

### **80-13 Sexual Harassment**

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- 1. Purpose.** The purpose of this document is to set forth the policy and procedures regarding the prohibition of sexual harassment within the Eastern New Mexico University System (the System).
- 2. Policy.** The following are policies of the System:
  - A. Unlawful conduct which interferes with its employees in the course of their employment shall not be tolerated by the System.
  - B. Sexual harassment directed toward employees or students is an intolerable conduct, which disrupts both the work place and the learning environment. Such conduct gives rise to intimidation, exploitation and other processes which are unacceptable to the System.
  - C. Retaliatory actions directed toward persons initiating complaints of sexual harassment constitute unacceptable conduct.
  - D. All System employees are responsible for helping to assure that sexual harassment does not occur at the any of the System campuses.
  - E. The System shall investigate all sexual harassment complaints appropriately, thoroughly and promptly.
  - F. It is the intent of the System, through these policies, to:
    - (1) Deter sexual harassment through the widest possible dissemination of these policies and
    - (2) Implement corrective action for those individuals who disregard these policies.

The following purpose and policies are implemented by the following.

### **Rules and Procedures**

- 3. Sexual Harassment Defined.** "Sexual harassment" includes, but is not limited to, such behavior as:
  - A. Unwelcome sexual advances;
  - B. Requests for sexual favors;
  - C. Verbal or physical conduct of a sexual nature directed toward
    - (1) Faculty, staff, student workers or any other classification of employee;
    - (2) Students and
    - (3) Prospective employees.

D. It is sexual harassment when:

- (1) Submission to or tolerance of such conduct is made, either explicitly or implicitly, a term or condition of an individual's status in a course, program activity, academic evaluation, grade, employment or admission or
- (2) Submission to or rejection of such action by an individual is used as a basis for academic or employment decisions or
- (3) Such behavior has the purpose or effect of substantially interfering with an individual's academic or professional performance or creating an intimidating, hostile environment for working or learning.

**4. Reporting Sexual Harassment.** There are two (2) different manners of reporting incidents of sexual harassment. They are:

A. Information and Counseling. Information and counseling regarding how to handle sexual harassment matters may be obtained by contacting the Human Resource office. There are methods of preventing sexual harassment other than registering an informal complaint or a formal complaint. The director of Human Resources or the Affirmative Action Officer can provide counseling regarding those methods as well as how to proceed with informal and formal complaints.

B. Informal Complaints.

- (1) Informal complaints can be received by:
  - a. The immediate supervisor;
  - b. The next higher level of management;
  - c. The director of Human Resources;
  - d. Other administrators, deans, faculty members, academic department chairs and/or
  - e. The Affirmative Action Officer.
- (2) Informal complaints do not necessarily lead to any written record of the complaint. If the complainant wishes to remain anonymous, the person receiving the complaint shall consult with the next level administrator or formulate appropriate action.
- (3) If the complainant is willing to be identified, the area administrator shall mediate a resolution in consultation with the director of Human Resources. This may or may not lead to a formal complaint.

C. Formal Complaints.

- (1) All formal complaints shall be referred to the director of Human Resources, though initially the complaint can be received by:
  - a. University administrators,
  - b. Deans,
  - c. Academic department chairs,
  - d. Faculty members,
  - e. The director of Human Resources and/or

f. The Affirmative Action Officer.

(2) Formal complaints shall be documented in writing and signed by the complainant. The written document should include a thorough narrative of the events, including time and place.

**5. Confidentiality.** All System faculty and staff in the position of receiving complaints relating to sexual harassment shall maintain the level of confidentiality requested by the complainant to the fullest extent practicable. However, persons receiving complaints shall explain to the complainant that:

A. System personnel must report crimes of which they have knowledge and

B. If a formal complaint is made, any accused persons may have contractual or legal rights which can require disclosure of information regarding the complaint.

**6. Prohibition against Retaliation.** As stated in section 2.C. above, it is a violation of System policy to retaliate against persons who register a sexual harassment complaint, and to subject the retaliating person to disciplinary sanctions.

**7. Sanctions.** Violators of the System policy against sexual harassment shall be subject to disciplinary action including, but not limited to, expulsion from the System (in the case of students), dismissal from a position or dismissal from employment.

**8. Outside Remedies.** As well as being a violation of System policy, sexual harassment is prohibited under Title VII of the Civil Rights Act of 1964, as amended, and Title IX of the Education Amendments of 1972. The System complies with those statutes in offering the above remedies. However, any person who has suffered sexual harassment in the workplace may seek a remedy outside the System pursuant to those federal statutes.

Approved by the Board of Regents on December 16, 2005.

Amendments approved by the Board of Regents on May 8, 2020.