

Human Resources

Discrimination and Harassment

Policy on Discrimination and Harassment

Washington University is committed to having a positive learning and working environment for its students, faculty and staff. This Policy prohibits discrimination and harassment on the basis of race, color, national origin, age, religion, sex (including sexual harassment and sexual assault), sexual orientation, gender identity or expression, veteran status, disability or genetic information. Such conduct may also violate federal, state or local law.

What is Discrimination?

Discrimination is generally defined as a materially adverse action affecting the terms and conditions of employment or academic status that is taken because of an individual's race, color, national origin, age, religion, sex, sexual orientation, gender identity or expression, veteran status, disability or genetic information.

What is Harassment?

Harassment is a form of discrimination. It is generally defined as unwelcome conduct, on or off campus, that is based on race, color, national origin, age, religion, sex, sexual orientation, gender identity or expression, veteran status, disability or genetic information, that (1) is subjectively and objectively offensive, (2) is severe or pervasive, and (3) has the purpose or effect of unreasonably interfering with an individual's work or educational performance and creating an abusive, hostile or intimidating environment for work or learning. Whether particular conduct constitutes harassment often depends on the totality of the circumstances.

Sexual harassment is a form of discrimination based on sex. It may include unwelcome sexual advances or other nonconsensual conduct of a sexual nature, when (1) submission to or rejection of such conduct is used as a basis or threatened basis for employment decisions or for academic evaluation, grades, or advancement; or (2) such conduct has the purpose or effect of unreasonably interfering with an individual's work or academic performance and creating an abusive, hostile or intimidating work or academic environment. Sexual violence is a form of sexual harassment and includes physical sexual acts perpetrated against a person's will or when, due to a person's use of

drugs and/or alcohol, cognitive impairment or other disability, it would be apparent to a reasonable observer that the person is incapable of giving consent.

Harassment can be written, oral, visual or physical. Some conduct obviously constitutes harassment, such as a threat that a grade or promotion will depend on submission to a sexual advance. But whether particular conduct constitutes 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, professor-student, or colleague), the frequency and severity of the conduct, and the particular setting.

The inquiry can be particularly complex in the classroom and the broader academic community, where 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 challenge of assumptions, beliefs or viewpoints that is intrinsic to education may sometimes be disturbing or unwelcome to the individual. Allegations relating to the content of academic instruction and classroom discussion must be evaluated in the context of the subject matter and pedagogical purpose. This Policy is not intended to compromise the University's traditional commitment to academic freedom or to education that encourages students to challenge their own views of themselves and the world.

Conduct Prohibited By Title IX

Title IX of the Educational Amendments of 1972 prohibits a specific subset of the conduct addressed above and in this Policy. Title IX and its implementing regulations prohibit discrimination based on sex (including sexual harassment and sexual violence) in the University's educational programs and activities. Title IX also prohibits retaliation for asserting claims of sex discrimination.

As required by Title IX, Washington University does not discriminate on the basis of sex in its educational programs and activities, in the student admissions process, or in the employment of faculty and staff.

Title IX prohibits certain forms of sexual harassment, specifically conduct on the basis of sex that that satisfies one or more of the following (collectively "Prohibited Conduct"):

- An employee of the University conditioning provision of an aid, benefit, or service on an individual's participation in unwelcome sexual conduct (also known as "quid pro quo" harassment);

- Unwelcome conduct by a University student or employee that, in the view of a reasonable person, is so severe, pervasive, and objectively offensive that it effectively denies an individual equal access to the University’s education program or activity (also known as “hostile environment” harassment); or
- Any instance of sexual assault, dating violence, domestic violence, or stalking, as those terms are defined by the Clery Act (20 U.S.C. § 1092(f)) or the Violence Against Women Act (34 U.S.C. § 12291(a)) (also known as “per se” harassment).

To fall within the coverage of Title IX, Prohibited Conduct must take place within an educational program or activity of the University and against a person within the United States. For purposes of Title IX, an “educational program or activity” includes locations, events, or circumstances over which the University exercises substantial control over both the respondent accused of the Prohibited Conduct and the context in which the Prohibited Conduct occurs. Title IX also applies to Prohibited Conduct that occurs in any building owned or controlled by a student organization that is officially recognized by the University.

The University has designated a Title IX Coordinator who is responsible for coordinating the University’s efforts to comply with Title IX, and respond to complaints relating to Prohibited Conduct under Title IX. Inquiries about the application of Title IX may be referred to the Title IX Coordinator.

Any person may report to the University’s Title IX Coordinator at any time (including during non-business hours) any instance of sex discrimination, including sexual harassment (whether or not the person reporting is the person alleged to be the victim of conduct that could constitute sex discrimination or sexual harassment), in person, by mail, telephone, electronic mail, or by any other means that results in the Title IX Coordinator receiving the person’s verbal or written report.

The Title IX Coordinator’s contact information is contained in the Appendix. Complaints or inquiries regarding Title IX may also be submitted to the United States Department of Education’s Office of Civil Rights at 400 Maryland Avenue S.W., Washington, DC 20202-1100, by visiting www2.ed.gov, or by calling 1-800-421-3481.

Options for Resolution

If you believe that you have been subjected to discrimination or harassment, you have a number of options. 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 Title IX Coordinator and/or a Discrimination and Harassment Response Coordinator (listed in the Appendix), whose

responsibilities include assisting students, faculty and staff with questions regarding this Policy and options for addressing concerns about discrimination or harassment. Regardless of how you choose to address your concerns, the University may be required, or may otherwise deem it necessary and protective of the University community, to commence its own investigation and take further action as described below.

If you prefer to address the situation without assistance, you can communicate either orally or in writing with the person whose behavior is of concern. Your communication should clearly identify the conduct that is of concern and indicate that it was unwelcome and offensive and should cease. Such a communication often will cause the unwelcome behavior to stop, particularly where the person may not be aware that the conduct is unwelcome or offensive.

If you would like to discuss other options for addressing the concern, there are a number of resources available to you. As noted above, the Title IX Coordinator and/or a Discrimination and Harassment Response Coordinator listed in the Appendix can provide information about steps that might remedy the situation and can discuss University policy and procedures for initiating and resolving complaints. There are a variety of options for addressing and resolving concerns that may be appropriate for the particular circumstances. For example, intervention of Human Resources, the Title IX Coordinator, supervisors (where the behavior of a faculty or staff member is at issue), the Student Conduct Administrator (where the behavior of a student is at issue), or other University officials can often resolve the issue. Likewise, in certain situations a facilitated discussion between the individuals involved can be an effective means of addressing concerns.

Faculty and staff members also have the option of consulting with the appropriate University ombudsperson.[1] If you would like to report an incident involving a student, you also may contact the University's Bias Report and Support System and meet with a BRSS team member, who can make referrals to appropriate resources and explain what to expect from each resource.

You may also initiate a more formal complaint process, which may involve a committee hearing, by submitting a written complaint to the Title IX Coordinator or the Discrimination and Harassment Response Coordinator. Depending on the circumstances of your complaint, the Coordinator will investigate the allegations or forward the complaint to the appropriate board, committee, or administrator: for complaints against faculty, to the Discrimination and Harassment Hearing Committee; for complaints against staff, to the Discrimination and Harassment Hearing Committee or the Vice Chancellor for Human Resources; for complaints against students, to the Student Conduct Administrator. Procedures for addressing such complaints are found below and posted online at titleix.wustl.edu or are available from the Title IX Coordinator or a Discrimination and Harassment Response Coordinator.[2]

- Discrimination Formal Complaint Process
- Staff Title IX Grievance Process
- Discrimination and Harassment Hearing Committee Procedure
- Faculty Title IX Grievance Process

Confidentiality

The University will strive to protect, to the greatest extent possible, the confidentiality of persons reporting discrimination and harassment and of those accused of such conduct. However, the University cannot guarantee complete confidentiality where it would conflict with the University's obligation to investigate meaningfully or 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.

If you believe you might have been subjected to discrimination or harassment and want to discuss the matter 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 clergy member who may be permitted by law to assure greater confidentiality. Information about counseling and clergy resources can be found in the University's Safety and Security brochure (available at www.police.wustl.edu (<http://www.police.wustl.edu/>)). In addition, students may contact the Student Health Services (935-6666 on Danforth Campus; 362-3523 on School of Medicine Campus) and employees may contact the Employee Assistance Program (1-800-765-9124) for confidential assistance and, if desired, referral to other resources. Discussions with Student Health Services and the Employee Assistance Program are confidential and are not considered notice to the University.

Other University Action

The University reserves the right, independent of other complaint or reporting processes, to review allegations of discrimination and harassment and impose disciplinary or remedial actions where warranted. The University also reserves the right, independent of or in conjunction with other complaint or reporting processes, to take interim or remedial measures appropriate to the situation, in accordance with applicable University policies. Examples of such measures include administrative leave, alteration of reporting structures or job duties, temporary suspension, no-contact orders, temporary housing or course/classroom assignment changes, medical and counseling services, restriction of campus activities, or other academic support services and accommodations.

Disciplinary and Remedial Actions

Potential disciplinary and remedial consequences for violations of this Policy include but are not limited to the following:

- an apology to the victim
- required counseling or training
- oral or written reprimand
- loss of salary or benefit, such as sabbatical or research or travel funding
- fine
- transfer or change of job, class or residential assignment or location
- suspension, probation, demotion, termination, dismissal or expulsion

For student offenders, any of the other sanctions set forth in the University Student Conduct Code may also be invoked.

Retaliation and Protection of Rights

The University will not tolerate retaliation against persons who report discrimination or harassment or against those who testify, assist or participate in any investigation, proceeding or hearing involving a complaint of discrimination or harassment. In this context, retaliation means behavior engaged in because of a person's participation in the reporting or investigation of an allegation of discrimination or harassment that adversely affects that person's terms or conditions of employment or education. Any such retaliation – or any encouragement of another to retaliate – is a violation of this Policy, regardless of whether the particular claim of discrimination or harassment is substantiated. If you believe you have been subjected to such retaliation, you may use the procedures described above to seek redress.

The University seeks to protect the rights of all persons, accusers and accused, to fair procedures. Accusations of discrimination or harassment may have injurious far-reaching effects on the careers and lives of accused individuals. Allegations of discrimination or harassment must be made in good faith and not out of malice. Knowingly making a false or frivolous allegation of discrimination or harassment, whether in a formal or informal context, will be treated as a serious offense under this policy. If you have a reasonable basis to believe that a complaint of discrimination or harassment against you was not made in good faith, you may use the procedures of this policy to seek redress.

Obligations of Vigilance and Reporting

The University can respond to specific instances and allegations of discrimination and harassment only if it is aware of them. The University therefore encourages anyone who believes that he or she has experienced discrimination or 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 discrimination or harassment by or against a person under his or her supervisory authority, and any faculty member who becomes aware of instances or allegations of discrimination or harassment against a student, must report it to those charged with responding to such reports, such as a Coordinator, department head, director, or other similar administrator. It shall be the responsibility of these latter individuals to respond to reports of discrimination and harassment or refer them to other University officials for such response.

Any department head, director, or other similar administrator who becomes aware of information indicating a significant likelihood of discrimination or harassment must report such information to the Coordinator. These administrators must respond not only when they receive a specific complaint or report alleging improper activity, but also when such matters come to their attention informally. Unconfirmed or disputed allegations should be clearly labeled as such and reports should indicate any steps already taken to investigate or otherwise respond. Administrators may wish to consult with a Coordinator prior to investigating or otherwise responding to any situation involving alleged discrimination or harassment.

Education

Education is the best way to prevent discrimination and harassment. Please contact one of the Coordinators below to find out more about available training programs and for information and guidance on how to handle issues involving discrimination and harassment.

Other Policies and Procedures

This Policy and its associated procedures supersede any existing University, school, departmental or other policies and procedures concerning prohibited discrimination and harassment.

[1] Communications with ombudspersons are confidential unless there is an imminent risk of serious physical harm or disclosure is compelled by a court. Communicating a concern to an ombudsperson does not constitute notice to Washington University.

[2] If the complaint alleges a sexual assault or other crime, the complainant may also file a criminal report with the Washington University Police Department or other appropriate law enforcement agency. The Complainant may simultaneously pursue criminal and University disciplinary processes. Ordinarily the University will not delay internal proceedings if criminal charges are filed, but may in its discretion postpone them while criminal proceedings are pending.

Appendix: Title IX/Discrimination and Harassment Response Coordinators

(as of May 1, 2021)

Title IX Coordinator

Jessica Kennedy

314-935-3118

jwkennedy@wustl.edu (<mailto:jwkennedy@wustl.edu>).

Office: Umrath Hall, Room 001

Address: One Brookings Drive, Campus Box 1175

St. Louis, MO 63130

Discrimination and Harassment Response Coordinators

Leanne Stewart, 314-362-8278, leannerstewart@wustl.edu (<mailto:leannerstewart@wustl.edu>).

Sara Wright, 314-935-3147, sara.wright@wustl.edu (<mailto:sara.wright@wustl.edu>).

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