



The University of Texas at San Antonio

Understanding Harassment

University Policy Statement

To the extent provided by applicable law, no person shall be excluded from participation in, denied the benefits of, or be subject to discrimination under any program or activity sponsored or conducted by the University of Texas system or any of its component institutions, on the basis of race, color, national origin, religion, sex (including sexual harassment), age, veteran status or disability.

In addition to compliance to federal and state laws and regulations regarding discrimination, the University of Texas at San Antonio's policy prohibits discrimination on the basis of sexual orientation regarding admissions, employment or access to programs, facilities or services at UTSA.

UTSA Handbook of Operating Procedures Section 9.1 – General Provisions on Nondiscrimination and Sexual Harassment and Sexual Misconduct:

<http://www.utsa.edu/hop/chapter9/9-1.cfm>

Harassment

The EOS office is responsible for receiving, investigating and seeking conciliation of complaints filed on the basis of discrimination, including sexual harassment.

➤ **What is Harassment?**

Harassment, as a form of discrimination, is defined as verbal or physical conduct that is directed at an individual or group because of race, color, sex, religion, national origin, age, disability, citizenship, veteran status or sexual orientation when such conduct is sufficiently severe, pervasive or persistent so as to have the purpose or effect of interfering with an individual's or group's academic or work performance; or of creating a hostile academic or work environment. Constitutionally protected expression cannot be considered harassment under this policy

➤ **What is Sexual Harassment?**

Sexual harassment is a form of sex discrimination and includes unwelcome sexual advances, requests for sexual favors, verbal or physical conduct of a sexual nature when:

1. Submission to such conduct is an explicit or implicit term or condition of an individual's employment or student status;
2. Submission to or rejection of such conduct is used as a basis for evaluation for employment or academic decisions affecting such an individual; or
3. Such conduct has the purpose or effect of unreasonably interfering with an employee's work performance or student's performance, and/or creating an intimidating, hostile or offensive environment.

➤ **What are examples of (Sexual) Harassment?**

Examples of behavior that can be considered (sexual) harassment include, but are not limited to the following:

1. Physical contact of a sexual nature including touching, patting, hugging, or brushing against a person's body; explicit or implicit propositions or offers to engage in sexual activity; physical interference with or restriction of an individual's movements;
2. Remarks of a sexual nature about a person's body or clothing; remarks about sexual activity; speculation about sexual experience;
3. Comments of a sexual or non-sexual (discriminatory) in nature including explicit statements, questions, jokes or anecdotes and/or exposure to sexually or discriminatory oriented graffiti, pictures, posters, or materials. Constitutionally protected expression cannot be considered harassment under this policy.

➤ **What do I do, if I think I or another may be experiencing (sexual) harassment?**

The Office of Equal Opportunity Services (EOS) is responsible for receiving, investigating and seeking conciliation of complaints filed on the basis of discrimination, including sexual harassment.

Know Your Rights

Individuals who feel they have been discriminated against or harassed, and or are uncertain as to whether what they experienced is discrimination or harassment, and/or want information as to their options in dealing with harassment and discrimination should be referred to EOS.

Document and Report Incident/ Issue:

Keep track of dates, places, times and witnesses and the nature of the harassment. Note when you complained and to whom.

If you are a supervisor who is made aware of such a complaint, you must inform EOS of the complaint immediately. Supervisors should not make a determination on their own of what constitutes sexual harassment or discrimination.

Complaints regarding students can be referred to Student Judicial Affairs or the EOS office.

Important: If you feel that at any time you are in physical danger, contact the University Police Department.

Overview of the Complaint Process

- I. EOS encourages students, faculty, staff and visitors of UTSA to report incidents of discrimination, sexual harassment, and EO issues to EOS as soon as possible, but no later than thirty (30) work days from the date the alleged incident, unless extenuating circumstances exist.
 - a. Complaint process and form: <http://www.utsa.edu/eos/complaintProcess.htm>
- II. There are two types of complaint resolution processes available to those who believe they have been subject to illegal discrimination or sexual harassment: informal resolution and formal resolution.
 - a. Based on initial review of complaint, EOS will determine the resolution process (informal or formal), inform the complainant and proceed with the investigation. If the complaint presented falls outside EOS's jurisdiction, EOS will identify and refer you to the appropriate university office for further information and advice.
- III. Investigations by the Office of Equal Opportunity Services will be conducted expeditiously and completed no later than sixty (60) work days from the date of the written complaint unless unusual circumstances require more time.
- IV. Retaliation against a person who files a charge of discrimination, participates in an investigation, or opposes an unlawful employment practice is prohibited by federal laws and by university policy.
- V. Any person who believes he or she has been discriminated against or has knowledge of discriminatory or harassment activity should immediately contact the Office of Equal Opportunity Services.

For additional information on the (Sexual) Harassment Policy:

UTSA Handbook of Operating Procedures Section 9.1 – General Provisions on Nondiscrimination and Sexual Harassment and Sexual Misconduct:

<http://www.utsa.edu/hop/chapter9/9-1.cfm>

Request for Information

Students, faculty staff or visitors to UTSA who may have experienced discrimination, including sexual harassment or seek advice on related EO matter complaints, contact the Office of Equal Opportunity Services (EOS) at telephone number (210) 458-4120 or visit the EOS website at: <http://www.utsa.edu/eos>.