The University of Puget Sound values and celebrates a diverse educational community based on mutual respect, trust, and responsibility. The university believes its students, faculty members and all other staff members should learn, teach, work, serve and lead in an environment free from harassment and sexual misconduct.

The university is a community that encourages a rich knowledge of self and others, an appreciation of commonality and difference, the full, open, and civil discussion of ideas, thoughtful moral discourse, and the integration of learning. This community recognizes the importance of academic freedom, open exchange of ideas and creative, intellectual expression. The Campus Policy Prohibiting Harassment and Sexual Misconduct provides a means for investigation of and response to harassment and sexual misconduct concerns, resolution of issues, and corrective action when necessary. The university encourages any person who believes he or she has been harassed or subject to sexual misconduct to seek prompt assistance under this policy.

I. Policy Statement

The University of Puget Sound prohibits discrimination in education or employment on the basis of sex, race, color, national origin, religion, creed, age, disability, marital or familial status, sexual orientation, veteran or military status, gender identity or any characteristic that is legally protected under applicable local, state or federal law. This Campus Policy Prohibiting Harassment and Sexual Misconduct explicitly defines harassment, including sexual harassment, as a prohibited form of discrimination. In addition, the university prohibits consensual sexual relationships between a faculty or staff member and a student whenever the faculty or staff member is in a position of professional responsibility with respect to the student.

The University of Puget Sound also prohibits sexual misconduct in any form including sexual assault and other forms of nonconsensual sexual conduct. Sexual misconduct will not be tolerated within the college community as it is harmful to both the learning environment and the sense of community the college fosters among students, faculty, staff, and administrators.

This policy is intended to meet and may generally exceed the requirements of applicable federal, state and local law. However, this policy does not provide a substitute procedure for redressing any person's legal rights, or create legal rights separate from applicable laws. Additionally, the university is not prevented by this policy from acting to remedy a problem that could also be remedied by resort to legal action. The university may take appropriate protective and administrative action even in situations where the complainant is absent.

II. Policy Scope and Applications

A. Policy Scope

This policy applies when the conduct prohibited by this policy occurs between any member of the student body, faculty, or staff and any other member of the student body, faculty, or staff. This policy also applies when the prohibited conduct
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occurs between a member and a nonmember of the student body, faculty, or staff, such as an off-campus visitor, vendor, independent contractor, work-study employer, internship supervisor, prospective student, or volunteer.

The university may impose sanctions if the prohibited conduct occurs on university premises or in connection with a person's participation in a university-sponsored organization, program, or activity, or if the conduct poses a risk of harm to any member of the campus community, including but not limited to any of the harmful effects encompassed by the definitions of discriminatory harassment, sexual harassment or sexual misconduct.

This policy emphasizes the importance of information and education in preventing sexual misconduct and discriminatory harassment, including sexual harassment. This policy will be made available to all members of the faculty, staff, and student body. In addition, all faculty, staff, and students should be regularly encouraged to participate in educational programs concerning the prevention and reporting of sexual misconduct and discriminatory harassment including sexual harassment. Participation in such programs will be expected of academic and administrative department heads. This policy authorizes the President to appoint such advisory groups as may be needed to assist in developing appropriate educational programs and informational materials.

B. Discriminatory Harassment

Discriminatory harassment consists of conduct of any type (e.g., oral, written, graphic, or physical) directed against a person (or group of persons) because of his or her (or their) race, color, national origin, religion, creed, age, disability, marital or familial status, sexual orientation, veteran or military status, gender identity or any protected characteristic, which is sufficiently severe, persistent or pervasive as to limit or deny a student's ability to participate in or benefit from an educational program or a faculty, staff or student member's ability to perform or participate in a work environment. Questions may arise about the balance between freedom of expression and the right of individuals to be free from harassment. For example, in the classroom or in co-curricular discussion, the university emphasizes critical and analytical thinking, the testing of opinions, and rich debate about texts and artifacts, ideas and values. Students engaged in the process of liberal arts education will likely confront uncomfortable moments and ideas that are disquieting, or even offensive to them. Discriminatory harassment, as defined above, includes something beyond the mere expression of views, words, symbols or thoughts that some person finds offensive. To engage in harassing behavior is to treat someone unfairly. Students should expect to be challenged by their education, but they also have the right to participate in educational discussion without being unfairly singled out by race, national origin, age religion, sexual orientation or other protected characteristics or status recognized by the university or applicable law.

For additional information relating to the application of this policy, see Appendix A. For additional information relating to the legal foundations for this policy, see Appendix F.

C. Sexual Harassment

Sexual harassment is a form of discriminatory harassment and is defined by this policy to include unwelcome verbal or physical conduct of a sexual or nonsexual nature that is directed toward a person because of the person's sex, when:

1. submission to the conduct is made either explicitly or implicitly a term or condition of a person's employment or education, or the person's submission to or rejection of the conduct is used as a basis for a decision affecting the person's employment or education (quid pro quo harassment); or

2. the conduct has the purpose or effect of unreasonably interfering with a person's work or educational performance or creating a working or learning environment that a reasonable person of the same sex and in the same circumstances as the person would find intimidating, hostile, or offensive (hostile environment harassment)

For additional information relating to the application of this policy, see Appendix B.

D. Sexual Misconduct

Sexual misconduct is defined as actual or attempted sexual activity that is forced upon another without the clear consent
of that person. Sexual misconduct may vary in its severity and can range from unwanted touching or physical contact of a personal nature to unwanted, coerced or forced penetration. Sexual misconduct can include, but is not limited to, indecent liberties, rape and sexual exploitation.

Indecent liberties is the knowing sexual contact with another person by forcible compulsion or without that person’s consent. Sexual contact includes but is not limited to, sexual intercourse, penetration of an orifice (anal, oral or vaginal) with the penis, finger or other object, intentional touching of the genitals, buttocks or breasts, or coercion to force someone else to touch one’s genitals, buttocks or breasts. Sexual contact can occur over clothing.

Rape is any sexual intercourse (anal, oral or vaginal), however slight, with any object, by a man or a woman, without consent.

Sexual exploitation involves taking non-consensual or abusive sexual advantage of another. Examples of sexual exploitation include, but are not limited to, prostitution, electronic recording or photography without knowledge and consent of all parties, voyeurism, transmission of human immunodeficiency virus (HIV) or sexually transmitted infection (STI), and inducing incapacitation with the intent to rape or sexually assault.

See Appendix C for additional information relating to the application of this policy.

E. Consensual Sexual Relationships

Consent is defined as verbal agreement and positive physical cooperation in the course of mutually agreed upon sexual activity. The person giving consent must act freely, voluntarily and understand the nature of consent. Consent may not be given by a minor or by a person who suffers from mental incompetence or intoxication. Lack of protest or silence does not imply consent. The person who wants to engage in the specific sexual activity or conduct is responsible for obtaining consent to make sure that he or she has consent from the other party(ies). A prior relationship is not sufficient to indicate consent. Consent must be present throughout and can be revoked at any time.

A consensual sexual relationship between a faculty or staff member and a student does not necessarily involve sexual harassment or misconduct. However, the university’s educational responsibilities to its students are potentially compromised in all such cases by the likelihood or even the appearance of a conflict of interests. Consequently, this policy prohibits consensual sexual relationships between a faculty or staff member and a student whenever the faculty or staff member is in a position of professional responsibility with respect to the student. A faculty or staff member has a professional responsibility when he or she is currently or potentially in a position to make or influence a decision or to confer or withhold a benefit relating to the student's education or employment.

In accord with the university’s conflict of interest provisions, this policy prohibits faculty or staff members from exercising supervisory responsibility with respect to another faculty or staff member with whom they are involved in a consensual sexual relationship. A faculty or staff member who enters into a consensual sexual relationship with a subordinate is required to promptly disclose the relationship to his/her superior(s) so that reassignment, alternative supervision processes, or other arrangements can be facilitated and documented.

F. Other Behaviors of Concern

Some complaints that students, staff members or faculty members may bring forward to designated officials may not constitute harassment or sexual misconduct. The reported behaviors may nonetheless be of concern and may constitute lack of compliance with campus expectations outlined in other published campus policies and codes. Such complaints will be addressed through the appropriate resolution procedures of the Student Integrity Code, the Staff Policies and Procedures Manual, or the Faculty Code.
III. Responsibilities

A. General

All members of the campus community have a responsibility to govern their own conduct in accordance with this policy. In addition, any person who knows about a discriminatory harassment or sexual misconduct problem, including sexual harassment, is strongly encouraged to report it to a designated university official.

B. Supervisors Responsibilities

Supervisors are particularly responsible for helping to prevent and eliminate discriminatory harassment and sexual misconduct, including sexual harassment, in the areas they oversee. A supervisor who believes as a result of direct observation or from a report brought to him or her that discriminatory harassment or sexual misconduct including sexual harassment, as defined in Sections II.A., II.B., II.C., II.D., is or may be occurring must report the problem to a designated official even if the problem is not within his or her area of responsibility. All faculty members likewise have a supervisory responsibility to report a discriminatory harassment or sexual misconduct including sexual harassment problem. Requests for confidentiality will be respected if at all possible (see Section IV.B.). Supervisors must also help to ensure that no retaliation occurs against persons who complain of sexual misconduct or other harassment or who cooperate with a complaint investigation. Failure to comply with these supervisory responsibilities may subject the supervisor or faculty member to disciplinary action.

C. Retaliation and False Complaints

This policy prohibits threats, other forms of intimidation, or retaliation of any kind against a person who reports a discriminatory harassment or sexual misconduct including sexual harassment problem or who cooperates with a harassment or sexual misconduct investigation. Any such conduct will itself constitute a violation of this policy and may subject the offender to disciplinary action.

An intentionally false complaint will also constitute a violation of this policy and may subject the offender to disciplinary action. A complaint is not considered to be falsely reported merely because the evidence does not suffice to support a formal charge.

D. Counseling and Support resources

1. Counseling Services

The counseling staff of Counseling, Health & Wellness Services are available to provide confidential counseling to any student who has a concern with respect to discriminatory harassment or sexual misconduct including sexual harassment problem. The only role of the counseling staff with respect to any party to a harassment complaint will be to provide confidential counseling. Unless otherwise required by law, a counseling staff member is not required to report a client's sexual misconduct or harassment problem to the university without the client's consent and will not assume an advocacy role. Confidential counseling for faculty and staff is available through the university’s Employee Assistance Program (EAP).

2. University Chaplain

The University Chaplain is available to provide confidential counseling to any student, faculty or staff member who has a concern with respect to discriminatory harassment, sexual harassment, sexual assault or sexual misconduct. The University Chaplain may refer a faculty or staff member to the university’s Employee Assistance Program (EAP) or work with a student to arrange a more formal counseling resource on or off campus. The only role of the University Chaplain with respect to any party to a harassment complaint will be to provide confidential counseling. Unless otherwise required by law, the University Chaplain is not required to report a client's sexual misconduct or harassment problem to the university without the client's consent and will not assume an advocacy role.
3. **Sexual Assault Center of Pierce County**
   The Sexual Assault Center of Pierce County provides services to any victim of sexual assault or abuse, recent or past. They also assist family members and friends of those who have been sexually assaulted or abused. In addition, they provide prevention education, community education, and professional training.

4. **Personal Support for Parties to Complaint**
   The immediate parties to a harassment or sexual misconduct complaint may each request the university to approve the designation of a person of his or her choice, such as a peer, colleague, faculty advisor, supervisor, or member of the Response Committee to provide emotional and other personal support at all times during the complaint process and after its resolution. This person may be present whenever the party is involved in any phase of an informal or formal procedure. However, he or she may be asked to maintain the confidentiality of the proceeding.

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**IV. Complaint Procedure**

**A. General**

Anyone who perceives himself or herself to be a victim of discriminatory harassment or sexual misconduct including sexual harassment is strongly encouraged to use this complaint procedure. Immediate response procedures for instances of sexual assault are outlined in Appendix C.

Complaints may be handled informally as described below or by means of the formal procedures as provided by the Faculty Code, the Staff Policies and Procedures Manual, or the Student Integrity Code depending on whether the person charged is a member of the faculty, staff, or student body, respectively. Formal resolution procedures for alleged violations of the Student Integrity Code are required to be referred to the Sexual Misconduct Board. See Appendix E for a more complete description of the Sexual Misconduct Board. See Appendix F for additional information relating to the application of this policy.

**B. Confidentiality**

The university will make every reasonable effort possible to preserve an individual's privacy and protect the confidentiality of information. Complaints will be treated confidentially to the extent permitted by this policy's reporting requirements and the university's need to investigate and resolve the reported problem. If at all possible, especially during the investigation of the complaint, the complainant's identity will not be disclosed without the complainant's consent. However, disciplinary action cannot be taken without informing the respondent of the complainant's identity, unless the charges could be effectively rebutted without knowing who made them. The university may need to initiate a disciplinary action, even if the complainant does not request it, because the university has an obligation to resolve any reported discriminatory harassment or sexual misconduct including sexual harassment problem.

The degree to which confidentiality can be protected, however, depends upon the professional role of the person being consulted. An individual can speak confidentially with certain persons in legally protected roles. They include counselors and medical providers at Counseling, Health, and Wellness Services, the University Chaplain and sexual assault counselors. However, physicians, nurses, psychologists, psychiatrists and social workers must report a sexual assault committed against a person under 18 years and vulnerable adults.

Information shared with individuals who are not in legally protected roles may be disclosed. For example, the Dean of Students, a Resident Director or a Resident Advisor may need to inform other individuals to protect their safety or rights, in fairness to the persons involved, or in response to legal requirements. Additionally, the university is required by law to disclose all reports of on-campus sexual misconduct for statistical purposes to Security Services, without personal identifying information. In compliance with federal law, these statistics and other mandated crime statistics are reported annually.
C. Resource Persons

1. **Officers Who Receive Harassment Complaints**
   The university officials currently designated by the President to receive harassment complaints are the Academic Vice President, Associate Academic Dean, the Dean of Students, the Chief Diversity Officer and Dean of Diversity and Inclusion/Title IX Compliance Officer/Affirmative Action Officer, the Assistant Dean of Students, the Associate Vice President for Human Resources/Career and Employment Services, the Director of Multicultural Student Services, and the Employment and People Development Director. See the [Harassment Reporting Officers](http://www.pugetsound.edu/about/offices-services/human-resources/policies/campus-policies/campus-policy-prohibiting-hara/) page for more information.

2. **Support Persons**
   Sources of support for parties involved with a harassment and/or sexual misconduct process include the Dean of Students Office, Residence Life staff, Counseling, Health and Wellness Services, University Chaplain, faculty members, Academic Vice President's Office, Human Resources, Chief Diversity Officer, and Faculty Ombudsperson. Puget Sound has a number of resources available to assist in developing appropriate educational programs and informational materials related to harassment issues. In addition to the aforementioned parties, other educational resources include members of diversity committees and response team, multicultural student services staff, and student diversity organizations. The contact information for the referenced resources and designated officials who receive harassment complaints are normally provided in *The Logger* and can be obtained from the Dean of Students Office, the Academic Vice President's Office, Human Resources, the President's Office, or Security Services. See the [Harassment Reporting Officers](http://www.pugetsound.edu/about/offices-services/human-resources/policies/campus-policies/campus-policy-prohibiting-hara/) Web page for more information.

D. Initiation of Complaint Procedure

A faculty, staff, or student complaint may be brought to any of the university officials designated by the President.

The university’s general practice for handling complaints is as follows, recognizing that circumstances of a particular case may require some flexibility of process: The official will interview the complainant and make a written summary of the interview, including the specific nature and effects of the conduct in question, the time and circumstances in which it occurred, and the names of other persons who may have relevant information. The complainant will have an opportunity to review, amend and affirm by signature the accuracy of the interview summary. The investigating officer will also advise the complainant of the likely scope and nature of the complaint investigation and the procedures that will apply if formal charges are brought. In addition, the complainant will receive a copy of this policy and the appropriate faculty, staff, or student procedures.

Complaints may also be brought to the head of the complainant’s academic or administrative department, to the department head of the person behaving objectionably, or to a discriminatory harassment complaint ombudsperson who shall be a tenured member of the faculty appointed by the President in consultation with the Chairs of the Professional Standards and Student Life Committees of the Faculty Senate.

The role of a department head or complaint ombudsperson will be to counsel the complainant about sources of further information and assistance. If requested by the complainant, the department head or ombudsperson may assist with informal resolution efforts, or he or she may refer the complainant to one of the above designated officials. In any event, the department head or ombudsperson must promptly report the complaint to a designated official, even if the complainant wishes to proceed informally or decides not to pursue the matter.

E. Informal Resolution Procedure

1. **General**
   A complainant may prefer to seek an informal resolution of a discriminatory harassment or sexual misconduct including sexual harassment problem, especially if the purpose in bringing the complaint is simply to put a stop to the offending behavior. A variety of informal methods may empower the complainant to achieve an effective resolution of the problem without becoming involved in a formal process. However, the use of an informal process is entirely
voluntary. A complainant may instead request a formal resolution procedure or terminate an informal process once it is begun and then seek a formal resolution.

2. Informal Resolution Alternatives
A range of alternatives as outlined below may be available to resolve a discriminatory harassment problem informally. A complainant should be informed as appropriate of possible informal ways to put a stop to the offending behavior on his or her own or with the assistance of other persons. However, a complainant who is uncomfortable using any informal process is not expected and should not be encouraged to pursue it.

(1) A variety of interpersonal approaches may assist a complainant in resolving a problem informally on his or her own. See Appendix D for examples of some of these informal methods. Alternatively, a complainant might request the university to designate a person of the complainant's choice to initiate a confidential discussion with the person whose conduct is objectionable, with or without disclosing the complainant's identity.

(2) Any of the immediate parties to the complaint may request the designation of a mutually acceptable representative of the university to arrange and supervise an informal resolution conference. The representative's role would be to assist the parties to talk about the problem, either in person or by communicating through the representative, and to seek a mutually satisfactory resolution which shall be summarized in writing and signed by the parties and by the representative. Any party may at any time refuse to continue the informal process. The representative may also reject or terminate the informal process or reject any proposed resolution if the university determines that the process or resolution may be unfair to either party or contrary to law or university policy.

(3) There may be other informal processes that may help to resolve a discriminatory harassment or sexual misconduct including sexual harassment problem. Even after a formal procedure is initiated, any party to the complaint may propose an informal resolution process at any time during the formal process. A proposed resolution should not be rejected solely because it is not specifically referenced by this policy, as long as the policy is applied fairly, impartially, and consistently with the best interests of the parties and the campus community in resolving a harassment problem.

F. Formal Resolution Procedure

1. Initiation of Formal Procedure
A formal procedure may be initiated on the complainant's or on the university's own behalf by any of the officials designated by the President.

2. Complaint Investigation
The investigating officer will endeavor to promptly notify the respondent of the nature and circumstances of the complaint. The officer will advise the respondent that the complaint is being investigated and that formal charges could result. The university's general practice for working with respondents to complaints is as follows, recognizing that circumstances of a particular case may require some flexibility of process: The respondent will have an opportunity to meet with the investigating officer and will also receive a copy of this policy and the appropriate faculty, staff, or student procedures. In meeting with the respondent, the investigating officer will review the alleged grounds for the complaint and will make a written summary of the interview, including the specific facts and circumstances as related by the respondent and the names of other persons who may have relevant information. The complainant will have an opportunity to review, amend and affirm by signature the accuracy of the interview summary.

The investigating officer will endeavor to promptly conduct a thorough investigation, making a reasonable effort to consult known sources of relevant information. Reasonable efforts should be made to keep the parties informed of the progress of the investigation. The determination as to whether charges will be brought as a result of the investigation will be made by the official as provided by the applicable faculty, staff, or student procedures. The official making this determination will consider all relevant information discovered as a result of the investigation.

If charges are brought, the respondent will be notified of the specific charges, the formal procedures that will apply, and the sanctions that could be imposed if a violation is found. The notice will specify a reasonable time for answering the charges and will schedule a date for a formal proceeding as soon as practicable after the time expires for the respondent to answer. The respondent may propose a different date for good cause by including the request in his or her answer. A violation may be found if the respondent fails to answer or appear at the scheduled proceeding.

If no charges are brought, the respondent and the complainant will both be notified that the respondent will not be
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charged based on the known facts as disclosed by the investigation. At the respondent's request, the university will similarly notify any other persons who were involved in the investigation.

3. **Formal Hearing Procedure**
   Any person formally charged with a violation of this policy will be afforded an opportunity for a fair and impartial hearing. The applicable procedure will be as provided under the Faculty Code, the Staff Policies and Procedures, or the Student Integrity Code depending on whether the respondent is a member of the faculty, staff, or student body, respectively. Following are references to the applicable provisions of those documents:

   **a. Complaint Against a Faculty Member**
   A faculty member's violation of this policy constitutes a breach of his or her contract of employment with reference to the applicable substantive provisions of Chapter I of the Faculty Code. A complaint against a faculty member must be formally adjudicated pursuant to the grievance procedures of Chapter VI or the dismissal procedures of Chapter V of the Faculty Code.

   Because the conduct prohibited by this policy, and possibly by applicable civil or criminal law, is inconsistent with the university's purpose to provide a nondiscriminatory and safe working and learning environment, such conduct is neither condoned nor protected by the principles of academic freedom, and this policy, therefore, does not in any way alter or qualify the protections of academic freedom as provided by the Faculty Code.

   **b. Complaint Against a Staff Member**
   A staff member's violation of this policy constitutes a violation of the conditions of his or her employment. A staff member found to have violated this policy will be sanctioned through the corrective action policy of the Staff Policies and Procedures.

   **c. Complaint Against a Student**
   A violation of this policy by a student constitutes a violation of Standard One and Standard Six of the Student Integrity Code and may also violate one or more other substantive code provisions. A complaint against a student must be formally adjudicated pursuant to the procedural provisions of the student code and calls for the convening of a Sexual Misconduct Board (see Appendix E).

   **d. Procedural Rules of General Applicability**
   For purposes of adjudicating a complaint alleging a violation of this policy, the above referenced formal procedures will be supplemented to the following extent:

   1. **General**
      The applicable procedure will be conducted fairly, impartially, and with the purpose of discovering the truth. However, formal rules of procedure and evidence used in courts of law will not apply. Except as provided below, any evidence, including hearsay evidence, may be considered if it will assist the applicable fact finder in discovering the truth and is not unduly prejudicial to any party.

   2. **While the procedures of the Student Integrity Code provide the respondent in a conduct case the opportunity to meet with the hearing officer or the hearing body, the complainant in a formal harassment resolution process may elect to meet with the hearing officer or hearing body as part of the hearing process.**

   3. **Burden of Proof**
      A finding of a violation of this policy requires proof that the allegations are more likely true than not true (preponderance of the evidence). If a respondent chooses not to respond, a violation may be found based solely on the statements of the person by or on whose behalf the complaint is brought.

   4. **Consent as Defense**
      Consent is not a defense in a sexual harassment or sexual misconduct complaint if the complaint concerns a student with respect to whom a faculty or staff respondent was in a position of professional responsibility at the
time of the alleged misconduct. Consent may be available as an affirmative defense in some, but not necessarily all, other circumstances. Where the defense is available, the respondent will bear the burden of proving that the alleged conduct was of a consensual nature or that he or she in good faith reasonably believed that the complainant consented to the conduct.

5. **Character Evidence**
   Evidence of a party's character is generally not admissible to prove conduct in conformity with that character on the occasion in question, except that either party may submit evidence of his or her good character. Evidence of the complainant's past sexual conduct is specifically inadmissible to prove consent on the occasion in question, unless the evidence concerns prior sexual conduct with the respondent. Prior conduct or other evidence of character is otherwise admissible for any relevant purpose and as fairness may require.

6. **Unavailable Witness**
   The parties to the proceeding may question any witness to the extent permitted by the applicable procedure. However, a witness who is unable or unwilling to appear may offer evidence by means of a signed statement which need not be notarized. An unavailable witness may be examined by means of written responses to questions posed by either of the parties or by the factfinder. If the factfinder cannot evaluate the evidence without requiring the presence of the witness, the offered evidence may be excluded if his or her presence cannot be obtained.

7. **Confidentiality**
   Formal proceedings will be closed to the public. The university will exert its best efforts to maintain the confidentiality of the proceeding and to protect the privacy of the immediate parties to the complaint. However, the immediate parties will both be notified in writing of the factfinder's decision and the nature of any sanctions imposed.

4. **Sanctions**
   The applicable decision maker may impose any one or more sanctions as appropriate in the circumstances. In imposing sanctions, the decision maker will consider the nature, frequency, and severity of the offending conduct, the resulting harm to other persons or to the campus community, the respondent's past disciplinary record at the university, and the likelihood of future harm to other persons or to the campus community. Sanctions should be imposed to serve a corrective rather than merely punitive purpose.

   a. **Student Sanctions**
      Sanctions that may be imposed upon a student include but are not limited to:
      1. official reprimand, including a warning of the possible consequences of further violations;
      2. conduct probation, during which period of time the student may not participate in cocurricular activities;
      3. permanent eviction from university housing;
      4. conduct suspension, consisting of a temporary separation of the student from the university;
      5. any one or more other corrective sanctions as appropriate, such as an apology to persons harmed, or participation in an appropriately designed educational or other appropriate counseling program;
      6. permanent expulsion from the university.

   b. **Faculty or Staff Sanctions**
      Sanctions that may be imposed upon a faculty or staff member include but are not limited to:
      1. official reprimand, including a warning of the possible consequences of further violations;
      2. restrictions on participation in campus activities or forfeiture of a benefit, honor, leadership position, or other privilege enjoyed by virtue of the person's membership of the faculty or staff;
      3. transfer, demotion, or forfeiture of promotion or salary increase;
      4. suspension or mandatory leave of absence;
5. any one or more other corrective sanctions as appropriate, such as an apology to persons harmed, participation in an appropriately designed educational or counseling program;

6. termination of employment

G. Records Retention and Disclosure
The university will retain a confidential record of any discriminatory harassment or sexual misconduct including sexual harassment complaint and its final disposition. The existence and contents of this record may not be publicly disclosed by the university without the written consent of the person about whom the information is sought, except as permitted by the Family Educational Rights and Privacy Act or as required by legal process, including valid court order. The complaint record may otherwise be used by the university for legitimate internal purposes relating exclusively to the enforcement of this policy.

Appendix A
Discriminatory Harassment Comments and Examples
Discriminatory harassment denigrates or shows hostility or aversion toward an individual or group because of a legally protected status or characteristic. Such conduct is often motivated by strong feelings against a group of persons. To be a victim of any harassment or violence is unacceptable, but to suffer such abuse because of one’s identity compounds the victimization. The impact of discriminatory harassment extends beyond the individual who is targeted to all members of the group.

The purpose of this policy is to protect students, faculty members and all staff members from discrimination, not to regulate the content of speech. The policy is not a speech code and does not proscribe particular words or viewpoints. A particular expression, standing alone, need not establish a hostile environment. Rather, conduct of concern under this policy will be evaluated in terms of (1) whether a reasonable person in the complainant’s position, considering all of the circumstances in which the conduct occurred, would find the environment hostile and (2) whether the complainant actually perceived the environment to be hostile. Both tests must be met in order for the complainant to establish a severe or pervasive hostile environment.

Discriminatory harassment generally involves repeated behavior or a pattern of offensive conduct that interferes with the victim’s access to the educational or employment opportunities of the institution. However, the university may remedy any improper conduct, and a single instance of discriminatory harassment, if sufficiently serious, could result in the dismissal of a faculty or staff member or the expulsion of a student.
Examples of behavior that could be reported for review under this policy include:

(a) Directing racial or ethnic slurs at someone.
(b) Telling someone repeatedly that they are too old to understand new technology.
(c) Teasing or mocking a person with a disability.
(d) Ridiculing a person's religious beliefs.
(e) Vandalizing or defacing property.
(f) Placing written or visual material, such as a swastika or a homophobic epithet, on the door of an individual's living or work area.
(g) Chalking anti-Semitic language on a campus sidewalk or parking lot.
(h) Stalking or physically assaulting someone.
(i) Making threatening telephone calls, writing threatening e-mail messages, or leaving threatening voice mail messages.

Appendix B
Sexual Harassment Comments and Examples

1. Quid Pro Quo Harassment
   In the case of quid pro quo harassment, the harasser is usually someone, whether of the same sex or of a different sex, with the formal authority or power to make or influence a decision affecting the person's employment or education. A single instance of quid pro quo harassment may result in the imposition of any sanction, including the dismissal of a faculty or staff member or the expulsion of a student.

   Following are some examples of conduct that may constitute quid pro quo harassment:

   (a) Granting or denying an employment-related or education-related benefit, such as a promotion, work assignment, course grade, or letter of recommendation, because of a person's submission or refusal to submit to a sexual advance, request for sexual favors, or other sexual conduct;
   (b) Stating or implying that a person's submission or refusal to submit to sexual conduct will result in the person's receipt or denial of an employment or educational benefit.

2. Hostile Environment Harassment
   The harasser in the hostile environment situation can be a person of the same sex or of a different sex in a position of formal authority or power, but can also be a co-worker, peer, or even a subordinate of the person harassed. This type of harassment generally involves repeated behavior or a pattern of offensive conduct that interferes with the victim's access to the educational or employment opportunities of the institution. However, the university may remedy any improper conduct, and a single instance of hostile environment harassment, if sufficiently serious, could result in the dismissal of a faculty or staff member or the expulsion of a student.

   Following are some examples of conduct that may constitute hostile environment harassment:

   (a) Deliberate and unwanted hugging, kissing, pinching, brushing, patting, or other intimate touching of a person's body;
   (b) Persistent and unwelcome sexual flirtations, advances or propositions of a sexual nature, or requests for dates or sex;
   (c) Repeated and unwelcome remarks, written notes, gestures, or jokes of a sexually suggestive nature, unwelcome remarks about a person's appearance, or gratuitous descriptions or requests for descriptions of personal sexual experiences or desires;
   (d) The repeated and unwelcome use of belittling, demeaning, or abusive language with reference to the sex of a person or group, or the unwelcome, unreasonable, and offensive display of sexually suggestive or sexually abusive objects, pictures, or illustrations, to the extent that such language or displays are prohibited by equal opportunity law and are not protected by academic freedom;
   (e) Hazing, pranks, or other intimidating, harmful, or offensive sexual or nonsexual behaviors directed toward a person.
or group because of the sex of the person or group;
(f) Sexual assault and other forms of nonconsensual sexual conduct.

3. Unwelcome Conduct
   Whether conduct is unwelcome depends on the point of view of the person to whom the conduct is directed. It is generally better for the person harassed to make it clear that the conduct is unwelcome when the conduct occurs, because this may stop the harassment before it becomes more serious and will also serve as evidence that the conduct occurred and was unwelcome. Nevertheless, the conduct may be found to be unwelcome even if the person did not manifestly object to it.

4. Hostile or Offensive Environment
   Conduct creates an intimidating, hostile, or offensive environment if objective, reasonable persons would find the environment offensive to them if they were of the same sex and in the same circumstances as the person to whom the conduct was directed. This means that conduct may be prohibited even if the person engaging in the conduct did not intend it to be sexually harassing.

5. Sexual or Nonsexual Conduct
   Conduct need not be sexual in nature to be sexually harassing conduct. The conduct may constitute sexual harassment if it is directed toward a person because of his or her gender. For example, a co-worker who refuses to speak to a colleague because of his or her gender engages in sexually harassing conduct. Conversely, conduct is not sexually harassing if it is neither sexual in nature nor directed toward a person because of his or her sex.

Appendix C

Sexual Assault Response Procedures
This Sexual Misconduct Policy prohibits all forms of rape, indecent liberties, and other forcible and nonforcible sexual offenses of a criminal nature. Following is an outline of the university’s procedures for reporting and responding to a criminal sex offense:

1. The crime should be reported immediately to Security Services. The survivor also has the option to notify the Tacoma Police Department, whether or not the offense is reported to Campus Security. If the survivor so desires, the university will assist in notifying the police.

2. The survivor should be encouraged to seek immediate medical attention. A prompt medical examination is important to check for possible injuries or infection and to collect medical evidence needed in the event of a criminal prosecution.

3. The survivor should also be encouraged to seek personal counseling and support from Counseling, Health, and Wellness Services; the University Chaplain, the Pierce County Sexual Assault Crisis Center, or another counseling service of the survivor’s choice.

4. The survivor should be informed of the option to report the offense to a designated campus official in accordance with this Sexual Misconduct Policy, if applicable.

5. If the survivor so desires, the university will make alternative campus housing and academic arrangements as may be appropriate and reasonably available in the circumstances.

For additional information about these procedures, contact any of the designated officials as provided by the Campus Policy Prohibiting Harassment and Sexual Misconduct. The University of Puget Sound provides various educational programs to promote the awareness of rape, acquaintance rape, and other forcible and nonforcible sex offenses. Contact the Office of the Dean of Students for information about these programs.
Appendix D
Informal Resolution Alternatives
Following are some of the possible ways in which a complainant might be assisted in resolving a policy violation on his or her own.

1. The complainant might be empowered to handle uncomfortable situations personally by using a variety of interpersonal approaches, such as the following:

Deal with the situation immediately. Don't equivocate. Simply tell the person, What you are doing makes me uncomfortable, or I don't like to be touched, please don't do it. Describe what is happening while it is happening: Two comments disparaging of Latinas were made in class today (specify) and you did not confront those comments in any way or This is the second time today you've brushed against my body when you walked by.

Don't smile at the harasser. Don't look down or away. Stare right back. Don't let the harasser get too close or lean on you. Stand up or move away. Avoid gestures that might be perceived as defensive and appeasing. Don't ask the harasser for personal advice, and don't answer personal questions. Keep dealings with the person on a strictly professional level.

Try asking how the harasser would feel if his or her own child or other family member were treated this way. Or ask how the harasser would feel about answering a question about his or her conduct from a professional colleague, a supervisor, or a news media reporter.

Leave a copy of this Campus Policy Prohibiting Harassment and Sexual Misconduct on the harasser's desk and highlight the part that describes what he or she is doing to you.

2. Alternatively, the complainant might be encouraged and supported to try resolving the problem by initiating a conversation about it directly with the person whose conduct is objectionable. The complainant may wish to do this on his or her own or in the company of another person.

3. The complainant might also write a confidential letter to the person whose conduct is objectionable. The letter should contain an objective description of the offending conduct, a statement of how the writer feels about it, and a demand that it stop. The letter should be sent by certified mail, but copies should not be sent to anyone else since this may defeat the purpose in achieving an effective, confidential resolution of the problem. However, the writer should keep a copy of the letter and the return receipt as evidence in case the behavior recurs.

Appendix E
Sexual Misconduct Board
The Sexual Misconduct Board composed of a faculty member, a staff member, and a student, will follow the Procedures for Adjudication of Student Integrity Code Cases, Section VI.B. (Integrity Code Board) of the Student Integrity Code with the following adjustments:

1. Cases alleging sexual misconduct by a student will automatically be adjudicated by the Sexual Misconduct Board.

2. The Board will issue two documents to the respondent student and the complainant: a determination letter and a memorandum opinion. The determination letter will contain only the following information: the name of the respondent; whether the respondent has been found responsible or not responsible of the charges of sexual assault or sexual misconduct; and the sanction imposed, if any. As guaranteed by federal law, both the respondent and the complainant have a right to this information. University policy neither encourages nor discourages further disclosure of the determination letter by either student. The university encourages a student who wishes to disclose the determination letter to consult with legal counsel before doing so. The memorandum opinion will contain an explanation of the panel's reasoning for its determination. The memorandum opinion is both an educational record and confidential record of the hearing and may not be disclosed except as authorized or required by law.
3. The complainant may present the panel with a statement recommending a sanction (Impact Statement). The student found responsible will be provided an opportunity to respond to the statement. The panel shall not be bound by these statements in determining a sanction. Witnesses other than the parties normally are not permitted at the Impact Statement phase of the hearing; however, the Chair reserves discretion as the presiding officer to determine the presence of other persons.

4. Witnesses may be called by the Board.

5. The complainant may be present during the hearing process.

6. The Board will make a determination of responsibility and sanctions if appropriate.

7. The right to appeal to the Dean of Students is subject to the conditions defined in the Student Integrity Code.

Appendix F
Legal Foundations for the Campus Policy Prohibiting Harassment

- **City of Tacoma Code Chapter 1.29** prohibits discrimination based on race, color, religion, sex, gender identity, sexual orientation, age, national origin or ancestry, marital status, familial status, or the presence of any sensory, mental, or physical handicap.

- **Washington State Law Against Discrimination** (RCW Chapter 49.60; regulations in the Washington Administrative Code 162-04-10 et seq.) prohibits employment discrimination on the basis of age, race, sex, disability, marital status, national origin and creed.

- **Title VII of the Civil Rights Act of 1964** (42 U.S.C. 2000(e) et seq.; regulations in 29 C.F. R. 1604 (sex), 1605 (religion) and 1606 (national origin) prohibits employment discrimination based on race, color, religion, sex or national origin, as amended by the Civil Rights Act of 1991.

- **Civil Rights Acts of 1866 and 1871** (42 U.S.C. 1866 and 1871) provide a federal statutory remedy for certain kinds of discrimination independent of Title VII; Section 1861 applied to discrimination on the basis of race, color and probably national origin; Sections 1865 and 1866 prohibit conspiracies to deprive a person or class of persons of the equal protection of the laws or the right to vote or to support a candidate.

- **Equal Pay Act of 1963** (29 U.S.C. 206(d)) makes it unlawful for an employer to pay different wages for equal work based on an employee’s sex.

- **Age Discrimination in Employment Act of 1967** (29 U.S.C. 621 et seq.) prohibits discrimination in employment against individuals over the age of 40.

- **Americans With Disabilities Act** (42 U.S.C. 1201 et seq.) extends broad federal civil rights protection to Americans with disabilities.

- **Bankruptcy Act** (11 U.S.C. 525) makes it unlawful for any employer to terminate an employee or to discriminate against an employee who has been a debtor or filed for bankruptcy or failed to pay a debt that was discharged in bankruptcy under the Bankruptcy Act.

- **Uniformed Services Employment and Reemployment Rights Act** (38 U.S.C. 4301 et seq.) prohibits discrimination based on membership or service in the Armed Forces, the Army National Guard, the Air National Guard or the commissioned corps of the Public Health Service.

- **Executive Order 11246, Amended by Executive Order 11375** prohibits discrimination by government contractors on the basis of race, color, religion, sex or national origin.

- **Immigration Reform and Control Act of 1986** prohibits employers from knowingly hiring “unauthorized aliens” from engaging in “unfair immigration-related employment practices.” It prohibits discrimination against any individual (other than an “unauthorized alien”) because of national origin or citizenship status.

- **Title IX of the Education Amendments of 1972** which provides that no person shall, on the basis of sex, be excluded from participation in, be denied the benefit of or be subjected to discrimination under any program or activity receiving federal financial assistance.

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- Executive Order 11141 prohibits discrimination by government contractors based on age.
- Age Discrimination in Federally Assisted Programs Act of 1975 (42 U.S.C. 6101 et seq.) provides that no person shall, on the basis of age, be excluded from participation in, be denied the benefit of or be subjected to discrimination under any program or activity receiving federal financial assistance.
- The Civil Rights Restoration Act of 1988 provides that if any part of a covered institution receives federal funding, then all of the operations of the institution are subject to civil rights statutes. The statutes collectively provide that such institutions must not exclude, deny benefits to, or discrimination against any person because of race, color, national origin, sex, handicap, or age.
- The Office for Civil Rights (OCR) on July 29, 2003 clarified the standard for discriminatory harassment, noting that it must “include something beyond the mere expression of views, words, symbols or thoughts that some person finds offensive. Under OCR’s standard, the conduct must also be considered sufficiently serious to deny or limit a student’s ability to participate in or benefit from the educational program. Thus, OCR’s standards require that the conduct be evaluated from the perspective of a reasonable person in the alleged victim’s position, considering all the circumstances, including the alleged victim’s age.”