

EAST TEXAS BAPTIST UNIVERSITY
(Revised November 11, 2011)

GUIDELINES FOR HANDLING FORMAL SEXUAL HARASSMENT COMPLAINTS

DESCRIPTION OF HARASSMENT – East Texas Baptist University prohibits harassment and intimidation on the basis of one’s sex, race, color, national origin, religion, age and disability. Examples of conduct prohibited by these policies include but are not limited to repeated insults, humor, jokes and/or anecdotes that belittle or demean an individual or group because of sex, race, color, national origin, religion, age and disability, and physical conduct or verbal innuendo which, because of one of the above characteristics creates an intimidating hostile or offensive environment.

Examples of conduct prohibited by the policy against sexual harassment include, but are not limited to:

- a. Persistent unwelcome flirtation advances and/or propositions of a sexual nature;
- b. Repeated unwelcome comments of a sexual nature about an individual’s body or clothing;
- c. Unwarranted displays of sexually suggestive objects or pictures;
- d. Unnecessary touching, such as patting, pinching, hugging, or repeated brushing against an individual’s body;
- e. Suggestions that submission to or rejection of sexual advances will affect decisions regarding such matters as an individual’s employment, work assignments or status, salary, academic standing, grades, receipt of financial aid, or letters of recommendation; and
- f. Sexual assault.

YOUR RESPONSIBILITIES - As one of the designated persons to whom complaints regarding harassment are to be brought, the University places the following responsibilities upon you:

1. To inform the complainant of the University’s harassment complaint procedures so that the individual knows what he/she needs to do to initiate University action if that is desired.
2. To provide a skilled and sympathetic ear to a person with a harassment problem.
3. To receive information from the complainant and separate facts and observations from assumptions and conclusions and otherwise focus on relevant information.

4. To assess the situation to determine the next step. A part of the assessment should be whether interim steps are necessary to prevent further harm before the investigation can be completed. For example, it may be desirable to eliminate contact between the complainant and the accused. Any burden on the complainant should be minimized.
5. To provide accurate information on confidentiality of complaints and an explanation of the situations in which it might be impossible to maintain confidentiality, i.e. when other University personnel have a need-to-know. Also, it is difficult to confront the accused without specific information and the accused usually knows who he or she has harassed or approached inappropriately.

THE INTERVIEWS - When you are interviewing the person who has alleged that they have been harassed, it is important to do the following:

1. Set aside a sufficient amount of time for the initial interview.
2. Find out what happened. Get specifics.
3. Take notes of the meeting. Notes of interviews and meetings should be prepared contemporaneously and dated. If at all possible, two persons (preferably a male and female) should interview both parties to the complaint and any witnesses, coworkers or persons having knowledge of the situation. In the event the information obtained may be disputed later, the second set of notes becomes invaluable.
4. Find out what effect the alleged harassment has on the complaining party. Was the conduct perceived as a joke, was it really unwelcome, did it embarrass, frighten or humiliate?
5. Ask the complainant to identify any witnesses which support her/his allegations. Ask the person filing the complaint not to discuss the investigation with others.
6. Determine what the complainant wants to result from her/his complaint. However, avoid making premature commitments on behalf of the University to the person making the complaint.
7. Outline the timetable of the University's investigation (suggested maximum of 30 days for completion, 60 days before a determination) and assure the person complaining of the importance of the issue to the institution. Assure the person filing the complaint that all matters will remain confidential to the degree practical and that the information will be shared only on a need-to-know basis. Contact between the complainant and the accused will be eliminated, or continue to be minimized, or avoided during the investigation period.
8. Make it clear that the University takes its responsibility to investigate the matter seriously.

9. Take care that you conduct yourself so that you cannot be accused of any bias. Make no comments about the character, job performance or the family life of either the complainant or the accused.
10. Ask the person to put his or her complaint in writing, sign it and submit it to you; or, if the investigator takes the person's statement, ask the complainant to sign and date the statement. The statement should contain as a minimum the specifics of the alleged behavior or action, the date(s) or approximate date and time, name of witnesses or people complainant has told and desired resolution.
11. Assure the complainant and any witnesses that the university in the strongest terms prohibits retaliation against a person who brings a complaint for harassment or provides information about such a complaint. If the person believes that retaliation in any form is occurring, the matter should be reported to you immediately so that it can be dealt with.

When interviewing the person accused of sexual harassment, consider the following:

1. Inform the accused of the details of the allegations against him/her.*
2. Obtain a statement from the accused which recounts his/her side of the story. Reduce it to writing and have him/her sign it.
3. Ask the accused to identify any witnesses that support his/her allegations.
4. Take notes of the meeting. Notes of interviews and meetings should be prepared contemporaneously and dated. If at all possible, the same persons who interviewed the complainant should interview the accused.
5. Clarify the professional relationship between him/her and the accused, i.e. does he/she teach her/him or supervise her/him in anyway; have they worked together in a professional capacity?
6. How long have the parties known each other? Was there any prior social relationship between the two? Is there a history of individual or group socializing?
7. You may expect the accused to deny the charges. Observe his/her reaction. Note whether or not there is surprise, anger or disbelief. Observe not only what he/she says but his/her body language as well. Can you make any observations about his/her credibility?
8. Assuming he/she denies the allegations, probe further to determine with the accused the background, reasons and motivation that could possibly trigger the allegations.
9. Inform the accused that the University has a policy against sexual harassment and will vigorously enforce it. Remind him/her what sexual harassment is.

10. Inform the accused of the process from this point on. Namely, you will complete your investigation and make recommendations to the President who will make a decision as to what if any action to take.
11. Do not be drawn into a discussion of any collateral issues. You are only there to discuss the allegations against the accused.
12. Make sure the accused understands that he/she is to take no retaliatory action against the persons making the complaint. It is best for him/her to keep his/her distance. Any contact which could be perceived as retaliation would automatically constitute sexual harassment.
13. Sometimes the accused will want to or offer to apologize; recommend this not be done until your investigator talks with complainant because it can be perceived other than intended. An apology can sometimes be a letter through the investigator or meeting with a third party present. In cases involving allegations of sexual assault, mediation with the complainant and the accused is not appropriate even on a voluntary basis.
14. If the allegation is rape or attempted rape or physical assault, it should be immediately reported to the police.

INVESTIGATION AND RESOLUTION - During the investigation, keep the following principles in mind:

1. Keep the University's legal counsel informed of the status of the complaint and the progress of the investigation through the Office of the Vice President for Administration and Finance, who will inform the President.
2. Maintain confidentiality during the investigation process.
3. When interviewing witnesses and coworkers, ask broad, open-ended questions at first. Do not unnecessarily disclose information to witnesses. For example, instead of asking, "Did Paul touch Joan?" ask "Have you seen anyone display inappropriate behavior around Joan at work in a way that made her uncomfortable?" The purpose of the investigation is to gather facts not disseminate allegations. As the interview progresses, gradually ask for more specific information.
4. Interview the supervisors of the parties. Ask whether there are any relevant discipline problems. Are there any prior similar incidents involving the accused? Is there a history of any prior similar incidents involving other employees within the office or department?
5. Assure witnesses that they will not be retaliated against from cooperating in an investigation.
6. Carefully document all interviews, telephone calls or any other administrative activities responsive to the complaint.

7. If it is necessary to have the assistance of clerical staff during the investigation, use one such staff person who can be trusted to handle all clerical tasks, i.e. typing of memos and correspondence, setting up appointments with witnesses/coworkers.
8. Emphasize need for confidentiality to everyone involved in investigation.
9. Make note of all evidence regardless of whether it supports the merits of the complaint.
10. Evaluate the credibility of the parties and witnesses interviewed.
11. Complete the investigation and submit a written report or take other steps as called for under University policy. The written report should include a conclusion as to whether the University's policy on harassment has been violated and specific reasons for the conclusion. If warranted the report should recommend reasonable, prompt, and effective action to end the harassment and remedy its effects on the victim. The report may recommend appropriate disciplinary sanctions.
12. Keep the complainant and accused advised of the progress of the investigation. Inform him or her of an anticipated completion date. Do not share substantive information with him or her.
13. The President will report the determination on the disposition of the matter to both parties.
14. Maintain confidentiality of accused even after investigation is complete and any necessary disciplinary actions are taken.
 - * It is appropriate to inform the accused of the name of the person who has made the allegations against him/her. Unless this is done, the accused cannot adequately respond to the allegations and your investigation will not be complete. Otherwise, the name of the accused and the details of the investigation should be kept strictly confidential and disclosed only on a need-to-know basis.

Any questions concerning these guidelines should be directed to the Vice President of Administration and Finance.