

Sam Houston State University
A Member of The Texas State University System

PRE-29 – Non-Discrimination Policy

1. NON-DISCRIMINATION POLICY

Sam Houston State University (SHSU or University) is committed to an educational and work environment that provides equal opportunity and access to all qualified persons. SHSU pursuant to and in accordance with applicable federal and state law (including Title VII and Title IX) and institutional values, prohibits discrimination or harassment on the basis of race, creed, ancestry, marital status, citizenship, color, national origin, sex, religion, age, disability, veteran's status, hair texture/protected hairstyle, pregnancy, sexual orientation, gender identity, or gender expression in employment, educational programs, activities, and admissions. Each supervisor, faculty member, employee, and student are responsible for maintaining an environment that is free of discrimination and for addressing behaviors that violate this obligation in accordance with this policy.

With this policy, the SHSU President designates the Office of Title IX & Discrimination Resolution (Title IX & Discrimination Resolution) to receive complaints of discrimination, designate the investigation and hearing of such matters, and make final decisions, unless another process is appropriate under TSUS Rules and Regulations or SHSU policies and as stated within.

2. PURPOSE

This policy details reporting procedures for presenting, reviewing, and resolving discrimination complaints, including employee grievances. SHSU reviews and resolves complaints of discrimination by any member of the University community, including faculty, staff, and students or third parties utilizing or providing services to the University. Faculty members, staff employees, and students who discriminate against others in connection with a University activity, program, or workplace in violation of this policy are subject to disciplinary action.

This policy aligns with the Texas State University System (TSUS) Rules and Regulations including Chapter V, §§ 2.142, 4.4, and 4.5 and Chapter VII, §§

3.02 Discrimination – conduct directed at a specific individual or a group of identifiable

- 3.03 Harassment – is a form of discrimination consisting of unwelcome verbal, written, graphic, or physical conduct that:
 - 3.03.1 is directed at an individual or group because of race, or other categories listed at 3.02.2, or
 - 3.03.2 is intended to harass, intimidate, or humiliate an individual or group based upon race or other categories listed at 3.02.2; and
 - 3.03.3 is sufficiently severe or pervasive to have the purpose or effect of interfering with the individual's or group's employment, education, academic environment, or participation in institution programs or activities; and/or creates a hostile working, learning, program, or activity environment.
- 3.04 *Prima facie* case – one presenting facts or documents that, so far as can be judged from first disclosure, would create a presumption of validity in the absence of response, contradiction or rebuttal by the University. Unsubstantiated allegations shall not be sufficient to establish a *prima facie* case.
- 3.05 Respondent – a person reported to have discriminated against an individual or group. The Respondent must be an enrolled student, registered student organization, or currently employed faculty, staff or administrator at the time of the incident.
- 3.06 Retaliation – any adverse action, treatment, or condition taken because of an individual's participation in a protected activity (i.e., reporting or opposing discrimination or harassment, or participating in an investigation regarding discrimination or harassment), including an act intended to intimidate, threaten, or coerce, that is likely to dissuade a reasonable person from opposing discriminatory or harassing practices, filing a charge of discrimination or harassment, or participating in an investigation regarding discrimination or harassment.

4. FIRST AMENDMENT RIGHTS

Freedom of speech and principles of academic freedom are central to the mission of the University. Constitutionally protected expression cannot be considered discriminatory under this policy. However, freedom of speech and academic freedom are not without limits and do not protect speech or expression that violates anti-discrimination laws.

5. RESOURCES FOR COMPLAINANTS AND RESPONDENTS

- 5.01 Recognizing the sensitive nature of discrimination, the University will make every reasonable effort to provide informal avenues for resolution.
- 5.02 Staff, faculty and student employees experiencing discrimination in the workplace should notify and may seek assistance from a supervisor, Title IX & Discrimination Resolution and Human Resources.
- 5.03 Benefit-eligible staff and faculty may utilize the SHSU [Employee Assistance Program](#).
- 5.04 Workplace accommodations for staff and faculty employees, including those for pregnant or nursing parents are governed by Finance and Operations Human Resources Policy [HR-05](#), Workplace Accommodations.
- 5.05 Accommodations for disabled students are governed by Academic Policy Statement 811006, Students with Disabilities.

8.03.1 email to nondiscrim@shsu.edu

8.03.2 in person at the John W. Thomason Building, Suite 302

8.03.3 mail to:
Office of Title IX & Discrimination Resolution
Box 2542
Huntsville, Texas 77341-2542

8.04 Reports must include:

8.04.1 the Complainant's name, email address, and a telephone number where Complainant can be reached during business hours;

8.04.2 names and, if known, contact information to include job title and department of the person or persons alleged to have committed the discriminatory act (the Respondent(s)); and

8.04.3 a description of the alleged discriminatory act or acts in sufficient detail to enable a reviewer to understand what occurred, when it occurred, and the basis for the alleged discrimination (e.g., race, color, national origin, ancestry, citizenship, age, sex, religion, disability, marital status, veterans' status, sexual orientation,

to be imposed as soon as possible, but not later than ten (10) business days of the receipt of the finding.

11.03 When a disciplinary action is imposed upon the Respondent, the Respondent may seek review of the disciplinary action only (not to include the finding) through the formal grievance process:

11.03.1 Students may seek due process procedures for a sanction of suspension, expulsion, or dismissal through the TSUS Rules and Regulation, Chapter VI, §§ 5.6 and 5.7;

11.03.2 Staff employees and faculty members (when the sanction does not implicate faculty rights under TSUS Rules and Regulations Chapter V) may grieve a sanction under Finance and Operations Human Resources policy [HR-06](#); and

11.03.3 When a faculty member's corrective action involves non-renewal, revocation of tenure or other rights detailed in TSUS Rules and Regulations Chapter V, § 4, the faculty member may assert due process rights in accordance with that chapter.

12. GENERAL PROVISIONS

12.01 Administrative Closure. Title IX & Discrimination Rm(12.)T7T6393.2 8 BDC -15.4R Be61.783 0 Td(06)Tj0 g0

Training within thirty (30) days from their employment date. This training is web based through the University's electronic training program and provides a certificate of completion at the end of the course. Follow up training is required every two (2) years thereafter. Employees who do not complete the required training are subject to disciplinary action up to and including termination.

- 12.07 Notice. Notice of SHSU's Prohibition of Discrimination with a link to this policy shall be provided to employees and students on an annual basis.

Reviewed by: Rhonda Beassie, AVP for People and Procurement Operations
Approved by: President and Cabinet, April 8, 2024