

DISCRIMINATION AND SEXUAL HARASSMENT POLICY

Purpose

The strategic plan of Washington State University calls for “an environment of trust and respect in all that we do” and strives to provide a place of work, study, and recreation free of discrimination, harassment, intimidation, or exploitation. Discrimination and harassment destroy mutual respect and a trusting environment. This policy expresses WSU’s commitment to maintaining an environment free from discrimination, including sexual harassment. This policy applies to all students, faculty, staff, clientele having a formal or legal association with the University, and visitors to our campuses. The University is cognizant of its obligations to ensure that all employees and students are provided equitable opportunities to realize their goals and to function effectively within the University environment.

WSU is committed to the principles of free inquiry and free expression. Vigorous discussion and debate are fundamental to the University, and this policy is not intended to stifle teaching methods or freedom of expression. Discrimination and sexual harassment are neither legally protected expression nor the proper exercise of academic freedom. Sexual harassment and other forms of discrimination compromise the integrity of the University, its tradition of intellectual freedom, and the trust placed in its members.

Discrimination Prohibited

This policy prohibits discrimination on the basis of race, sex, sexual orientation, gender identity, religion, age, color, creed, national or ethnic origin, physical, mental or sensory disability, marital status, and/or status as a Vietnam era, disabled, or recently separated veteran.

Discriminatory harassment is one form of discrimination. Under this policy, discriminatory harassment is identified as conduct toward an individual or individuals on the basis of a protected status that is sufficiently severe or pervasive that the behavior effectively:

- creates an intimidating, hostile, or offensive work or educational environment for any individual(s);
- unreasonably interferes with the work, academic performance, living environment, personal security, or participation in any University sponsored activity of any individual(s); or
- threatens the employment or academic opportunities of any individual(s).

Sexual harassment is also a form of discrimination. Sexual harassment may include unwelcome sexual advances, unwelcome requests for sexual favors or requests for sexual favors in exchange for some benefit, and unwelcome verbal or physical conduct of a sexual nature. Sexual harassment occurs when:

- submission to such conduct is made either explicitly or implicitly a term or condition of any individual's employment or education; or
- submission to or rejection of such behavior by an individual is used as the basis for employment or educational decisions affecting the individual; or
- the behavior is sufficiently severe and pervasive to interfere with any individual's work or educational performance, or create an intimidating, hostile, or offensive work or educational environment.

Examples of behaviors that may rise to the level of sexual harassment and, therefore, are prohibited by this policy include but are not limited to the following:

1. physical assault;
2. direct or implied threats that submission to sexual advances will be a condition of employment, work status, promotion, grades, or letters of recommendation;
3. a pattern of behaviors that is serious, pervasive, or unwelcome, resulting in discomfort or humiliation of individual(s) toward whom the behavior is directed, and may include but are not limited to the following:
 - comments of a sexual nature;
 - sexually explicit statements, questions, jokes, or anecdotes;
 - unnecessary or undesirable touching, patting, hugging, kissing, or brushing against an individual's body;
 - remarks of a sexual nature about an individual's clothing, body, sexual activity or speculations about previous sexual experiences;
 - persistent, unwanted attempts to change a professional relationship to an amorous relationship;
 - subtle propositions for sexual activity or direct propositions of a sexual nature; and/or
 - uninvited letters, emails, telephone calls or other correspondence based on sex.

Reporting and Immediate Action

Administrators, deans, chairs, directors, faculty, supervisors, graduate student teaching assistants, and student employees with supervisory responsibilities shall promptly report all incidents that may violate this policy and complaints of behavior that may violate this Discrimination and Sexual Harassment Policy to the Center for Human Rights. If the offending behavior is present, is subject to repetition or ongoing, immediate action should be taken to end the behavior and separate the parties before or simultaneously with contacting the Center for Human Rights. If suspicion exists that a crime may also have been committed, the police should be informed immediately.

Violations of this policy should be reported directly to the **Center for Human Rights** for investigation. The Center for Human Rights also will provide informal consultations to the extent possible. University students and employees may also meet informally with the Ombudsman about possible discrimination or sexual harassment. Informal discussions with the Ombudsman may be reported to the Center for Human Rights for statistical purposes.

University students and employees are encouraged to immediately report this information to the appropriate supervisor. Supervisors may take informal or formal action to address the incident, but **must** report the incident and their responsive action to the **Center for Human Rights**.

Center for Human Rights
French Administration, Room 225
Pullman, WA 99164-1022
(509) 335-8288
www.chr.wsu.edu

University Ombudsman
Wilson Hall, Room 2, Pullman, WA 99164-4002
(509) 335-1195
www.wsu.edu/~ombuds/

Enforcement

The University vigorously enforces this policy. Persons determined to have violated this policy shall be subject to sanctions imposed using the due process protections of applicable University policies and handbooks (e.g., the *WSU Faculty Manual*, the *Administrative Professional Handbook*, *Civil Service employees WAC 357-40*, applicable collective bargaining agreements, and, for students, the *WSU Standards of Conduct for Students*, WAC 504-25). The chosen sanction will be proportionate to the severity of the offense considering the totality of the circumstances of the incident (the nature, frequency, intensity, location, context, and duration of the alleged behavior). The chosen sanction will be adequately and appropriately severe to reasonably be expected to prevent future incidents. The sanctions that are imposed will be reported to the claimant and Center for Human Rights by the administrator imposing the sanctions. For the purpose of data tracking, information regarding action taken as a result of a violation of this policy will be provided by the Office of the Provost and Human Resource Services to the Center for Human Rights.

Faculty

The type of corrective or disciplinary action imposed on faculty identified in violation of this discrimination and harassment policy will be determined by supervisors in consultation with the Vice Provost for Faculty Affairs. Corrective actions or disciplinary sanctions may include: mandatory training or counseling regarding

discrimination including harassment; transfer or reassignment; verbal or written warning; censure; demotion; reduction in salary; withholding of salary increases; denial of professional or retraining leave; withholding of promotion; termination, including, in some incidents, summary suspension and dismissal. In addition, established incidents of discrimination and harassment must be explicitly incorporated into faculty annual review, third year review, and progress toward tenure review, and tenure and promotion consideration as violating University policy, the Faculty Code of Ethics, and/or as interfering with the teaching, scholarship, or service function of the involved individual or unit.

Staff

The type of corrective or disciplinary action imposed on staff identified in violation of this policy will be determined by supervisors and/or appointing authorities, dependent upon employment class, in consultation with Human Resource Services personnel. Corrective actions or disciplinary sanctions may include: mandatory training or counseling regarding discrimination including harassment; transfer or reassignment; verbal or written warning; reprimand; demotion; reduction in pay; withholding of pay increases; withholding of promotion; suspension; and/or termination of employment.

Students

For students, the type of corrective or disciplinary action imposed will be determined by a student conduct officer or the conduct board using the procedures of the *Standards of Conduct for Students*. Disciplinary action as to students may include all sanctions set forth in the conduct code, up to and including expulsion.

Retaliation prohibited

Direct or indirect punishment, penalty, or retaliation including any adverse educational or employment action against anyone based on his or her initiation or participation in a complaint procedure is prohibited and subject to disciplinary sanctions. Retaliatory acts should be reported to the Center for Human Rights.

Malicious or Frivolous Allegations Prohibited

Students, faculty, staff or others having a formal or legal association with the University, and/or visitors to our campuses knowingly providing false, frivolous, or malicious information or a fraudulent complaint are subject to discipline in accordance with the due process requirements of the applicable University policy and/or handbook (e.g. the *WSU Faculty Manual*, the *Administrative Professional Handbook*, applicable collective bargaining agreements, or *WSU Standards of Conduct for Students*). No complaint will be considered malicious or frivolous solely because it cannot be corroborated.

Resources

Other resources may also help in the resolution of reports of discriminatory or harassment behaviors.

INTERNAL, LOCAL, STATE AND FEDERAL RESOURCES

Employee Assistance Program

280 Lighty Student Services
(509) 335-1744
www.eap.wsu.edu

Human Resource Services

French Administration, Room 139
(509) 335-4521
www.hrs.wsu.edu

Counseling Services

280 Lighty Student Services
(509) 335-4511
www.counsel.wsu.edu

Regional Human Resource Services

Spokane: 509-358-7740
Tri-Cities: 509-372-7302
Vancouver: 360-546-9587

Women's Resource Center

Wilson Hall, Room 8,
Pullman, WA 99164-4005
(509) 335-6849
www.women.wsu.edu/

U.S. Department of Education, Office for Civil Rights

Federal Office Building
915 Second Ave Room 3310
Seattle, WA 98174-1099
<http://www.ed.gov/ocr>

WSU Police

Public Safety Building, Pullman, WA
99164-7300
(509) 335-8548
For Emergencies: Dial 911

U.S. Equal Employment Opportunity Commission

Federal Office Building, 909 First Ave
Suite 400
Seattle, WA 98104-1061
<http://www.eeoc.gov/>

WASHINGTON STATE HUMAN RIGHTS COMMISSION

Olympia Headquarters Office

(for complaints from Western Washington and the Olympics, including, Pierce, Thurston, Clark, Lewis, Grays Harbor, and Kitsap Counties)
711 South Capitol Way, #402, PO Box 42490, Olympia, WA 98504-2490

Seattle District Office

(for complaints from Central and North Puget Sound, including King, Snohomish, Skagit, San Juan Islands, and Whatcom Counties)
Melbourne Tower #921, 1511 Third Ave, Seattle, WA 98101-1626

Spokane District Office

(for complaints from Eastern Washington, including Spokane, Whitman, Okanogan,
Lincoln, Ferry and Stevens County)

Rock Point Plaza III, 1330 North Washington Street, Suite 2460, Spokane WA 99201
509-568-3196

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