

UNIVERSITY *of* HOUSTON

INTERIM SEXUAL HARASSMENT POLICY



POLICY

The University of Houston is committed to providing a professional working and learning environment free from sexual harassment. Sexual harassment is a form of sex discrimination and is illegal. Sexual harassment on a university campus most often exploits a relationship between individuals of unequal power and authority (as, for example, between an employee and supervisor or between a student and teacher), but may also occur between student peers or employees of equal rank. At a university, sexual harassment also constitutes unprofessional conduct which compromises the university's commitment to the integrity of the learning process.

As such, the University of Houston will not tolerate any form of sexual harassment. Failure to investigate allegations of sexual harassment or failure to take timely corrective action is considered a violation of the University's sexual harassment policy and may also violate federal and state laws. Furthermore, this institution is committed to providing the training necessary to educate the staff, faculty, and students to understand and respect these policies and procedures.

DEFINITION

Sexual harassment consists of the following:

1. unwelcome sexual advances,
2. requests for sexual favors,
3. verbal and written comments of a sexual nature,
4. and/or physical conduct of a sexual nature;

when such conduct:

- a. Is made, either explicitly or implicitly, a term or condition of instruction, employment, or participation in a university activity; or
- b. Is used to be a basis for evaluation in making academic or personnel decisions affecting an individual; or
- c. Has the effect of creating an intimidating, hostile, or offensive university environment; or has the purpose or effect of substantially interfering with an individual's employment or learning.

In relation to the foregoing statements, sexually harassing behavior may include, but is not limited to, the following:

- unwelcome sexual flirtations, advances, propositions, or leering;
- favoritism based on a sexual relationship (or adverse impact on other members of a group);
- verbal remarks of a sexual nature whether directed to an individual or a group, or in the guise of humor, including sexually explicit derogatory remarks, suggestive comments, demands or jokes found to be offensive or objectionable to the recipient;

- use of sexually oriented photos, posters, cartoons, materials, or themes unrelated to instruction and/or the pursuit of knowledge;
- graphic or degrading verbal, written, or electronic comments of a sexual nature about an individual or the individual's appearance;
- any suggestive or unwelcome physical contact; any aggressiveness such as touching, pinching, or patting;
- or actual or threatened physical assault.

Sexual harassment, it must be understood, is not limited by gender of either party, nor by superior-subordinate relationships. The fact that the parties may have had a previous consensual sexual relationship shall not be a defense against a complaint based on subsequent unwelcome sexually harassing behavior.

The University of Houston's Sexual Harassment Policy does not proscribe all conduct of a sexual nature on the campus, thus it is important to define clearly sexual harassment: only unwelcome sexual conduct constitutes a violation. Conduct is unwelcome if the recipient did not solicit or incite it and regarded the conduct as undesirable or offensive. In other words, it is not the intent behind the sexual behavior that controls rather, it is the impact on the recipient, i.e., the unwelcomeness of the behavior that matters.

There are two basic kinds of sexual harassment:

- k. the quid pro quo type, in which submission to or rejection of the sexual conduct is used as the basis for employment or academic decisions affecting an individual, or
- l. the hostile environment type, in which the sexual conduct creates an intimidating, hostile, or offensive University environment.

RELATION TO SEXUAL ASSAULT POLICY

Actual physical assault may also constitute a violation of the University of Houston's Sexual Assault Policy. Victims of sexual assault may proceed under the University's Sexual Assault Policy. However, if submission to or rejection of the sexual assault is used as the basis for employment or academic decisions affecting an individual or the sexual assault creates an intimidating, hostile, or offensive University environment, the complainant may choose to use this Sexual Harassment Policy and Procedures.

UNIVERSITY ACTION

The University is prepared to take preventive and corrective action in cases of sexual harassment; individuals who engage in such misconduct and/or retaliation are subject to appropriate disciplinary action, up to and including termination of employment, the removal of tenure and/or the expulsion from the University.

The University has both a moral and a legal obligation and a duty to take complaints of sexual harassment seriously. At the same time, the University recognizes the sensitivity of the issue. The right to confidentiality of all parties involved in a sexual harassment charge shall be maintained to the fullest extent possible during the course of the investigation. Information shall be disclosed only on a need-to-know basis to appropriate

administrative officers as provided in the University of Houston Sexual Harassment Procedures and as required by federal and state law.

RESPONSIBILITIES OF SUPERVISORS

The University of Houston is committed to respecting and enabling all parties involved in the sexual harassment resolution process. The University as employer and as an educational institution has a moral and legal obligation to address the concern. University supervisors may be responsible under federal or state law if they know or should have known about sexual harassment and failed to take appropriate action. They must report immediately any and all incidents or complaints of sexual harassment to an administrative officer or to the Office of Affirmative Action, even if such complaints or incidents have been resolved within the department. The University will provide training for supervisors on how to fulfill their responsibilities under this policy.

INFORMAL AND FORMAL ACTION

University action includes both informal and formal resolutions. Informal resolution is always voluntary and is aimed at stopping the behavior, rather than determining blame or motive. The University understands that some people may be reluctant to tell anyone about harassment or to have their name disclosed. Every possible effort will be made to insure confidentiality in the informal resolution process. Confidentiality, however, cannot be absolutely guaranteed, although discretion will be exercised.

Informal actions University supervisors can take include, but are not limited to, the following;

- Listening to the complainant to find out what action is desired;
- sending a letter to everyone in the unit indicating concern about sexual harassment and enclosing a copy of the policy;
- conducting a workshop on sexual harassment for the unit, division or department;
- sharing allegations with the alleged offender;
- helping to craft an agreement providing for a letter of apology (at the complainant's request), a transfer of either party, or a voluntary resignation or other levels of appropriate University sanctions.

Formal grievance procedures are aimed at determining if sexual harassment has occurred, whether the respondent has violated the policy, and what are appropriate sanctions or remedies. Formal resolution cannot occur without investigation and a formal hearing.

Formal action without a specific complainant occurs when the University has clear knowledge of a violation of the University's Sexual Harassment Policy but no specific complainant and takes action.

STATUTORY REFERENCES

Harassment on the basis of sex may be discrimination in violation of Title VII of the Civil Rights Act of 1964, 42 U.S.C. Sec. 2000e, and Title IX of the Educational Amendments of 1972, 20 U.S.C. Sec. 1681. In addition, sexual harassment by a public

servant is a criminal offense under Texas Penal Code Sec. 39.02, and sexual harassment by any individual may constitute assault, sexual assault, public lewdness, or indecent exposure under Chapters 21 and 22 of the Texas Penal Code or sexual assault under the University of Houston's Sexual Assault Policy.

Additional avenues for filing a complaint at any time before, during, or after use of the University Sexual Harassment Procedures, but within time limits required by law, include but are not limited to, the Equal Employment Opportunity Commission; the Texas Commission for Human Rights, the Office of Federal Contract Compliance Programs and, for students, the Office of Civil Rights, Department of Education.

(((TO the faculty senate committee: If you decide not to print the Procedures, please add the following statement at the conclusion of the Policy:))))))

Copies of the Interim Sexual Harassment Procedures are available in the Office of Affirmative Action, Student Service Bldg. II, Suite 154. 743-8835.

INTERIM SEXUAL HARASSMENT PROCEDURES

Scope: The University of Houston's Sexual Harassment Policy proscribes unwelcome sexual conduct as defined in the Policy. The following procedures apply to complaints of sexual harassment by any member of the university community against any other member, including students, staff members, and faculty.

INFORMAL AND FORMAL ACTION:

The two options available within the University for resolving sexual harassment complaints are informal and formal action.

In addition to these internal procedures, there are external options which may be utilized at any time before, during, or after use of the University Sexual Harassment Procedures, but within each agency's required time limits. [[See Sexual Harassment Policy, Statutory References.](#)]

Informal action requires that the complainant; the respondent, and University representatives agree to resolution of the complaint. Informal resolution is always voluntary and is aimed at stopping the behavior rather than determining blame or motive.

Formal action under these procedures is aimed at determining:

- a. if sexual harassment has occurred;
- b. whether a violation of university policy has occurred; and
- c. the appropriate sanctions or remedies, if any. Formal resolution cannot occur without investigation and a formal hearing.

Formal action without a specific complainant occurs when the University has clear knowledge of a violation of the University's Sexual Harassment Policy but no specific complainant. The University may take action, and the respondent has a right to a hearing before an appropriate administrative office or appropriate body designated by the Office of Affirmative Action.

I. Informal Action:

Informal procedures help the University stop sexual harassment. Individuals who have experienced sexual harassment often are reluctant to talk about their experiences and desire privacy. The availability of informal procedures makes the decision to come forward easier. At the same time, the availability of informal procedures is helpful for respondents, especially in situations where clarification of the policy is all that is needed to stop unwelcome behavior and to resolve a complaint. Informal resolution, moreover, is voluntary and does not require assignment of motive or blame.

The University of Houston encourages resolution of sexual harassment complaints at an informal level whenever possible. These procedures require that complainants first be advised of formal and informal options before proceeding to formal resolution.

- A. Sexual Harassment Advising. Advising under this policy is designed to provide members of the University community an opportunity: (1) to discuss individual sexual harassment complaints; (2) to determine if the complaints fall within areas covered by the University's sexual harassment policy; and (3) to provide guidance and information on the procedures: (a) for pursuing an informal resolution of the complaint or (b) for filing a formal complaint of sexual harassment through the appropriate channels.

- B. Sexual Harassment Advisors. The President will appoint at least six Sexual Harassment Advisors to be trained as interns to work with the Office of Affirmative Action. These interns may be drawn from graduate programs such as social work, law, psychology, and sociology. The Advisors must satisfactorily complete a course of training in sexual harassment policy and procedures conducted by the Office of Affirmative Action. They serve as sources of information concerning the several methods which are available to resolve complaints of sexual harassment. Advisors also may refer the complainant to appropriate administrative officers or to the Office of Affirmative Action for informal resolution of a complaint. Sexual Harassment Advisors report to the Office of Affirmative Action. ([See I. I.](#))

- C. Other Sources of Advice Inside the University. A complainant also may obtain advice on sexual harassment policy and procedures from the Office of Affirmative Action or from any supervisor, department chair, director, division administrator or dean. In addition, a complainant may discuss concerns of confidentially with the Office of Counseling and Testing.

- D. Responsibility of University Employees. University Policy commits the institution to preventing and eliminating sexual harassment in the university community. University supervisors, administrators, and faculty have the responsibility of preventing and eliminating sexual harassment within the areas they oversee. In addition, the University may be legally liable if a person with supervisory responsibility knows or should have known about the sexual harassment and fails to take any action to stop it. University procedures do not require a grievant to file a formal complaint in order to trigger the University's responsibility to take some kind of action.

University supervisors, administrators, and faculty must report immediately any and all incidents or complaints of sexual harassment to an administrative officer or to the Office of Affirmative Action, even if such complaints or incidents have been resolved within the department.

University employees are encouraged to report immediately any and all incidents of sexual harassment to an administrative officer or to the Office of Affirmative Action.

- E. Informal actions. Informal actions that University representatives may take include, but are not limited to, the following:
- Advising the individual about the scope of the University's Sexual Harassment Policy, and about the procedures for pursuing an informal or a formal complaint.
 - Listening to the complainant to find out what resolution is desired;
 - advising the individual on how to write a letter to the alleged offender designed to stop unwelcome behavior, sending a letter to everyone in the unit indicating concern about sexual harassment and enclosing a copy of the policy;
 - conducting a workshop on sexual harassment for the unit, division or department;
 - undertaking a preliminary and confidential investigation, having someone speak to the alleged offender;
 - following up on an inquiry to see if the complaint has been resolved or if the complainant has any further concerns; or
 - helping to craft an agreement providing for a letter of apology at the request of the complainant, a transfer of either party, or a voluntary resignation or other levels of appropriate University sanctions.
- F. Informal Resolution by Administrative Officers or the Office of Affirmative Action. The complainant may seek informal resolution from an administrator with a direct supervisory role (over the complainant or the respondent) or from the Office of Affirmative Action.

G. Administrative officers. The University views sexual harassment as a serious problem which always requires an appropriate response. If the complainant initially chooses to contact an administrative officer in a direct supervisory role (such as a supervisor, coach, department chair, director, division administrator or dean), the administrator must counsel the complainant on the options available under these procedures and may attempt to resolve the complaint informally. [If the administrator is able to resolve the complaint at this level, no further action will be taken by the University. The administrator may request the assistance of the Office of Affirmative Action in conducting a preliminary investigation and/or achieving an informal resolution. If no resolution is possible at this level, the administrator will advise the complainant of the right to file a formal complaint and how to file under these procedures. All investigations will be conducted as fairly and expeditiously as possible. Every effort should be made to maintain the confidentiality of all persons involved. Administrators will report informal resolutions to the Office of Affirmative Action. (See I. I.)

H. Office of Affirmative Action (OAA). A representative of the Office of Affirmative Action trained in the investigation and resolution of sexual harassment complaints shall be available to counsel complainants who are referred by Advisors, other University representatives, or Administrators, or those who walk in on their own seeking assistance. The Office of Affirmative Action representative may attempt to resolve the complaint informally. If the OAA representative is able to resolve the complaint at this level, no further action will be taken by the University. If satisfactory resolution cannot be reached at this level, the representative will advise the complainant of the right to file a formal complaint and how to file under these procedures. Every effort should be made to maintain the confidentiality of all persons concerned. (See I.I.)

I. Confidentiality, Record keeping, and Reporting. The University understands that some people may be reluctant to tell anyone about harassment or to have their name disclosed. Every possible effort will be made to maintain confidentiality in the informal resolution process. Confidentiality, however, cannot be absolutely guaranteed.

Sexual Harassment Advisors and administrative officers shall report complaints or inquiries about sexual harassment and the outcome of any informal resolution to the Office of Affirmative Action. Unless otherwise agreed to as part of an informal resolution, or governed by a formal resolution, all records of such inquiries, complaints, and informal resolutions shall be maintained solely in the Office of Affirmative Action. The OAA shall keep the records in a secure place separate from

any personnel or student files. The file should include the date and nature of the inquiry or informal complaint, names and status of the parties involved, and should document action taken in response to the inquiry or informal complaint, including any informal resolution.

- J. Initiating formal complaint. If the complainant wishes to pursue a sexual harassment complaint after advising or after unsuccessful efforts at informal resolution, the next step is to file a formal complaint with the Office of Affirmative Action.

II. Formal Complaint Procedures:

- A. Time limits: Complaints should be filed as soon as possible after any incident, but must be filed within one year of the most recent incident (except for good cause shown) to be considered under the University policy.

- B. Where to file: A formal complaint should be filed with the Office of Affirmative Action

- C. Contents of Complaint. The formal complaint must be signed and dated. The Office of Affirmative Action will supply a form for making complaints. Complaints should include a detailed statement of the alleged incident (s) including:
 - name, address, and telephone number of the complainant;
 - nature, date and description of alleged violation,
 - name(s) of persons alleged to have violated the university's Sexual Harassment Policy; any background information that the complainant believes to be relevant.

The complainant is encouraged to state the relief or correction that is being sought. The choice of appropriate sanctions, if any, however, will be the responsibility of the university.

- D. Withdrawal of a Complaint. Withdrawal of a complaint will not necessarily result in the termination of the University investigation into the allegations.

- E. False or Malicious Charges. False or malicious charges, including the repeated filing of frivolous complaints, may result in sanctions being imposed against the complainant by the University through these procedures.

- F. Response to a Complaint. The person accused of violating sexual harassment policy in a complaint shall be referred to as the respondent thereafter. Upon receipt of a formal complaint, the Office of Affirmative Action will deliver or send to the respondent a copy of the complaint (absent the complainant's address and telephone number) and a Response Form, and ask the respondent to reply to the allegations within 10 working days from the date the complaint was received. The response should include the respondent's status (faculty, staff or student) as well as any explanation or denial, in whole or in part, of the allegations. Upon receipt of the response, the Office of Affirmative Action will deliver or send to the complainant a copy of the response (absent the respondent's address and telephone number) Failure to respond may result in sanctions being imposed on the respondent. The respondent will be specifically warned not to retaliate against the complainant or any witnesses in any way. Retaliation will subject the respondent to disciplinary action.

- G. Notification of line officers. The Office of Affirmative Action Will notify appropriate, on a need to know basis, administrative officers to whom the complainant and respondent report of the existence of the complaint. However, all administrative officers will attempt to maintain the confidentiality of the information during the complaint process ([See VII.](#))

- H. Office of Affirmative Action Investigation. Upon receipt of the response, or 10 working days after the respondent has received a copy of the complaint, the Office of Affirmative Action may further investigate the complaint.

- I. Office of Affirmative Action Decision. The Office of Affirmative Action must take some action on the complaint within 30 working days after its receipt. After a preliminary investigation, the Office of Affirmative Action: (1) may dismiss the complaint on the grounds that the evidence submitted in support of the complaint or developed in the preliminary investigation does not warrant a detailed investigation or a formal hearing; (2) refer the complaint to a Hearing Panel of the Sexual Harassment/Sexual Assault Board (See III); or (3) allow the parties to sign a written statement of agreement resolving the complaint. It should

be understood that without the approval in writing by the Office of Affirmative Action, any agreement between the parties does not preclude further action by the University against either party. If an appeal or complaint goes to a hearing panel, the Office of Affirmative Action will forward a copy of its investigative report to the Panel.

- J. Appeals of Decision of the Office of Affirmative Action. The complainant has 10 working days to appeal a decision by the Office of Affirmative Action to dismiss the complaint. If the complainant appeals, the Office of Affirmative Action will forward the file including any facts, evidence and/or results of any investigation without prejudice to the Chair of the Sexual Harassment/Sexual Assault Board who shall convene a Review Panel to hear the appeal (See VI. A.). If the Office of Affirmative Action refers the complaint to the Board for a hearing, the respondent may not challenge that action.

III. The Sexual Harassment/Sexual Assault Board ("The Board"):

- A. Membership of the Board. The President will appoint members to the Sexual Harassment/Sexual Assault Board after soliciting recommendations from the Faculty Senate, the Staff Council, and the Student Association. Faculty and staff members will be appointed initially to one, two, or three-year terms, and thereafter to three-year terms. Student members will be appointed to one-year renewable terms. The Board will have 27 members: nine faculty, nine staff, and nine students. As far as possible, the Board membership should be diverse in terms of gender, ethnicity, rank, and classification. A Chair and a Deputy-Chair will be elected each year by the members of the Board. Members of the Board must satisfactorily complete specialized training about the issues, procedures, and evidentiary rules of sexual harassment and of sexual assault.
- B. Function of the Board. The Board serves as a pool of individuals from which members of Hearing Panels and Review Panels. (See VI.A) The Board will meet annually with the Office of Affirmative
- C. Action to make recommendations about procedural matters.

- D. Membership of the Hearing Panel. Each hearing shall be conducted by a Hearing Panel comprised of three Board members one faculty member, one staff member and one student. Each Hearing Panel member shall be selected to the extent possible by rotation from his or her classification (faculty, student, staff). As far as possible, membership of the Hearing Panel should be diverse in terms of gender. The Office of Affirmative Action is responsible for selecting Hearing Panel members from available Board members. The Office of Affirmative Action will notify the Hearing Panel members of their selection and of the time and place for the Panel's first meeting. The complainant and the respondent also shall be notified of the Hearing Panel's composition. The Hearing Panel shall identify a member to preside.
- E. Challenges to the Hearing Panel Membership. Within 3 working days of notification of the membership of the Hearing Panel, the respondent and the complainant shall each have the opportunity to challenge any Hearing Panel member for cause. The Office of Affirmative Action will consider the challenge and replace the member if appropriate.
- F. Function of the Hearing Panel. The Hearing Panel is a fact-finding body which conducts hearings, calls and hears witnesses, examines evidence, investigates as necessary and strives to reach a just decision.

The Office of Affirmative Action (OAA) will forward to the Hearing Panel a copy of the complaint, the response, and of the Office of Affirmative Action's investigative report. The OAA will also send or deliver a copy of its investigative report to the complainant and the respondent. The function of the Hearing Panel is to conduct hearings on complaints brought under the policy; in such cases the Panel shall call and question witnesses, and receive documents into evidence. At its discretion, the Hearing Panel may decide to conduct additional investigation. The Hearing Panel will also make recommendations to the appropriate Vice President concerning sanctions for violations of the policy. Both the complainant and the respondent have the right to be accompanied by an advisor of their choosing during hearings and both the complainant and the respondent shall be informed of the outcome of the hearings.

- G. Hearing Panel Action. The actions of the Hearing Panel shall be by majority vote. Once the Hearing Panel has been appointed and receives the complaint and the completed investigatory report from the Office of Affirmative Action. The Panel shall meet to review the report and to determine the dates of the hearing and other procedural matters with the assistance of the Office of Affirmative Action. The Hearing Panel will conduct a hearing on the complaint within 20 working days. The Panel may:

1. Dismiss the complaint for insufficient evidence or for lack of merit,
2. Find that the respondent violated the University's policy on sexual harassment and recommend appropriate sanctions;
3. Adjourn, further investigate the complaint, and reconvene within ten working days to continue the hearing and or deliberate.
4. Postpone the hearing for up to one year from the date of the alleged sexual harassment for good cause shown, in the judgment of the Hearing Panel. Good cause may include an actual or impending criminal indictment against the respondent.
5. Allow the parties to sign a written statement of agreement resolving the complaint. It should be understood that without the approval in writing by the Hearing Panel, any agreement between the parties does not preclude further action by the University against either party.

B. The Office of Affirmative Action will serve as a resource and coordinating office for the Hearing Panel. University Counsel's office shall also serve as a resource for the Hearing Panel.

XVIII. Hearing Procedures

A. Right to Advisors. The complainant and the respondent shall each have the right to an advisor of his or her choice. Advisors may attend the hearing and sit near their respective advisees during the hearing; communicate quietly orally and/or in writing with their respective advisees during the hearing; and may respond to a direct question from the Hearing Panel. An advisor may not make an oral presentation at the hearing and may not submit a written request directly to the Panel, although an advisor may assist his or her advisee to prepare written submissions. An advisor may be an attorney or any other adult person. The Office of Affirmative Action should be provided with the name, address, and telephone number of any advisors who will attend the hearing as soon as possible but not less than four (4) working days prior to the date of the hearing.

B. Hearing Date. Delays other than those referenced in IIIIF shall not be permitted except in extraordinary circumstances or by agreement of the complainant, the respondent and the Office of Affirmative Action.

- C. Format. The three Hearing Panel members shall select a Presiding Chair who shall resolve all procedural disputes. Any Hearing Panel member may ask questions of any hearing participant.

- D. Disruptive Behavior. Disruptive behavior by any participant in the hearing is grounds for expulsion from the hearing.

- E. Submission and Exchange of Documentation and Witness List. The complainant and the respondent shall provide the Office of Affirmative Action with all documents to be used and relied on at the hearing, and with the name of an advisor and witnesses no later than four (4) working days prior to the date of the hearing. Witnesses not listed may only address the Hearing Panel at the Committee's discretion. The Office of Affirmative Action will facilitate an exchange of this information between the complainant and the respondent no later than three (3) working days before the date of the hearing. At this time, the Office of Affirmative Action also will provide complainant and respondent with a copy of any investigative report that the Office of Affirmative Action plans to supply to the Hearing Panel. The Office of Affirmative Action will warn the complainant and the respondent not to retaliate against witnesses.

- F. Evidence. The complainant and the respondent shall be afforded reasonable opportunity for oral opening and closing remarks and for presentation of relevant witnesses and pertinent documentary evidence. Any documentary evidence not previously made available will be considered at the discretion of the Hearing Panel and must be provided to the members of the Hearing Panel and to the opposing party.

- G. Witnesses. The Hearing Panel shall have the right to question any and all witnesses, to examine documentary evidence presented, and to call other witnesses, including representatives of the Office of Affirmative Action. The complainant and the respondent may also question witnesses. Witnesses shall not be present during the testimony of any party or other witness. The Hearing Panel may exercise reasonable control over the order and number of witnesses to be heard.

- H. Recording. The Hearing shall be mechanically recorded by the Office of Affirmative Action. The complainant or respondent may obtain a copy of the tapes from their recorded hearing, upon written request, and at the expense of the requesting party. The record shall be maintained for three years and kept confidential except for University officials with authorized access under this policy or individuals with authorized access under state or federal law.

- I. Hearing Panel Decision. Within 5 working days of the conclusion of the hearing, the Hearing Panel shall deliberate in closed session and decide by a preponderance of the evidence whether the respondent violated the University's sexual harassment policy. If there is insufficient evidence or no violation is found, the Hearing Panel shall dismiss the complaint. If a violation is found, the Hearing Panel shall determine what sanctions and/or other relief to recommend. The written decision to dismiss or to recommend sanctions shall be forwarded by the Hearing Panel to the Office of Affirmative Action which will send copies to the appropriate Vice- President (or the President, where appropriate), the complainant, and the respondent.

XIX. Sanctions and Other Relief:

- A. Sanctions. If the Hearing Panel finds that the respondent has violated the Sexual Harassment Policy, the Panel must recommend sanctions. Sanctions include but are not limited to the following:
 - 0. Students. As appropriate to the nature and seriousness of the violation, one or more of the following sanctions may be imposed: written reprimand, restrictions on activities, restitution, monetary fines, community service, disciplinary room change, counseling, and required periodic meeting with appropriate UH officials, probation, suspension, expulsion.

 - 1. Staff. As appropriate to the nature and seriousness of the violation, one or more of the following sanctions may be imposed: denial of privileges, written reprimand, restitution, counseling, and monetary fines, probation, suspension with or without pay, termination.

2. Faculty. As appropriate to the nature and seriousness of the violation, one or more of the following sanctions may be imposed: written reprimand, denial and/or restriction on activities and/or privileges, restitution, counseling, and monetary fines, probation, suspension with or without pay, dismissal. Removal of tenure from a faculty member may only be accomplished through the use of procedures outlined in the Faculty Handbook.

B. Other Relief Where a violation has been found, the Hearing Panel may recommend any other relief necessary to correct adverse educational or employment consequences suffered by the complainant as a result of the sexual harassment.

XX. Appeals:

A. Appeals of Action of the Office of Affirmative Action: The Review Panel.

0. The decision by the Office of Affirmative Action to dismiss a formal complaint may be appealed by the complainant to the Board which shall through its Chair form a Review Panel to review the decision of the Office of Affirmative Action. A Review Panel is constituted in the same way as a Hearing Panel. An appeal of this type must be submitted within 10 working days from the date of the dismissal of the complaint. The Review Panel shall review the basis of the Office of Affirmative Action's decision to dismiss and may either (a) affirm the decision to dismiss or (b) refer the complaint to a Hearing Panel. The complainant may appeal the Review Panel's dismissal to the appropriate Vice President

1. The decision by the Office of Affirmative Action to refer a complaint to the Hearing Panel for a hearing is not appealable.

2. The decision by the Office of Affirmative Action to continue to investigate a complaint even though the complainant has withdrawn the complaint is not appealable.

B. Appeals of Actions of the Hearing Panel.

0. The findings of the Hearing Panel may be appealed by either the complainant or the respondent within 10 working days to the appropriate Vice President.

1. If the Panel recommends sanctions, the respondent has 10 working days to respond to that recommendation by writing to the appropriate Vice President.

2. The "appropriate Vice President" is the Vice President in whose division the respondent reports, either the Senior Vice President for Academic Affairs/Provost, the Senior Vice President for Administration and Finance, the Vice President for Student Affairs. In the case of departments reporting directly to the President, the referral is made to the Senior Vice President for Academic Affairs/Provost. If the complaint is against a Vice President, the appeal shall be to the President. In the event that the respondent holds positions with reporting lines of authority under different Vice Presidents, the Vice Presidents involved will jointly agree which one shall review the findings of the hearing panel and make the decision on sanctions.

C. Vice Presidential Action

0. The appropriate Vice President shall consider appeals from the Review Panel's affirmance of a decision to dismiss a complaint without a hearing.

The Vice President may affirm the Review Panel's dismissal of the complaint or refer the complaint to a Hearing Panel. The Vice President's decision is final.

1. Within 15 working days of receipt of an appeal from the Hearing Panel's decision, or of expiration of the time to appeal, the appropriate Vice President shall review the record to determine whether or not the respondent violated university policy on sexual harassment. The intent of the Vice President's review is not to hear new evidence, but to insure that the Hearing Panel's determination of whether the respondent violated University policy was not arbitrary, capricious or discriminatory and the process did not violate the rights of parties. The Vice President also reviews to ensure that the Hearing Panel has correctly applied University Policy to the facts of the particular complaint. The Vice President imposes sanctions.

The Vice President may:

- a. Uphold the Hearing Panel's findings and accept its recommendation on sanctions;
- b. Uphold the Hearing Panel's findings and impose different sanctions;
- c. Recommend to the President reversal of the findings of the Hearing Panel,
- d. Allow the parties to sign a written statement resolving the complaint (it should be understood that without the approval in writing by the Vice President, any agreement between the parties does not preclude further action by the University against either party);
- e. Refer the complaint back to the Hearing Panel to consider new and substantial evidence that the Vice President believes is likely to change the outcome or provide the complainant and the respondent a comparable opportunity to examine and respond to the new evidence.

D. Appeals to the President. The Vice President's decisions may be appealed to the President. The intent of the President's review is not to hear new evidence, but to ensure that the Hearing and the Vice President's decision and sanctions were not arbitrary, capricious or discriminatory and the process did not violate the rights of parties. The President also may review to ensure that the Hearing Panel has correctly applied University Policy to the facts of the particular complaint.

XXI. Records Retention and Confidentiality:

- A. Record of a Formal Complaint. During the formal procedures, the complaint and all documents will be kept strictly confidential, except that the appropriate administrative officers will be informed on a need to know basis. At whatever stage the procedure above is completed, the file containing all documentation in the complaint will be sent to the Office of Affirmative Action.

- B. Access to Record of a Formal Complaint. To the extent permitted by state and federal law, access to the records of a completed formal complaint will be limited to the President, the System counsel, and to the Office of Affirmative Action.

- C. Record of Findings of a Violation All findings of violations of the sexual harassment policy and all sanctions imposed will be added to the respondent's personnel and/or student file. Where there is an approved written agreement resolving the complaint under this policy, however, the agreement will control the contents of those files.

At the University of Houston, any person who believes he or she has been discriminated against, should immediately contact:

The University of Houston
Office of Affirmative Action
Student Service Bldg. II
Houston, Texas 77204-3261
Phone: (713) 743-8835