



## **FORT LEWIS COLLEGE SEXUAL HARASSMENT POLICY**

### **I. Statement of Policy**

- A. The College's Sexual Harassment Policy applies to all employees regardless of their employment classification. Employees have the right to be free from sexual harassment during the course and scope of their employment or engagement in activities at the College. Employees are encouraged to remind other employees of this policy and to report instances of sexual harassment.
- B. Supervisors are required, as a condition of their employment, to enforce this policy by seeking to eliminate sexual harassment in the workplace they supervise by reporting incidents of sexual harassment and informing supervised employees about this policy and their obligations hereunder.
- C. All students are required, as a condition of their enrollment and participation in activities of Fort Lewis College, to abide by this Sexual Harassment Policy. Student Organizations at the College and their members are required to abide by this policy in the conduct of their programs and activities. Student Organizations include Registered Student Organizations, club sports, intramurals, and any other student groups or programs.
- D. It is critical that any member of the Fort Lewis College community, except those exempted by law, who believes that he or she has observed an incident of sexual harassment in the College's learning and work environment involving a member of the College community or who receives a report of alleged sexual harassment from a member of the College community immediately refer this information to the Equal Opportunity Coordinator (hereinafter the "Coordinator").

### **II. Definitions**

- A. This policy prohibits "*quid pro quo*" and "hostile environment" sexual harassment as defined below:

#### **1. *Quid Pro Quo* Sexual Harassment**

Unwelcome sexual advances, requests for sexual favors, and/or other verbal and/or physical conduct of a sexual nature by one in a position of power or influence constitutes *quid pro quo* sexual harassment when (1) submission by an individual is made either an explicit or implicit term or

condition of academic standing or of employment; or (2) submission to or rejection of such conduct is used as the basis for academic or employment decisions affecting that student or employee. As defined here, *quid pro quo* sexual harassment normally arises in the context of an authority relationship. This relationship may be direct, as in the case of a supervisor and subordinate or teacher and student, or it may be indirect when the harasser has the power to influence others who have authority over the victim.

## 2. Hostile Environment Sexual Harassment

Unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature constitute hostile environment sexual harassment when such conduct is directed toward an individual because of his or her gender, is severe and/or pervasive, and has the purpose or effect of (1) creating an intimidating, hostile, or offensive academic or work environment; or (2) unreasonably interfering with another's academic performance or work. Generally, a single sexual joke, offensive epithet, or request for a date does not constitute hostile environment sexual harassment; however, being subjected to such jokes, epithets, or requests repeatedly may constitute hostile environment sexual harassment.

- B. In determining whether the alleged sexual harassing conduct warrants corrective action, all relevant circumstances, including the context in which the conduct occurred, will be considered as a whole.
- C. In cases of alleged sexual harassment, whether the alleged act of harassment was protected speech under the First Amendment of the U.S. Constitution must be considered. Great care must be taken not to inhibit open discussion, academic debate, and expression of personal opinion, particularly in the classroom. Nonetheless, speech or conduct of a sexual or hostile nature that occurs in the context of educational instruction may exceed the protection of academic freedom and constitute prohibited sexual harassment.

## III. Consensual Relationships

- A. When faculty members exercise power over students (e.g., evaluating their work, making recommendations for their further studies, scholarships, or employment) or supervisors exercise power over their supervisees (e.g., evaluating their work, making recommendations for promotion, or assigning work), a consensual romantic or sexual relationship between faculty and student and supervisor and supervisee put academic and professional integrity and ethics at risk.
- B. There are inherent risks in any consensual romantic or sexual relationship between individuals in a supervisor and supervisee relationship that cause

special concerns with respect to the existence or appearance of exploitation, abuse of power, or favoritism. In such cases, the apparent mutual consent does not preclude initiation of a sexual harassment complaint or a finding of sexual harassment. These relationships may be less consensual than perceived by the individual whose position confers power; the relationship may be viewed in different ways by each of the parties. Furthermore, circumstances may change, and conduct that was previously welcome may become unwelcome. Even when both parties have consented at the outset to a romantic or sexual relationship, this past consent does not remove grounds for a charge of sexual harassment.

- C. A consensual romantic or sexual relationship, both past and current, between an employee and a student or between two employees constitutes a conflict of interest when a direct evaluative relationship exists between them while the romantic or sexual relationship is occurring. Therefore, the conflict must be resolved by terminating the direct evaluative relationship. Specifically, if the romantic or sexual relationship and direct evaluative relationship coexist between a faculty member and a student or between a supervisor and supervisee, the relationship must be disclosed to the next level supervisor. It is the responsibility of the person in the evaluative position to disclose the romantic or sexual relationship in order to terminate the conflict.

#### IV. Grievance Procedure

- A. Any member of the College community with a sexual harassment complaint is encouraged to discuss the matter with the appropriate supervisor(s) or the Coordinator.
- B. Inquiries relating to procedure can be made at any time to the Coordinator; however, an inquiry alone does not constitute notification to the College of possible sexual harassment. The initial discussion regarding the complaint will be kept confidential to the full extent permitted by law. Complainants are advised that there are some instances in which the College has a responsibility to act even if the complainant requests that no action be taken, such as, when other members of the College community may be at risk. In those cases, the College may investigate and take action on the basis of the facts it discovers.
- C. If an individual wishes to notify the College of a possible sexual harassment and requires resolution, he or she must complete the College's complaint form. Complaints, both informal and formal, alleging sexual harassment will be handled under the Grievance Procedure for the Resolution of Complaints of Unlawful Discrimination, Discriminatory Harassment, and Sexual Harassment.

#### V. Policy Misuse Statement

This policy shall not be abused by bringing fraudulent or bad-faith charges of sexual harassment or retaliation. Disciplinary charges may be filed by the Coordinator, on his or her own initiative or at the request of the respondent against the complainant and/or any member of the College community, if the Coordinator finds that someone has intentionally made a materially false statement of fact, provided materially false documentation in support of an accusation of sexual harassment or retaliation, or otherwise behaved recklessly or maliciously in connection with a harassment accusation or proceeding.

VI. Anti-Retaliation Statement

If the College is to achieve its goals of preventing sexual harassment and taking prompt corrective action when harassment is suspected or occurs, members of the College community must feel free to report sexually harassing conduct that they have observed or experienced. They must also feel free to participate in investigations and disciplinary actions by reporting the harassment, filing a complaint, cooperating in an investigation, testifying, and providing tangible evidence of harassment. Overt or covert acts of retaliation (e.g., threats, reprisals, interference, restraints, penalties, discrimination, coercion, harassment, etc.) against any member of the College community because he or she has reported sexual harassment or participated in any investigation or proceeding is strictly prohibited. Any such action shall be grounds for a separate complaint and disciplinary action.

VII. Educational Programs

Educational efforts are essential to the establishment of a campus environment that is free from sexual harassment. The College will periodically provide sexual harassment workshop/training for all students, employees, supervisors, and administrators. Academic and administrative departments may request the Coordinator arrange special additional harassment training sessions when the need arises.

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