

Sexual Harassment and Discrimination 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 the university's Discrimination Complaints policy (2.11) and the Sexual Misconduct policy (2.13). Sexual harassment is a form of sex discrimination. More information along with links to related policies can be found at <http://www.sfasu.edu/Lumberjacks-Care/> regarding other forms of sexual misconduct and gender 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 Harassment¹

A member of the university community who wishes to file a complaint regarding sexual harassment by an employee or student of the university may take one the following actions:

- If the alleged harasser is a **faculty or staff member**, the complaint should be made to the Deputy Title IX Coordinator for Faculty, Staff and Third-Parties.
- If the alleged harasser is a **student**, the complaint should be made to Deputy Title IX Coordinator for Students.
- If the alleged harasser is a **third party** (neither an employee nor a student), the complaint should be made to the Deputy Title IX Coordinator for Faculty, Staff and Third-Parties.
- **Any complaint** also may be made to the university's Title IX coordinator.

¹ Guidelines for completing a written complaint and a sample template can be found at www.sfasu.edu/Lumberjacks-Care/

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.² 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 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. Case complexity varies, and the length of time needed will depend on case circumstances; 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 The university generally does not investigate allegations of harassment or discrimination that fall outside the jurisdiction limits of the Discrimination Complaints/Sexual Misconduct 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. 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 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

The Title IX Coordinator is the SFA official with responsibility for coordinating the university's efforts to comply with and carry out its responsibilities under Title IX and its implementing regulations, including the investigation of Title IX complaints.

Dr. Michael Walker

Rusk Building, Room 301
 P.O. Box 13074
 Nacogdoches, TX 75962-3074
TitleIX@sfasu.edu
 (936) 468-8292
 Fax: (936) 468-6638

<p><i>Deputy Title IX Coordinator for Students</i></p> <p>Dr. Hollie Smith Assistant Dean of Student Affairs Baker Pattillo Student Center, Suite 3.105 P.O. Box 13066 Nacogdoches, TX 75962-3066 TitleIXstudents@sfasu.edu (936) 468-7249 Fax: (936) 468-7111</p>	<p><i>Deputy Title IX Coordinator for Athletics</i></p> <p>Loree McCary Senior Woman Administrator, SFA Athletics SFA Athletic Fieldhouse P.O. Box 13010 Nacogdoches, TX 75962-3010 TitleIXathletics@sfasu.edu (936) 468-3751 Fax: (936) 468-4052</p>
<p><i>Deputy Title IX Coordinator for Faculty, Staff and Third-Parties</i></p> <p>Loretta Doty Director of Human Resources Austin Building, Suite 201 P.O. Box 13039 Nacogdoches, TX 75962-3039 TitleIXemployees@sfasu.edu (936) 468-2304 Fax: (936) 468-1104</p>	<p><i>Deputy Title IX Coordinator for the SFA Charter School</i></p> <p>Lysa Hagan CEO/Principal SFA Charter School, Room 101b P.O. Box 6072 Nacogdoches, TX 75962-6072 TitleIXcharter@sfasu.edu (936) 468-5899 Fax: (936) 468-7015</p>

Sexual Assault

To file a complaint of sexual assault, you may contact one of the coordinators and 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 August 1 each year. Changes may occur in the interim. The most current version of this information can be found at www.sfasu.edu/Lumberjacks-Care.

This publication can be made available in alternate formats upon request.