Sexual Harassment Complaint Information

It is the policy of Stephen F. Austin State University (SFA), in accordance with federal and state law, to prohibit unlawful discrimination as outlined in University policy 2.11 (Discrimination Complaints/Sexual Harassment). Sexual harassment is a form of sex discrimination.

What is Sexual Harassment?
Sexual harassment is described as unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature even if carried out under the guise of humor. These actions constitute sexual harassment when:
- submission to or tolerance of such conduct is made either explicitly or implicitly a term or condition of an individual's employment or education;
- submission to or rejection of such conduct by an individual is used as the basis for academic or employment decisions (including admissions and hiring) affecting that individual; or
- such conduct has the purpose or effect of unreasonably interfering with an individual's academic or professional performance or creating an intimidating, hostile or offensive employment, educational or living environment.

Physical conduct that, depending on the totality of circumstances present, may constitute sexual harassment includes but is not limited to:
- unwelcome intentional touching;
- deliberate physical interference with or restriction of movement; or
- sexual violence.

Verbal conduct, defined as oral, written or symbolic expressions (regardless of the method of communication) that, depending on the totality of circumstances present, may constitute sexual harassment, includes but is 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; or
- deliberate, repeated humiliation or intimidation based upon sex.

Reporting Sexual Harassment
A member of the university community who wishes to file a complaint regarding sexual harassment by an employee or student of the university should take the following action:
- If the alleged harasser is a faculty or staff member, the complaint should be made to the alleged harasser’s supervisor and/or the director of human resources.
- If the alleged harasser is a student, the complaint should be made to the dean of student affairs.
- If the alleged harasser is a third party (neither an employee nor a student), the complaint should be made to the director of human resources.
- Any complaint also may be made to the university’s Title IX coordinator.

Since the university can only take corrective action when it becomes aware of problems, the university encourages individuals who believe that they have experienced sexual harassment to come forward with their complaint and seek assistance.

Reports of sexual assault and other crimes should be directed to the SFA police department, regardless of whether the matter also is being reported and investigated as sexual harassment. Those making a criminal complaint will be informed of their option to also make a sexual harassment complaint under the university’s Discrimination Complaints/Sexual Harassment policy.
The university can most effectively investigate and respond to alleged sexual harassment if the complaint is made as promptly as possible after the alleged harassment occurs. Complaints must be made in writing and must be filed within 180 calendar days of the alleged violation.

**Sexual Harassment by Third Parties**

Although individuals who are not students or employees of the university are not subject to discipline under the university’s internal processes, the university will take prompt, corrective action to eliminate sexual harassment and prevent its recurrence when the third party has been brought into contact with the member of the university community through a university program or activity.

If a university student believes that she or he has been sexually harassed in a university program or activity by an individual who is not a university employee or student, the student should report the alleged sexual harassment to the Title IX coordinator or the director of human resources.

If a university employee (including a student employee) believes that he or she has been sexually harassed within the scope of his or her employment activities by an individual who is not a university employee or student, the university employee should report the alleged sexual harassment to his or her supervisor, to the Title IX coordinator or to the director of human resources.

**Options Outside the University for Resolution of Sexual Harassment**

Students may file complaints under Title IX with the Office for Civil Rights, U.S. Department of Education.

Faculty and staff members may file complaints under Title IX with the Office for Civil Rights, U.S. Department of Education in certain circumstances, or under Title VII of the Civil Rights Act of 1964, with the U.S. Equal Employment Opportunity Commission.

**Processing Complaints**

All complaints of alleged sexual harassment are investigated under the oversight of the university’s Title IX coordinator. The university will process all formal complaints of sexual harassment it receives, regardless of where the conduct allegedly occurred.¹ The Title IX coordinator also may determine that an investigation is warranted without a formal complaint if the university has sufficient notice that sexual harassment may have occurred or believes an investigation is warranted, considering the circumstances.

1. **Investigation Timelines**

   Timeframes for completion of each step of the investigation process are outlined in the Discrimination Complaints/Sexual Harassment policy (2.11). Case complexity varies, and the length of time needed will depend on case circumstances; however, an investigation should conclude under normal circumstances within 20 business days after it is assigned to an investigator. The complainant and the respondent will be informed of any delay and an estimated date of completion.

   ¹ The university generally does not investigate allegations of harassment or discrimination that fall outside the jurisdiction limits of the Discrimination Complaints/Sexual Harassment Policy. Nevertheless, the university will process all complaints of sexual harassment, regardless of where the conduct that is the basis for the complaint allegedly occurred, in order to evaluate whether there is a hostile environment on campus that would be contrary to the university’s legal obligations.

2. **Interim Measures**

   The university may take interim measures it deems necessary during an investigation. Interim measures will be taken within the context of university policies and might include changes to class or housing assignments for students or work assignments for employees.

3. **Complaints in Which a Student is the Alleged Harasser**

   Complaints of alleged sexual harassment by a student will be initially investigated under the oversight of the university’s Title IX coordinator. If that investigation results in a finding that university policy may have been violated, the complaint will be processed and further investigated under the student code of conduct (10.4). It will be the prerogative of the complainant to determine in what capacity he/she will participate; however, limited or no involvement by the complainant could impact the ultimate finding of responsibility.

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4. Complaints in Which an Employee is the Alleged Harasser

Complaints of alleged sexual harassment by a faculty or staff member will be investigated under the oversight of the university’s Title IX coordinator. When a formal investigation is initiated, the deputy coordinator for faculty/staff/third parties will work with the supervisor of the alleged harasser or, if the alleged harasser is the supervisor, with the supervisor’s superior, to investigate the complaint.

Depending on circumstances of a particular complaint, the Title IX deputy coordinator for faculty/staff/third parties or a designee may be the primary investigator of the complaint.

In addition to conferring with the Title IX deputy coordinator for faculty/staff/third parties, the responsible administrator may confer with the Office of the General Counsel and with other academic or human resources administrators.

Investigations

Each complaint of sexual harassment must be evaluated with reference to the pertinent circumstances. On occasion, a complaint may be resolved informally. Informal resolution efforts are voluntary, and either party may request that a formal investigation of the complaint be commenced at any time. Informal resolution is facilitated by the Title IX coordinator or designee and does not involve any requirement that the parties meet unless both parties request such a meeting and the Title IX coordinator determines such a meeting would be appropriate. Informal resolution, such as mediation, will not be used to resolve sexual violence complaints.

Complaints usually will result in investigations, including interviews and the review of evidence, such as electronic and written material, if any exists. Both the complainant and the alleged harasser will be notified of the outcome of the investigation. If it is determined that university policy has been violated, remedial action will be taken, including disciplinary action, when appropriate, to eliminate the harassment and prevent its recurrence.

Confidentiality

The review of sexual harassment complaints, including formal investigation, will be conducted confidentially to the extent permitted by law, except insofar as information needs to be disclosed so that the university may effectively investigate the matter and take any appropriate corrective action.

Retaliation

Individuals who complain about sexual harassment or who cooperate in the university’s investigation and handling of sexual harassment reports or complaints shall not be subject to retaliation for complaining or cooperating, even if the university finds that no sexual harassment occurred. If a complainant or witness believes that she or he is being subjected to retaliation, she or he should promptly contact the Title IX coordinator.

Cooperation

Members of the university community are expected to cooperate in the university’s investigations of alleged sexual harassment. If cooperation does not occur, the investigation will generally proceed based on the information available.

University Action

When necessary to meet its commitment to provide an environment free of unlawful harassment, the university may investigate alleged incidents of sexual harassment of which it becomes aware, even if no formal complaint has been filed or the individual(s) involved is unwilling to pursue a complaint or cooperate in an investigation.

False Complaints

Any member of the university community who knowingly files a false complaint of sexual harassment or who knowingly provides false information to or intentionally misleads university officials who are investigating or reviewing a complaint of alleged sexual harassment is subject to disciplinary action up to and including discharge for employees and dismissal for students.
CONTACT INFORMATION

SFA Title IX Coordinator
Dr. Michael Walker
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Deputy Title IX Coordinator for Students
Dr. Adam Peck
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Dean of Student Affairs
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Deputy Title IX Coordinator for Faculty, Staff & Third Parties
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Deputy Title IX Coordinator for SFA Charter School
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CEO / Principal
SFA Charter School
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(936) 468-5899
Fax: (936) 468-7015

Sexual Assault
To file a complaint of sexual assault, you may contact one of the coordinators listed or you may contact:

SFA Department of Public Safety
232 E. College St.
Nacogdoches, TX 75962
(936) 468-2608 (non-emergency)
(936) 468-2608 (emergency, from cell phone)
911 (emergency, from campus land line)
updemail@sfasu.edu

Comments or suggestions regarding this publication should be directed to the Title IX coordinator

This publication is reviewed annually, and an updated version is issued beginning June 1 each year. Changes may occur in the interim. The most current version of this information can be found at www.sfasu.edu/universityaffairs/252.asp.