

It is the policy of Stephen F. Austin State University (SFA), in accordance with federal and state law, to prohibit unlawful discrimination. The Discrimination Complaints policy (2.11) and the Sexual Misconduct policy (2.13) outline the university's commitment and details the procedures used to investigate complaints.

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 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;
- deliberate, repeated humiliation or intimidation based upon sex.

Reporting Sexual Harassment

A member of the university community who wishes to file a complaint about sexual harassment may take one of the following actions:

- 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.

([Click here for contact information](#)) (Download a Complaint Form by clicking here: [Word](#) [PDF](#))

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 is also 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.

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; under Title VII, with the 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. The university generally does not investigate allegations of harassment or discrimination that fall outside the jurisdiction limits of the Discrimination Complaints and/or Sexual Misconduct policies. Nevertheless, the university will process all complaints of sexual harassment, regardless of where the conduct which 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.

The Title IX coordinator may also 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 Sexual Misconduct policy (2.13). The investigation of a complaint will be concluded as soon as possible after receipt of the written complaint. The complainant, respondent, and Title IX Coordinator should be provided updates on the progress of the investigation and issuance of the report. In investigations exceeding 60 calendar days, a justification for the delay will be presented by the investigator to the Title IX Coordinator and the complainant and the respondent will be informed of any delay and an estimated date of completion.
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. **Complaint Investigation Oversight:** Complaints of alleged sexual harassment by a student will be initially investigated under the oversight of the university's Title IX coordinator. 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. Investigations

Each complaint of sexual harassment must be evaluated with reference to the pertinent circumstances. On occasion, a complaint will 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.

Usually complaints 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, where appropriate, disciplinary action, 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 or take corrective action.

Retaliation

Persons 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.