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Policies & Procedures

Washington University Discriminatory Harassment Policy

I. INTRODUCTION AND POLICY STATEMENT

Washington University is committed to having a positive learning and working environment for its students, faculty, and staff. University policy prohibits discrimination on the basis of race, color, age, religion, gender, sexual orientation, national origin, veteran status or disability. Harassment based on any of these classifications violates University policy and will not be tolerated. In some circumstances such harassment may also violate federal, state or local law.

In 1996, the University adopted a new policy on Sexual Harassment. Since that time, allegations of discriminatory harassment on bases other than sex have been handled in a similar manner. This Policy confirms that allegations of any sort of discriminatory harassment are subject to the policies and procedures described in the Sexual Harassment Policy. This Policy is published in many places, including Bearings, the Record, and the Faculty Information booklet. It may also be found at <http://www.wustl.edu/policies/sexharas.html> or obtained from the Danforth or Medical School Human Resources office. That Policy applies to all members of the Washington University community. It allocates responsibilities for helping to ensure that University policy is fairly applied, explains the processes by which complaints of harassment may be brought forward, and provides sanctions for harassment, which may range from reprimands to termination or dismissal, depending on the severity of the offense. School of Medicine students and employees may, alternatively, rely on the School's Abusive Conduct Policy.

In an academic community, the free and open exchange of ideas and viewpoints reflected in the concept of academic freedom may sometimes prove distasteful, disturbing or offensive to some. Indeed, the examination and challenging of assumptions, beliefs or viewpoints that is intrinsic to education may sometimes be disturbing to the individual. Neither the Policy on Sexual Harassment nor this Policy is intended to compromise Washington University's traditional commitment to academic freedom or to education that encourages students to challenge their own views of themselves and the world.

II. WHAT IS DISCRIMINATORY HARASSMENT?

Discriminatory harassment is unwelcome and objectively offensive conduct that (a) has the purpose or effect of unreasonably interfering with an individual's work or educational environment, (b) is directed at a particular individual or individuals because of the individual's/individuals' race, color,

age, religion, gender, sexual orientation, national origin, veteran status or disability, and (c) is abusive or severely humiliating. Some conduct obviously constitutes harassment, such as a statement that all members of a disfavored group will be required to work in the basement because their supervisor does not, on the basis of their group membership, want to be near them. Whether particular conduct constitutes harassment often depends on the specific context of the situation, including the participants' reasonable understanding of the situation, their past dealings with each other, the nature of their professional relationship (for example, supervisor-subordinate, colleague), and the specific setting.

III. **CONFIDENTIALITY**

The University will strive to protect, to the greatest extent possible, the confidentiality of persons reporting harassment and of those accused of harassment. Because the University has an obligation to address harassment, however, the University cannot guarantee complete confidentiality where it would conflict with the University's obligation to investigate meaningfully or, where warranted, take corrective action. Even when some disclosure of the University's information or sources is necessary, it will be limited to the extent possible. The University will, to the extent permitted by law, keep confidential all records of complaints, responses and investigations. The records maintained by the Harassment Response Coordinator shall be available only to the Coordinator and, to the extent necessary, to administrators and other supervisors charged with responding to allegations of harassment. Allegations of harassment shall not be placed in student records or personnel files unless, after appropriate investigation, such allegations have been sustained. Records of allegations maintained by the Coordinator which do not lead to formal hearings or personnel actions will be discarded after five years unless there are additional, more recent complaints against the same person. Any records maintained by the Coordinator concerning an allegation about which an accused person was not given reasonably timely notice and an opportunity to respond shall not be used to justify or enhance a sanction, other than an oral or written warning, imposed for a different instance of harassment.

If you want to discuss possible harassment in a more confidential setting or clarify your feelings about whether and how you wish to proceed, you may want to consult a social worker, therapist or member of the clergy, who is permitted, by law, to assure greater confidentiality. Clergy and counseling resources on campus are listed in *Bearings, Ternion and Safety and Security on the Danforth Campus*. In addition, any member of the University community may contact the Student Counseling Services at 935-5980 for a confidential discussion and, if desired, referral to off-campus resources.

IV. **SEEKING ADVICE; MAKING A COMPLAINT**

If you believe that you have been harassed, you have a number of response options, both formal and informal. Some people may wish to pursue informal means instead of or before making a formal complaint; others will not. If an informal procedure is ineffective, the formal procedures will remain open to you. You should select the route you feel most appropriate for your circumstances. However you wish to proceed, you may consult at any time with the Danforth or Medical Center Harassment Response Coordinator (listed in the Appendix), whose responsibilities include assisting students, faculty and staff with harassment issues, be they general or specific, formal or informal. You may wish to work with the Coordinator to select an approach.

A. Informal Procedures

1. If you feel comfortable dealing with the situation without assistance, you can communicate either orally or in writing with the person whose behavior is offensive. The most useful communication will have three parts:
 - a. A factual description of the incident(s) including date, time, place and specific action.
 - b. A description of the writer's feelings, including any consequences of the incident.
 - c. A request that the conduct cease.

Frequently, such a communication will cause the offensive behavior to stop, particularly where the person may not be aware that the conduct is offensive.

2. If you would like to proceed informally, but with the assistance of someone else, you may:
 - a. Ask the person's supervisor, e.g., department chair, dean, director, housing office representative, academic advisor or resident advisor, to speak to the person whose behavior was offensive. The purpose of such conversations is the cessation of offensive behavior.
 - b. Consult with one of the Coordinators listed in the Appendix and specifically charged with responding to harassment inquiries and complaints. These individuals are thoroughly familiar with University policy on harassment and are available to consult with victims of harassment, those charged with harassment, witnesses and supervisors of parties to a complaint. They can provide information about informal actions that might remedy the situation and

- discuss University policy on harassment and procedures for resolving complaints.
- c. Ask the Coordinator to mediate or arrange for mediation. Mediation is discussion and negotiation, with the help of a third party, designed to permit the parties to reach a mutually agreeable resolution of a dispute. If a person complaining of harassment seeks mediation, the person accused of harassment agrees and the Coordinator concludes that the mediation would be consistent with the University's legal obligations in responding to and preventing harassment, the Coordinator may mediate or arrange for mediation.

B. Formal Procedures

Whether or not you have attempted to resolve a harassment claim through informal means, you may initiate a formal harassment grievance proceeding by filing a written complaint. This process may lead to a formal hearing at which evidence will be considered and witnesses heard. If this is the course you wish to take, the Coordinator can assist you in filing a complaint.

Complaints, prepared with or without the assistance of the Coordinator, can be filed with the following Committees, with a copy to the Coordinator for your campus:

Complaints against faculty or staff:

Faculty and Administrative Affirmative Action Committee or
Title IX Grievance Committee or
Human Resources Advisory Committee

All of these committees may be contacted:
c/o Office of Human Resources
North Brookings Hall, Room 126
Campus Box 1184
935-5990

Hearing procedures are set out in the *Washington University Discrimination and Sexual Harassment Hearing Procedures*. These procedures may be obtained from the Office of Human Resources or from any Harassment Response Coordinator or Advisor.

Complaints against students or student groups:

Director of Judicial Programs
Residential Life Center 10
Campus Box 1250
935-4174

Hearing procedures are set out in the University Judicial Code, found in *Bearings* and *Washington University Faculty Information*. These procedures may also be obtained from the University Judicial Administrator or from the Harassment Response Coordinators or Advisors.

Whether or not you choose to file a complaint, the University may be required, or may otherwise deem it necessary and protective of the academic community, to commence its own investigation.

V. PROTECTION OF RIGHTS

The University will not tolerate retaliation or discrimination against persons who report or charge harassment or against those who testify, assist or participate in any investigation, proceeding or hearing involving a complaint of harassment. In this context, retaliation means speech or conduct that adversely affects another's terms or conditions of employment or education and is motivated by an intent to harm the targeted person because of his or her participation in the filing or investigation of an allegation of harassment. Any such retaliation — or any encouragement of another to retaliate — is a serious violation of University policy and law, independent of whether the particular claim of harassment is substantiated. If you believe you have been subjected to retaliation in violation of this rule, you may use the procedures described above to complain and seek redress.

The University seeks to protect the rights of all persons, accusers and accused, to fair procedures. Accusations of harassment typically have injurious far-reaching effects on the careers and lives of accused individuals. Allegations of harassment must be made in good faith and not out of malice. Knowingly making a false or frivolous allegation of harassment, whether in a formal or informal context, will be treated as a serious offense under this policy and, where it applies, the University Judicial Code. If you believe you have been falsely accused of harassment you may use the procedures of this policy or the University Judicial Code, where applicable, to seek redress. See Section IV.

Approved by the Washington University Faculty Senate Council,
November 25, 2002
Approved by the Washington University Faculty Senate, December 19,
2002

Appendix
August 2005 (Rev)

Discriminatory Harassment Coordinators/Advisors:

Danforth Campus:

Professor Sally Goldman, 935-7545 (complaints by students)
Lorraine Goffe-Rush, 935-8046 (complaints by faculty, staff and others)
Ann B. Prenatt, 935-7746 (complaints by faculty, staff and others)

Medical Campus:

Dr. Leslie Kahl, 362-7481 (complaints by students)
Legail Chandler, 362-4900 (complaints by faculty, staff and others)
Apyrle Cotton, 362-7198 (complaints by faculty, staff and others)

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