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Policies & Procedures

Policy on Sexual Harassment

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I. Introduction and Policy Statement

Washington University is committed to having a positive learning and working environment for its students, faculty and staff and will not tolerate sexual harassment.

Sexual harassment is an attack on the dignity of individuals and the integrity of the University as an institution of learning. Academic freedom can exist only when every person is free to pursue ideas in a non-threatening, non-coercive atmosphere of mutual respect. Sexual harassment is reprehensible and threatening to the careers, educational experience and well-being of all members of our community.

Sexual harassment is a form of discrimination that violates University policy. It is also illegal under state and federal law.

This 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 process by which complaints of sexual harassment may be brought forward and provides sanctions for sexual harassment, which may range from reprimands to termination or dismissal, depending upon the severity of the offense. If you believe you have been sexually harassed, Sections IV and V describe options about what you can do and where you can get help. If you believe you have been falsely accused of sexual harassment, the procedures set out below are also available to you. Those charged with implementation of this Policy will, whenever appropriate, encourage and assist those who believe they may have been sexually harassed to pursue the assorted informal means outlined in Section IV below for securing the cessation of unwelcome and offensive conduct.

II. What is Sexual Harassment?

For the purposes of this statement, Washington University has adapted the Equal Employment Opportunity Commission (EEOC) definition of sexual harassment for an academic community: Sexual harassment is defined as any unwelcome sexual advance, request for sexual favor or other unwelcome verbal or physical conduct of a sexual nature, whether committed on or off campus, when:

1. submission to such conduct is made, either explicitly or implicitly, a term or condition of an individual's employment or academic advancement;
2. submission to or rejection of such conduct by an individual is used as the basis or threatened to be used as the basis for employment or academic decisions or assessments affecting an individual; or
3. such conduct has the purpose or effect of unreasonably interfering with an individual's work or educational performance or creating an intimidating or hostile environment for work or learning. Such conduct will typically be directed against a particular individual or individuals and will either be abusive or severely humiliating or will persist despite the objection of the person targeted by the speech or conduct.

Sexual harassment can be verbal, visual, physical or communicated in writing or electronically. Some conduct obviously constitutes sexual harassment -- such as a threat that a grade or promotion will depend on submission to sexual advance. But whether particular conduct constitutes sexual harassment will often depend upon 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 (e.g., supervisor-subordinate, colleague, etc.) and the specific setting. The inquiry can be particularly complex in an academic community, where the free and open exchange of ideas and viewpoints preserved by the concept of academic freedom may sometimes prove distasteful, disturbing or offensive to some.

Examples of conduct which may constitute sexual harassment include but are not limited to:

- requests for sexual favors
- hugging, rubbing, touching, patting, pinching or brushing another's body
- inappropriate whistling or staring
- veiled suggestions of sexual activities
- requests for private meetings outside of class or business hours for other than legitimate mentoring purposes
- use in the classroom of sexual jokes, stories or images in no way germane to the subject of the class
- remarks about a person's body or sexual relationships, activities or experience
- use of inappropriate body images to advertise events

Members of the University community can expect to be free from sexual harassment and thus all members of the University community should guard against it. The fact that someone did not intend to sexually harass an individual is generally not considered a sufficient defense to a complaint of sexual harassment, although the reasonableness or the accused's perceptions may be considered. In most cases, it is the effect and characteristics of the behavior on the complainant and whether a reasonable person similarly situated would find the conduct offensive that determine whether the behavior constitutes sexual harassment.

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 sexual 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 Sexual 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 sexual 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 sexually 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 Sexual Harassment Response Coordinator (listed in the Appendix), whose responsibilities include assisting students, faculty and staff with sexual 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

- I. If you feel comfortable dealing with the situation without assistance, you can:
 - A. Clearly say "no" to the person whose behavior is unwelcome.
 - B. Communicate either orally or in writing with the person whose behavior is unwelcome. The most useful communication will have three parts:
 1. A factual description of the incident (s) including date, time, place and specific action.
 2. A description of the writer's feelings, including any consequences of the incident.
 3. A request that the conduct cease.

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

- II. 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 unwelcome. The purpose of such conversations is the cessation of unwelcome behavior.
 - B. Consult with the Coordinator or one of the Sexual Harassment Response Advisors listed in the Appendix and specifically charged with responding to sexual harassment inquiries and complaints.

These individuals are thoroughly familiar

with University policy on sexual harassment and are available to consult with victims of sexual harassment, those charged with sexual 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 sexual 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 dispute. If a person complaining of sexual harassment seeks mediation, the person accused of harassment agrees, and the Coordinator concludes that mediation would be consistent with the University's legal obligations in responding to and preventing sexual harassment, the Coordinator may mediate or arrange for mediation.

B. Formal Procedures

Whether or not you have attempted to resolve a sexual harassment claim through informal means, you may initiate a formal sexual harassment grievance proceeding by filing 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 (complaints by faculty and administrators)
Title IX Grievance Committee (complaints by students)
Human Resources Advisory Committee (complaints by staff)

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 Sexual Harassment Response Coordinator or Advisor.

Complaints against students or student groups:

Office of the Judicial Administrator
Women's Building, Room B2
Campus Box 1136
935-4062

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 Sexual 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 sexual harassment or against those who testify, assist or participate in any investigation, proceeding or hearing involving a complaint of sexual 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 sexual 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 sexual 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 sexual harassment typically have injurious far-reaching effects on the careers and lives of accused individuals. Allegations of sexual harassment must be made in good faith and not out of malice. Knowingly making a false or frivolous allegation of sexual 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 sexual harassment you may use the procedures of this policy or the University Judicial Code, where applicable, to seek redress. See Section IV.

VI. Obligations of Vigilance and Reporting

The University can respond to specific instances and allegations of harassment only if it is aware of them. The University therefore encourages anyone who believes that he or she has experienced sexual harassment to promptly come forward with inquiries, reports or complaints and to seek assistance from the University. In addition, any University employee who becomes aware of instances or allegations of sexual harassment by or against a person under his or her supervisory authority must report it to those charged with responding to such allegations and reports: the appropriate dean, director or department head or other similar administrator or to the Sexual Harassment Response Coordinator or one of the Advisors. It shall be the responsibility of these individuals to respond to allegations and reports of sexual harassment or refer them to other University officials for such response.

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VII. Possible Sanctions

Possible sanctions for a person found guilty of behavior in violation of this policy include but are not limited to the following:

- oral or written reprimand, placed in the personnel file
- required attendance at a sexual harassment sensitivity program
- an apology to the victim
- oral or written warning
- loss of salary or benefit, such as sabbatical or research or travel funding transfer or change of job, class or residential assignment or location (i.e., removing the person from being in a position to retaliate or further harass the victim).
- fine
- demotion
- suspension, probation, termination, dismissal or expulsion

While counseling is not considered a sanction, it may be offered or required in combination with sanctions. Where alcohol is involved in the sexual harassment, such counseling may include an alcohol abuse program.

If students or student groups are guilty of sexual harassment any of the sanctions set forth in the University Judicial Code may also be invoked.

VIII. **Education**

The best way to deal with sexual harassment is to prevent it. Education is essential to eliminating sexual harassment. Washington University has developed an ongoing training program. Please call a Sexual Harassment Response Coordinator or Advisor to find out more about these programs, what sexual harassment is, how to respond to it and what to do when someone asks for advice about sexual harassment.

Approved by the Washington University Senate Council, October 19, 1995. Approved by the Washington University Senate April 22, 1996. Revision approved by the Washington University Senate, April 28, 1997. (This policy supersedes prior University Policies on Sexual Harassment).

Appendix: Sexual Harassment Coordinators and Advisors

(as of January, 2006)

Danforth Campus

Coordinator:

Ann B. Prenatt
- 935-7746

Advisors:

Lorraine Goffe-Rush (complaints by faculty, staff and others)
- 935-8046

Kathy Steiner-Lang (complaints by students and others)
- 935-5910

John Drobak (complaints by faculty and others)
- 935-6487

Medical Campus

Coordinator:

Legail Chandler
- 362-4900

Advisors:

Apryle Cotton (complaints by faculty, staff and others)
- 362-7198

Dr. Leslie Kahl (complaints by students and others)
- 362-7481

Sandra Sledge (complaints by staff and others)
- 362-4937

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