Hello. I apologize for the length of time it took me to get back to you. I wasn’t sure how to tell you what I need to tell you.

I feel hopeless and helpless, but most of all ashamed One time, when I was 20, I remember feeling this same way. I was young and naive, still retaining a part of my past childhood innocence. It was the last I would remember of being innocent. I was raped and it’s something I will never forget. I have worked hard to move past that point in my life. I started attending Amarillo College shortly after, wishing to rebuild my life. I have been at AC for five years. In that time, I have met mentors that would later become my best friends. It is Professors such as Mr. [removed] and Mrs. [removed] that I have confided my fears and doubts to. Mentors, I can thank for helping me to rebuild a once shattered life. And Mentors who could not bring back my feelings of innocence, but have provided a security that usually accompanies a feeling that the world is still alright and people are still naturally good natured. With that in mind, I hate to bring forward my grievance against another fellow Professor.

Due to the nature of the circumstances, and because of what has happened to me in the past, there is a good chance I may of never came forward with what transpired in class on Wednesday, July 9th. I also believe that everything happens for a reason..

**Wednesday 7-9-08**

When I came to class, I was a day late. Class began July 7th and I registered late Monday for the class, missing it by several hours. I signed up for a [removed] class with instructor [removed]. As a [removed] Major, I am not required to take [removed], [removed], but I decided I’d like to because I will be in contact with many minorities as a [removed]. I figured in this class we would learn Minority culture and background; ways in which we could communicate and understand minorities better.

By the time I arrived on Wednesday, the class had already moved on to Chapter 2, which introduces the topic of Prejudice. Chapter two begins on page 38, and we briefly discussed some terms found in the introduction before moving onto page 39. Page 39 reflects on Hate Crimes and what causes them. Our instructor was reading word for word, straight from the book, at this point. The teacher quoted a passage, "Vandalism and intimidation were the most common, but 43% of the incidents against people involved assault, rape, and murder." I remember her pausing, and I looked up from
University Of California's Sexual Harassment Policy:
The University of California defines sexual harassment as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:
A. Submission to such conduct is made either explicitly or implicitly a term or condition of instruction, employment, or participation in any University activity
B. Harassment by someone with the power to affect your employment or academic relationship includes situations in which any person with institutional authority explicitly threatens negative consequences, or promises positive consequences, as a means of securing acquiescence to unwelcome sexual behavior. While such explicit conditioning of academic or employment benefits upon acceptance of sexual advances may be rare, supervisors, instructors, and others with institutional authority should be aware that in some circumstances, a student or employee may feel that tolerating unwelcome behavior of a sexual nature is the tacit price s/he must pay in order to receive the services and benefits to which s/he is entitled. Such behavior is a violation of the Campus' Sex Offense Policy.
C. Whereas this type of harassment can be perpetrated only by a person with institutional authority, a sexually hostile and intimidating environment may be created by the actions of instructors, supervisors, subordinates, or peers. Behaviors that may contribute to a hostile environment include, but are not limited to, verbal, non-verbal, and physical sexual behaviors; coerced sex; sexual jokes and innuendoes; remarks about a person's body; turning discussions inappropriately to sexual topics; whistling or cat calls; looking a person up and down or staring in a sexually suggestive manner; invading someone's personal space or blocking her/his path; sexually explicit visuals such as pin-ups; suggestions of sexual intimacy; repeated requests for dates; unwanted letters, electronic mail or other computer communications; unwanted gifts; touching, hugging, massaging, and other gestures or sounds that a reasonable person of the same sex as the recipient would find offensive. It is important to be aware that in many instances, the intentions of the accused may be regarded as irrelevant in determining whether her/his behaviors constitute sexual harassment; it is the effect of the behavior on the recipient that may define a hostile environment.
[http://www2.ucsc.edu/title9-sh/whatissh.htm]

Course Syllabus on Grading Criteria:
The very first Policy is about Class Participation. It states, "Class participation is mandatory. Lack of participation will result in an entire grade deduction when I calculate the final grades."

Basis for a civil suit
A hostile work environment has effect beyond the direct victim. In Jackson versus Quanex Corp (1999), it was decided that even when a supervisor's (alleged) sexual comments were not directed at the plaintiff, they are relevant in determining the existence of a hostile work environment for legal purposes

....... In high school, I took a business law class. It introduced me to the very basics, but taught me some valuable lessons. One important lesson was to do research for the case you were going to establish. We were taught you could win any court case if you could prove that a court case existed like yours and was ruled in your favor.
I wish for no grievances against my school, but I am highly offended at the behavior I found in the Amarillo Colleges, and appalled further than such conduct came from a trusted Mentor. I will not be subject to sexual talks and forced to participate in class because I wish to maintain a decent grade. I feel as if I cannot talk to this instructor for any help because of her previous behavior. Nor am I learning anything in class. I do not know what is to be done about my current situation.
I will say that I am willing to go to any lengths that this never happens again to one of my fellow students. I cannot imagine how many times other students felt victimized and just as helpless as I did, but did not say anything because they were scared what would happen to their grades, and because the teacher likes to intimidate the students with phrases like, "This is a [redacted] Class, so I can defend talking about Sex." How many others were forced to participate in sexual talks that lasted for hours because the course syllabus reads, "Class participation is mandatory. Lack of participation will result in an entire grade deduction when I calculate the final grades?"
I expect this behavior to stop immediately. And, I also expect to be informed of what measures the school is willing to take to ensure this never happens again.
I would like to say that I have been here at AC for five years. I have never had a problem with any of my Instructors or classmates. I am well liked by my peers and Professors. I do not cause trouble. And, there are no ill-feelings towards Amarillo College. I wish to convey that the tone of this letter is serious and sincere. It is not meant to offend, but to inform.
I will be in contact with you in person, very soon. I plan to file official complaints of Sexual Harassment with AC this upcoming Monday the 21st. 
Paul,

[Name] visited my office this morning (Monday) and verbalized the issues that she outlined in her message to you and Jerry Moller. I thanked [Name] for sharing her concerns and advised her that I would get back to her regarding the College’s disposition. I then called Lynn Thornton (AC Affirmative Action Officer) and notified him that a student had accused an employee of sexual harassment.

Lynn and I met this afternoon to consider [Name] complaint. We do not believe that the issues raised by [Name] constitute sexual harassment. Lynn has volunteered to assist me in drafting the College’s response to [Name].

Finally, Lynn and I met with Jerry Moller late this afternoon in order to coordinate the College's communication with [Name]. Jerry realizes that instructional issues will have to be addressed regardless of [Name] reaction to my letter.

I will keep you apprised of this situation.

Thanks,

Bob
(Step 3): The Dean of Enrollment Management provides a formal response to the student's allegations.

Tuesday, Jul 22, 2008

PO Box 20611
Amarillo, TX 79114

Dear [Name],

I do appreciate you coming forward with the information provided in your e-mail dated July 18 2008 and in our discussion of July 21, 2008. The allegations you made raise serious concerns regarding the tone of in-class discussion. Amarillo College wants all students to have a positive learning experience without being made to feel uncomfortable or embarrassed.

The Amarillo College Board of Regents Policy Manual, section DH provides the following:

Sexual harassment, though a form of discrimination, is unwelcome verbal or physical conduct that denigrates or shows hostility or aversion toward an employee, student, or group of employees or students because of gender and that:

1. Has the purpose or effect of creating an intimidating, hostile, or offensive working or academic environment; or
2. Has the purpose or effect of unreasonably interfering with an individual's performance of duties or studies; or
3. Otherwise adversely affects an individual's employment or academic opportunities."

Based on this policy, and following discussion with the Amarillo College Director of Human Resources, it is my conclusion that your complaint does not constitute sexual harassment. The things you accuse the instructor of saying, while inappropriate in a classroom setting were not based on gender.

I want to assure you that your allegations have been taken seriously and are being investigated appropriately. Action will be taken to ensure that the discussions you allege do not take place in the future.

Sincerely,

Robert Austin
Dean of Enrollment Management