discrimination, Sexual Harassment, or Sexual Misconduct on the DOS Web site <http://deanofstudents.utexas.edu/sh/>.