Discrimination/Harassment

System Regulation: 08.01.01
Approved: March 3, 2009
Most Recent Revision: September 18, 2015
Next Scheduled Review: February 9, 2018

A&M Commerce Procedure: 08.01.01.R0.01
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Revised: January 7, 2013
Next Scheduled Review: January 7, 2018

Responsible University Office:
Human Resources

Responsible University Administrator:
Chief Human Resources Officer

A&M-Commerce is dedicated to maintaining a nurturing and respectful learning environment that is free from discrimination and harassment for all faculty, students, and staff. Discrimination and harassment are contrary to the standards of the university community. They diminish individual dignity and impede educational opportunities, equal access to freedom of academic inquiry, and equal employment.

All university employees are responsible for ensuring their work and educational environments are free from illegal discrimination, sexual harassment, and related retaliation. The chief human resources officer will ensure that all allegations of discrimination, sexual harassment, and related retaliation are promptly and thoroughly investigated and will follow up on situations in which illegal discrimination, sexual harassment, or related retaliation is found to ensure that the situation does not reoccur.

**Harassment:** Discriminatory harassment is verbal or physical conduct that denigrates or shows hostility toward an individual because of his or her race, color, sex (including pregnancy), national origin, religion, veteran status, age (40 or over), physical or mental disability, genetic information, sexual orientation, gender identity, or gender expression. Discriminatory harassment also includes verbal or physical conduct that denigrates or shows hostility to an individual because of his or her opposition to discrimination or his or her participation in the discrimination complaint process. Harassment becomes unlawful where (a) enduring the offensive conduct becomes a condition of continued employment or education, or (b) the conduct is severe or pervasive enough to create a work or educational environment a reasonable person would consider intimidating, hostile, or abusive.

**Sexual Harassment:** Sexual harassment is a form of sex discrimination. Unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature constitute sexual harassment when this conduct explicitly or implicitly affects an individual’s employment, unreasonably interferes with an individual’s work or educational performance, or creates an intimidating, hostile, or offensive work environment.
Discrimination/Harassment

Title IX of the Educational Amendments of 1792 to the 1964 Civil Rights Act prohibits discrimination, exclusion, denial, limitation, or separation based on gender in educational programs or activities. Title IX protects all students and applies to employees. Title IX protects, whether the harassment is aimed at sexual orientation, or is perpetrated by individuals of the same or opposite sex. See the Human Resources Title IX webpage for Title IX FAQs, resources, definitions, and reporting.

Retaliation: Retaliatory action of any kind is prohibited when taken against a complainant, witness, or other person participating in a discrimination or related retaliation investigation, complaint, hearing, or suit.

Improper Consensual Relationships: Texas A&M System Regulation 08.01.01 describes a category of relationships that may be problematic even though both parties are willing participants. An “improper consensual relationship” is defined as “…a mutually agreeable amorous, romantic, and/or sexual relationship between two employees, between an employee and a student at a member institution, or between an employee and a third party; AND in which one of the individuals has one or more of the following: authority over any term or condition of the other individual’s employment or academic status; or job duties making that individual directly or indirectly responsible for hiring, supervising, evaluating, teaching, coaching, grading, or advising the other individual, or providing benefits to or obtaining benefits from the third party, including employment.” These relationships are characterized by a difference in actual or perceived power that creates potential for any of the following: (a) a conflict of interest; (b) actual or perceived abuse of power; (c) allegations that the relationship resulted from coercion, exploitations, and/or harassment; or (d) allegations of favoritism and/or unfair treatment.

When these relationships exist, the individual with the hiring, supervisory, evaluative, teaching, coaching, grading, or advisory responsibilities, or the employee providing benefits to or obtaining benefits from the third party, must promptly notify his or her immediate supervisor of the relationship. In addition, he or she must cooperate in making alternative arrangements for hiring, supervising, evaluating, teaching, coaching, grading, advising, or providing benefits to or obtaining benefits from the other individual. See System Regulation 08.01.01, Section 5 for additional information on reporting an improper consensual relationship, failure to self-report, remediation, and possible disciplinary action.

Reporting Discrimination, Sexual Harassment, or Retaliation: Any employee or student who believes he or she has been subjected to discrimination, sexual harassment, and/or retaliation by an A&M-Commerce employee or student should promptly report the incident(s). The same is true for any employee or student who observes, or is made aware of alleged or suspected discrimination, sexual harassment, and/or retaliation.