
Notice of Employee Rights

What is the ESC policy concerning sexual harassment?

The ESC forbids employees from engaging in conduct that constitutes sexual harassment of other employees or of students.

The ESC encourages employees to come forward with allegations of sexual harassment or misconduct in the workplace. Employees who report sexual harassment will not be subjected to adverse treatment for reporting the harassment.

What is sexual harassment?

“Sexual harassment” includes, but is not limited to, unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature. Such conduct constitutes sexual harassment when submission to such conduct is made a term or condition of employment or has the purpose or effect of unreasonably interfering with an individual’s work performance or creating an intimidating, hostile, or offensive working environment. “Sexual harassment” includes same-sex harassment when the harassment constitutes discrimination because of sex.

What laws address sexual harassment?

Title VII is a federal law that prohibits discrimination on the basis of race, color, religion, sex, or national origin. The Texas Labor Code, Section 21.051, makes it an unlawful employment practice for an employer to discriminate on the basis of race, color, disability, religion, sex, national origin, or age.

Title VII does not prohibit genuine but innocuous differences in the way men and women routinely interact with members of the same sex and of the opposite sex. It forbids only behavior so objectively offensive as to alter the “conditions” of the victim’s employment.

What do I do if I believe I have been the victim of sexual harassment?

Employees are encouraged to report allegations of sexual harassment as soon as possible. Complaints may be brought to your supervisor or the Title IX coordinator. You may make your request in writing or orally, and you are encouraged to file your complaint promptly, so that any problems may be resolved at the earliest possible time. Although the ESC will not reject any such complaint because it is filed too late, employees should understand that the sooner the issue is brought to the ESC’s attention, the sooner it can be resolved.

What will happen once I file a complaint?

Whether you report your problem to the supervisor or the Title IX coordinator, the process will be the same. If you have made your complaint orally, the supervisor will reduce it to writing and ask you to verify that it has been transcribed accurately. The supervisor will hold a conference with you as soon as possible, but at the latest, within seven days. Following the conference, the supervisor ordinarily will have seven days to offer a re-

sponse, unless the investigation takes longer to resolve. You will be informed if there is a delay in the response.

What if I'm not happy with my supervisor's response?

The ESC provides a three-level complaint process. If you are not satisfied with the initial outcome, you may appeal to the Executive Director, or the Executive Director's designee. The Executive Director or designee will hold another conference with you and attempt to resolve the situation. If you still feel that the problem has not been solved, you may appeal to the Board of Directors.

How will the ESC respond to claims of sexual harassment?

The ESC will respond promptly to all allegations of sexual harassment. Prompt remedial action, reasonably calculated to end the harassment, will be taken when claims are substantiated.

Will my complaint be confidential?

To the greatest extent possible, complaints will be treated in a confidential manner. Limited disclosure may be necessary in order to complete a thorough investigation.