



Procedure 6.11: Sexual Harassment Complaint Procedures
Volume 6
Managing Office: Office of Human Resources
Effective Date: October 7, 2012

I. PURPOSE

Alabama A& M University (AAMU) is committed to a work environment in which all individuals are treated with respect and dignity. Therefore, discrimination or harassment based on age, race, gender, color, religion, national origin, disability, genetic information, sexual orientation, covered veteran status, or any other characteristics protected under state, federal, or local law will not be tolerated.

II. OBJECTIVE

This procedure is to provide guidance for complying with Non-Discrimination and Anti-Harassment Policy as outlined in the *University Staff Handbook (September 16, 2011), Revised March 5, 2012*, Section 8.6: Non-Discrimination and Anti-Harassment Policy and the corresponding Sections 3.12 and 3.12.1 of the *University Faculty Handbook (September 11, 2011), revised March 5, 2012*.

III. PROCEDURES

Any Alabama A& M University (“AAMU”) faculty or staff member ("affiliated individual") who believes he or she has been sexually harassed by another AAMU affiliated individual should report the incident to the Director of Human Resources/EEO (“Director”). A student may report the incident to the Department of Public Safety, Vice President for Student Affairs, Associate Vice President (VP) for Student Affairs and/or Director of Counseling Services, who will inform the Director of the complaint. The Director will notify the Associate VP for Student Affairs of any complaint reported directly by a student. Student against student complaints are investigated by the Associate VP for Student Affairs. Employees against student complaints are investigated by the Associate VP for Student Affairs in conjunction with the Director. All other complaints, including complaints against employees are investigated by the Director. At the conclusion of the investigation, the Director will normally take one of the following courses of action:

- A. If an investigation reveals that there is insufficient evidence to support the allegation of sexual harassment, the complaint will be dismissed.
 - 1. If the respondent is a student, the Associate VP for Student Affairs will notify all parties.
 - 2. If the respondent is a staff member, the Director will notify all parties.
 - 3. If the respondent is a faculty member, the Provost and Vice President for Academic Affairs (Provost) will notify all parties.
- B. If it is determined that there is sufficient evidence to indicate that the allegations of sexual harassment have merit and disciplinary measures are indicated, but the behavior is not serious enough to warrant, in the case of an employee, termination of employment, or in the case of a student, eviction from residence or suspension/expulsion from the University, the Director shall normally proceed as follows:
 - 1. If the respondent is a student, the Associate VP for Student Affairs will proceed with disciplinary action against the respondent according to the Code of Student Conduct.
 - 2. If the respondent is a staff member, the Director with the respondent's Dean or Department Head will work together to eliminate the sexual harassment and ensure that the behavior does not recur. The Director will notify all parties of the outcome.
 - 3. If the respondent is a faculty member, the Director will provide in writing a confidential summary of the complaint, the response, the facts of the investigation and his/her written decision to the Provost. The Provost will review all of the documents received, including any notes from interviews performed by Human Resources and will either concur or disagree with Human Resources' findings. If the Provost concurs with the determination by Human Resources, he/she will notify all parties included of the decision, and any disciplinary action. If the Provost disagrees with the determination by Human Resources, the entire file will be submitted to the Office of General Counsel, whose determination of whether the harassment occurred will be final. The Provost will notify all parties of the outcome and impose any discipline. Faculty may appeal discipline imposed by the Provost to the President, whose decision in the matter of discipline shall be final.
- C. If the preliminary investigation reveals evidence indicating that the allegations have merit and the violations are so serious as to warrant disciplinary action, including, in the case of an employee, termination of employment, or in the case of a student, eviction from residence or suspension/expulsion from the University, the Director shall normally proceed as follows:

1. If the respondent is a student, the Director and Associate VP for Student Affairs will forward an investigation report to the Vice President for Student Affairs. The case will be resolved under the Code of Student Conduct.
2. If the respondent is a staff member, the Director will inform the respondent's Dean or Department Head that the investigation resulted in a determination that sexual harassment occurred and will recommend appropriate disciplinary action. The case will be resolved under the procedures outlined in the *University Staff Handbook (September 16, 2011), Revised March 5, 2012*, Section 8.3: Termination for Cause. Director will notify the complainant of the outcome.
3. If the respondent is a faculty member, the Director will provide in writing a confidential summary of the complaint, the response, the facts of the investigation, and his/her written decision to the Provost. The Provost will review all of the documents received, including any notes from interviews performed by Human Resources and will either concur or disagree with Human Resources' findings. If the Provost concurs with the determination by Human Resources, he/she will notify all parties included of the decision of dismissal. If the Faculty respondent is a tenured Faculty, the process will proceed as outlined in the *University Faculty Handbook (September 16, 2011), Revised March 5, 2012*, Section 6.2.2.1 If the Provost disagrees with the determination by Human Resources, the entire file will be submitted to the Office of General Counsel, whose determination of whether the harassment occurred will be final. The Provost will notify all parties of the outcome and impose any discipline.

IV. RECORDS

The Office of Human Resources will maintain all records related to the investigation according to current regulations and associated retention schedules.