

# HOWARD PAYNE UNIVERSITY

## ADMINISTRATIVE POLICIES

This policy supersedes all previous policy statements on this subject.

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**This document is an excerpt from the Howard Payne University *Administrative Policies*, all of which employees are expected to read and follow as a condition of employment.**

### SECTION 2.0 HUMAN RESOURCES, COMPENSATION, and BENEFITS

#### 2.1 Policy Against Discrimination and Harassment

Howard Payne University is committed to providing a work environment free of illegal discrimination and harassment.

Howard Payne University is committed to the principle of equal opportunity in education and employment. The University does not illegally discriminate against individuals on the basis of race, color, ethnic or national origin, gender, disability, or age in its employment, admissions, programs and activities. The University may discriminate on the basis of religion in employment in order to fulfill its mission, and preference may be given to Baptists. All employees are subject to disciplinary action, including dismissal, for violations of this policy.

The following offices have been designated to handle inquiries regarding the University's nondiscrimination policies with respect to student and employment matters:

Direct student inquiries to:

Vice President for Enrollment and Student Services  
Howard Payne University  
1000 Fisk Street  
Packer Administration Building, Room 108  
Brownwood, Texas 76801

Direct employment inquiries to:

Vice President for Finance  
Howard Payne University  
1000 Fisk Street  
Packer Administration Building, Room 208  
Brownwood, Texas 76801

##### 2.1.1 Definitions

**"Discrimination"** is conduct directed at a specific individual or a group of identifiable individuals that subjects the individual or group to treatment that adversely affects their employment because of their gender, race, national origin, age, disability, or color.

**"Harassment"** as used in this policy refers to verbal and/or physical conduct (i) that is severe or pervasive, (ii) that is based on an individual's gender, race, national origin, age, disability, color, or religion, and (iii) that unreasonably interferes with the individual's work or academic activities, or that creates an intimidating, hostile, or offensive University environment. Such harassment may violate the law and is contrary to the Christian standards of conduct expected of all members of the University community. Unlawful harassment includes, but is not limited to, offensive or unwanted touching, acts of intimidation or humiliation, slurs and derogatory comments, and visual display of offensive graphics or literature.

**"Sexual Harassment"** as used in this policy includes, but is not limited to, unwelcome sexual advances, unwelcome requests for sexual favors, unwelcome verbal comments of a sexual nature, unwelcome physical contact or touching of a sexual nature, or offensive displays or distribution of sexually-oriented material. Such conduct is unwelcome when it is not solicited by an individual and is regarded by him or her as unwanted to offensive. Sexual harassment is wrongful regardless of whether the parties are of the same gender or of the opposite gender. A violation of this policy occurs when:

1. Submission to such conduct is made, either explicitly or implicitly, a term or condition of an individual's employment or education; or

2. Submission to or rejection of such conduct by an individual is used as a basis for academic or employment decisions affecting that individual; or

3. Such conduct has the purpose or effect of substantially interfering with an individual's academic or professional performance or creating an intimidating hostile or offensive employment, educational or living environment.

### **2.1.2 Complaint Procedure**

Students with discrimination or harassment complaints shall follow the procedure described in Policy 5.2.5. Employees shall comply with the following procedure:

When any employee believes that he or she has been subjected to harassment or discrimination in violation of this policy, the individual is encouraged to inform the alleged offender that the conduct in question is unwelcome or offensive. If this approach is unsuccessful or otherwise not feasible, the individual may pursue either informal or formal means of resolution.

### **2.1.3 Counseling and Informal Resolution**

Any individual may seek advice or information on matters related to harassment or discrimination without having to lodge a formal complaint. Persons who are uncertain about whether they are being subjected to discrimination or harassment may seek guidance from the human resources officer. If appropriate, the human resources officer may suggest informal means of resolution, including counseling the accused. The aim of informal discussions is not to determine whether there was intent to harass, but to stop the offensive behavior as promptly as possible at the lowest possible level.

In the event a complaint is lodged against the human resources officer, the vice president for finance will serve in all roles assigned to the human resources officer in this policy.

Use of the informal resolution process is not a prerequisite to filing a formal complaint.

### **2.1.4 Formal Complaint Process**

Formal complaints of harassment or discrimination shall be presented to one's supervisor, the human resources officer, or the vice president for finance. Discrimination and harassment complaints against the human resources officer shall be filed with the vice president for finance. Discrimination and harassment complaints against the vice president for finance shall be filed with the human resources officer. Discrimination and harassment complaints against an employee's supervisor may be filed with the vice president for finance or the human resources officer.

Formal complaints shall be signed and in writing. Oral complaints do not constitute formal complaints. The signed, written complaint shall contain specific facts that describe the alleged violation(s). An investigation shall commence as soon as possible upon receipt of the signed, written complaint. The human resources officer shall provide a copy of the written complaint to the accused along with a statement advising the accused that retaliation against the complaining party is prohibited. The accused shall be given an opportunity to submit a written response within seven working days of receipt of the written complaint.

The human resources officer shall coordinate the investigation, unless the human resources officer is the subject of the complaint. The human resources officer or other impartial administrator may serve as the investigator. The investigator shall interview the complaining party, the accused, and other persons who may possess relevant information. The investigator also should gather and examine documents and other relevant evidence. Complaints will be handled as confidentially as possible, with the facts made available only to those who have a legitimate need to know for purposes of investigation or resolution of the matter.

The investigator shall prepare a written investigation summary. A copy of the summary shall be provided to the complaining party, the accused, the vice president for finance, and other appropriate administrators, including the accused's supervisor. The appropriate administrators shall determine appropriate corrective action or discipline, if any. The complaining party and the accused shall receive written notification of the final disposition of the complaint.

### **2.1.5 Timely Reporting of Complaints**

Employees are encouraged to report concerns about harassment or discrimination as promptly as possible. A delay in reporting may impair the University's ability to investigate and address the harassment or discrimination.

### **2.1.6 Supervisor's Responsibility**

Any supervisor who receives a report of harassment or discrimination or becomes aware of harassment or discrimination in his or her department shall promptly notify the human resources officer.

### **2.1.7 Formal Hearing**

If the complaining party or accused is dissatisfied with the outcome of the investigation, he or she may request a formal hearing. The request for a formal hearing must be sent within seven business days of final disposition of the complaint. The request for a formal hearing shall be made in writing and shall be submitted to the human resources officer. The request shall specify the reasons why the party is dissatisfied with the outcome of the investigation. The party shall identify all remedies requested. Within 20 business days of the request for a hearing, the vice president for finance shall convene a hearing. The vice president for finance shall serve as chairperson of a grievance committee composed of five members. The human resources officer may serve as an ex officio facilitator and coordinator of the committee but shall not deliberate or vote. The other four members will be chosen by the University president. In disputes involving faculty, the vice president for academic affairs shall serve as one of the committee members. Under no circumstances shall the individual investigating the complaint serve as a committee member.

The vice president for finance shall provide the complaining party and the accused party with written notice of the date, time, and place of hearing. The complaining party and the accused party shall have the opportunity to address the committee personally. The grievance committee may establish reasonable timelines for presentations.

All formal hearings shall be closed to the public. Upon completion of the hearing, the chair of the committee shall, within 14 business days, submit a written report of the committee's findings and recommendations to the complaining party, the accused party, and the president of the University.

All deadlines in this policy may be extended for good cause or by mutual agreement.

In the event that the vice president for finance is the subject of the complaint, the president shall appoint another administrator to perform the functions assigned to the vice president for finance in this policy.

### **2.1.8 Acceptance of Hearing Committee's Report**

The president of the University shall review the committee's report and accept, reject, or modify the committee's recommendations. The president's decision is final. The parties and appropriate administrators shall be notified in writing of the president's decision.

### **2.1.9 Confidentiality of Complaints**

The University strives to balance the privacy interests of both the complaining party and the accused party. All proceedings and records shall be treated as confidentially as possible under the law. Dissemination of information relating to a complaint or investigation will be limited to those with a legitimate need to know. The University reserves the right to share with the complaining party the final disposition of a complaint and any discipline that has been assigned.

### **2.1.10 Retaliation is Prohibited**

No employee may retaliate against any individual who files a good faith complaint under this policy. Retaliation also is prohibited against witnesses who participate in an investigation or who provide assistance to the complaining party.