

**1. Title**

Sexual Harassment and Misconduct

**2. Rule and Regulation**

Sec. 1 Environment. The educational and working environments of The University of Texas System or any of the institutions shall be free from inappropriate conduct of a sexual nature. Sexual harassment and misconduct are unprofessional and unacceptable.

Sec. 2 Adoption of Policies. The institutions of the U. T. System and System Administration shall adopt policies prohibiting sexual harassment and misconduct and procedures for review of complaints to be published in the *Handbook of Operating Procedures* of each institution.

**3. Definitions**

Sexual Harassment – Unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature, submission to which is made a term or condition of a person's exercise or enjoyment of any right, privilege, power, or immunity, either explicitly or implicitly *Texas Penal Code Ann. § 39.03(c)*. A public servant acting under color of his/her office or employment who intentionally subjects another to sexual harassment is guilty of official oppression. *Texas Penal Code Ann. § 39.03(a)(3)*. Official oppression is a Class A misdemeanor. *Texas Penal Code Ann. § 39.03(d)*.

**4. Relevant Federal and State Statutes**

Equal Employment Opportunity Commission, *Guidelines on Discrimination Because of Sex* (defining sexual harassment), [29 Code of Federal Regulations § 1604.11\(a\)](#) (1988)

*Texas Penal Code Ann. § 39.03* – Official Oppression

**5. Relevant System Policies, Procedures, and Forms**

[The University of Texas System Administration Policy UTS105, Sexual Orientation Nondiscrimination Policy](#)

**6. Who Should Know**

Employees

**7. System Administration Office(s) Responsible for Rule**

Office of Academic Affairs  
Office of Health Affairs  
Office of General Counsel  
Office of Human Resources

**8. Dates Approved or Amended**

December 10, 2004

**9. Contract Information**

Questions or comments regarding this rule should be directed to:

- [bor@utsystem.edu](mailto:bor@utsystem.edu)