

## **34.01 Sexual Harassment Policy**

*Approved February 27, 1995 (MO 44-95), Revised September 26, 1997 (MO 181-97)*

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### **1. GENERAL**

The Miller Management® company and Affiliates shall be free from all forms of sexual discrimination and sexual harassment. Conduct constituting sexual harassment is specifically prohibited and will result in appropriate sanctions. Sexual harassment, as defined below, is a Class A misdemeanor under Texas Penal Code.

### **2. DEFINITION**

2.1 Sexual harassment means unwelcome sexual advances, requests for sexual favors, or other verbal, visual or physical conduct of a sexual nature, submission to which is made a condition of a person's exercise or enjoyment of any right, privilege, power, or immunity, either explicitly or implicitly for same or opposite sex.

2.2 In relation to the foregoing, sexual harassment may range from unthinking and often unintentional verbal denigration of a person on the basis of gender to actual physical assault. Some examples that may constitute sexual harassment are: offensive sexual flirtations, advances, or pressure for sexual activity; unwanted touching, pinching, or unnecessary brushes; unwanted exposure to sexual graffiti, photographs or suggestive objects; sexual innuendoes or statements made at inappropriate times or disguised as humor, or obscene gestures; disparaging remarks about one's gender; or any offensive or abusive physical contact.

2.3 Conduct, whether on or off System property, will constitute sexual harassment when:

- (1) submission to, or toleration of, such conduct is made (either explicitly or implicitly) a term or condition of employment or participation in other System-related activities;

(2) submission to or rejection of such conduct by an individual is used as a basis for employment decisions or academically-related decisions affecting such individual; or,

(3) such conduct has the purpose or effect of unreasonably interfering with an individual's ability to function normally, or of creating an intimidating, hostile, or offensive environment.

### 3. RESPONSIBILITY

3.1 The chief executive officer of each component of the System is responsible for the effective implementation of this policy in the respective System component.

3.2 Supervisors, in any capacity, including academic areas, should be aware that it is their responsibility to prevent or correct any such conduct among those they supervise.

### 4. PROCEDURES

4.1 In order to deal promptly and fairly with charges of sexual harassment and to protect the rights and dignity of all individuals involved, each System component will establish and give wide publicity to a rule for filing a complaint.

4.2 Such rules shall facilitate and encourage reporting, and shall assure timely investigation, resolution and appropriate sanctions against persons found to have violated this policy. Complainants should know that the reporting of allegations of sexual harassment is a very serious matter and that steps will be taken to resolve complaints.

### 5. RETALIATION PROHIBITED

Retaliatory action of any kind is prohibited when taken against a witness or other person providing testimony, or against the complainant seeking redress under the applicable rules dealing with sexual harassment. Such retaliatory action shall be regarded as a separate and distinct cause for complaint.

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