



3.0.4 Sexual Harassment

(Ref: [Board of Governors Statute 2.28.06](#))

POLICY

It is the policy of Wayne State University that no member of the university community may sexually harass another. Any employee or student will be subject to disciplinary action for violation of this policy.

The law of the State of Michigan prohibits discrimination in employment and in education and provides that:

Discrimination because of sex includes sexual harassment which means unwelcome sexual advances, request for sexual favors, and other verbal or physical conduct or communication of a sexual nature when:

1. Submission to such conduct or communication is made a term or condition either explicitly or implicitly to obtain employment, public accommodations or public services, education, or housing.
2. Submission to or rejection of such conduct or communication by an individual is used as a factor in decisions affecting such individual's employment, public accommodations or public services, education, or housing.
3. Such conduct or communication has the purpose or effect of substantially interfering with an individual's employment, public accommodations or public services, education, or housing, or creating an intimidating, hostile or offensive employment, public accommodations, public services, educational or housing environment. MCLA 37.2103(h).

In the area of speech, what the law and this policy prohibit is speech as action; that is, sexual communication which is either directly coercive as demanding favors, or indirectly coercive, as rising to that level of offensiveness which interferes substantially with the victim's education or employment. The determination of what level of offensiveness is actually coercive, and therefore unlawful and prohibited by this policy, will in some cases be difficult. A significant element in the determination is provided by the fact that an unequal power relationship underlies sexual harassment. The more unequal the relationship, the more the risk of substantial interference with the victim's education or employment.

In the area of physical contact, physical contact which is unwelcome is so gravely offensive that it always has the effect of substantially interfering with the victim's employment or educational environment. Employees and students should not take for granted that they are welcome to touch other employees or students, since if their contact is in fact unwelcome, they will be in violation of the law and of this policy.

Deans, directors and department heads are directed to take appropriate steps to disseminate this policy statement and to inform students and employees of complaint procedures.

PROCEDURE

Procedures for the investigation and timely resolution of complaints alleging sexual harassment are outlined in [APPM section 3.0.2, Non-Discrimination/Affirmative Action](#).