

## Policy Prohibiting 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." Discrimination and sexual harassment destroy mutual respect and a trusting environment. This policy expresses the commitment of WSU to maintaining an environment free from discrimination, including sexual harassment. This policy applies to all students, faculty, staff, or others having an association with the University.

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 expressions of speech 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 and respect expected in the University community.

#### Discrimination Prohibited

This policy prohibits discrimination on the basis of race, sex, sexual orientation, gender identity/expression, religion, age, color, creed, national or ethnic origin, physical, mental or sensory disability, marital status, and/or status as a veteran. Discriminatory harassment is one form of discrimination. Under this policy, discriminatory harassment is identified as conduct toward a particular individual, individuals, or groups on the basis of a protected status that is sufficiently severe or pervasive that it has the purpose or effect of:

- Creating an intimidating, hostile, or offensive work or educational environment for individuals or groups; or
- Unreasonably interfering with the work, academic performance, living environment, personal security, or participation in any University-sponsored activity of individuals or groups.

Sexual harassment is a form of discrimination. Sexual harassment encompasses unwelcome sexual advances, unwelcome requests for sexual favors or requests for sexual favors in exchange for some benefit, and/or unwelcome verbal or physical conduct of a sexual nature by a male or a female. 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
- A 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.

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### Discrimination Prohibited (cont.)

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 unwelcome and severe or pervasive, resulting in unreasonable interference with the work or educational environment or creation of a hostile, intimidating or offensive work or educational environment, and may include but is 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, 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, e-mails, telephone calls, or other correspondence referring to or depicting sexual activities.

### Reporting and Immediate Action

Anyone who believes she or he is a victim of discrimination or sexual harassment should take one or more of the following actions, as appropriate:

- Meet informally with the Ombudsman or a counselor from the WSU Counseling Center to discuss the incident and seek information, guidance, and/or advice on the discrimination and sexual harassment policies of the University and protocols for reporting the incident; and/or
- Report the incident to his/her supervisor, who must report the incident to the Center for Human Rights for consultation and statistical purposes; and/or
- Report the incident to the Center for Human Rights for investigation.

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### Reporting and Immediate Action (cont.)

A supervisor (e.g., administrator, dean, chair, director, ombudsman, faculty member, graduate teaching or research assistant, or undergraduate student employee with supervisory responsibility) receiving information in his or her capacity as a supervisor describing incidents of discrimination or sexual harassment defined in this policy shall:

- Report the incident to the police if suspicion exists that a crime was committed; and
- Report alleged incidents of discrimination or sexual harassment to the Center for Human Rights for consultation and statistical purposes.

In addition, supervisors receiving information about incidents of discrimination or sexual harassment should either:

- Take action to immediately end the behavior; and/or
- Encourage the reporting individual to consult with the Center for Human Rights and report the incident of discrimination or sexual harassment for possible investigation; and/or
- Report the incident to an immediate supervisor; and/or
- Consult with the Center for Human Rights to report the incident and determine the need for investigation.

**Note:** Reporting of the incident to the Center for Human Rights does not preclude the supervisor from taking formal or informal action to end the behavior. The supervisor must inform the alleged victim or reporting individual of his or her obligation to report the occurrence of alleged incidents of discrimination and sexual harassment to the Center for Human Rights. In most cases, the supervisor may be required to take action to stop any inappropriate behavior regardless of the reporting to the Center for Human Rights. Please consult the Office of the Attorney General, WSU Division, for advice in this regard.

The Center for Human Rights will conduct prompt and effective investigations of incidents of alleged discrimination and sexual harassment; informing supervisors of the progress in the conduct of investigations; and report the results of the investigations to the supervisors, complainants and complaint respondents. Investigation reports and records will be released only pursuant to lawful public records requests. Complainants may withdraw from participation in the investigation of alleged discrimination or harassment, yet the Center for Human Rights may continue an investigation if the University is legally obligated to complete the investigation.

**Center for Human Rights**  
French Administration, Room 225  
Pullman, WA 99164-1022  
509-335-8288  
<http://www.chr.wsu.edu/>

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### Reporting and Immediate Action (cont.)

**University Ombudsman**  
Wilson Hall, Room 2  
Pullman, WA 99164-4002  
509-335-1195  
<http://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 504-26). 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 assure prevention of future offenses. The sanctions that are imposed or other actions taken, will be reported to the complainant and Center for Human Rights by the administrator imposing the sanctions.

### 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; or summary suspension and dismissal. Established incidents of discrimination and harassment must be explicitly incorporated into faculty annual review, third year review, 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. Immediate supervisors will explicitly incorporate established incidents of severe or pervasive discrimination or sexual harassment as defined by this policy into annual performance evaluations.

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### Students

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

### Retaliation Prohibited

No one shall suffer penalty or retaliation for making or supporting a charge of discrimination or sexual harassment under this policy. Retaliation against any person for bringing forward or participating in the investigation of a complaint under this policy, including creating a hostile work environment, forms independent grounds for taking appropriate disciplinary action. Retaliatory acts shall be reported to the Center for Human Rights.

Retaliation has occurred when a student or an employee suffers a negative action after they make a report of discrimination or sexual harassment, assist someone else with a complaint, or participate in discrimination or sexual harassment prevention activities. For students, negative actions can include being assigned an undeserved poor academic or employment reference or denial of a reference, and/or reduction or negative influence on University employment or financial aid. For employees, negative actions can include demotion, suspension, denial of promotion, poor evaluation, punitive scheduling, unfavorable position reassignment, withholding of deserved support for promotion or tenure, assigning undesirable or inadequate space, punitive work assignments, or dismissal—any adverse employment decision or treatment that would likely dissuade a reasonable worker from making or supporting an allegation of discrimination or sexual harassment.

### Malicious or Frivolous Allegations Prohibited

The University will discipline members of the University community who knowingly make false or frivolous allegations of discrimination or sexual harassment. 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 sexual harassment behaviors.

### Internal, Local, State, and Federal Resources:

#### Employee Assistance Program

280 Lighty Student Services  
509-335-1744  
<http://www.eap.wsu.edu/>

#### Human Resource Services

French Administration, Room 139  
509-335-4521  
<http://www.hrs.wsu.edu/>

#### WSU Counseling Services

280 Lighty Student Services  
509-335-4511  
<http://www.counsel.wsu.edu/>

#### Regional Human Resource Services

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

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### Internal, Local, State, and Federal Resources (cont.):

**Womens Resource Center**  
Wilson Hall, Room 8  
Pullman, WA 99164-4005  
509- 335-6849  
<http://www.women.wsu.edu/>

**U.S. Dept. 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/>

### Alternatives to Violence of the Palouse, Inc.

**(208) 883-HELP or (509) 332-HELP—24 hour crisis line. Collect crisis calls accepted.**

**Moscow, ID Office**  
627 N. Van Buren  
PO Box 8517  
Moscow, ID 83843  
208-882-2490; Fax: 208-883-1041  
[ATVPMoscow@turbonet.com](mailto:ATVPMoscow@turbonet.com)

**Pullman, WA Office**  
1125 NW Nye, Suite A  
PO Box 37  
Pullman, WA 99163  
509-332-0552; Fax: 509-332-3314  
[Home@atvp.org](mailto:Home@atvp.org)

### 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  
Spokane WA 99201  
509-568-3196