

Revised Version to be presented for approval in the fall

**Faculty Senate Minutes
April 18, 2005**

Senators Barry Anton, Kris Bartanen, Bill Beardsley [Chair], Alyce DeMarais, Robin Foster (and Chair, ACTE), Bill Haltom, Suzanne Holland, Eric Orlin, Karen Porter, David Tinsley, Julian Edgoose, Chrissy Dupuis (ASUPS), Chelsea Howes (ASUPS).

Guests Bill Breitenbach (PSC), Fred Hamel (ASC), Amy Ryken (UEC), Nancy Bristow (ACTE), Hans Ostrom (ACTE), Alexa Tullis (ACTE), Rich Anderson-Connolly (CC), Bill Barry, Associate Dean.

Order **Senate Chair Beardsley** called the meeting to order at 4:02 p.m.

Minutes Minutes of April 4, 2005 were approved as amended.

Chair's Report **Chair Beardsley** welcomed the newest ASUPS representative, **Chrissy Dupuis**.

Special Orders None

ACTE Report **Chair Foster** presented the progress report of the Ad Hoc Committee on Tenure and Evaluation (ACTE). [Document appended to minutes.]

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Chair Foster reminded the Senate that no specific charges were received, so that ACTE has adopted four approaches:

1. Data Collection
2. A Review of Department Criteria and Procedures
3. Faculty Interviews
4. Specific Responses to Questions Raised in the Working Document on Tenure and Promotion already circulated.

Data Collection:

ACTE has collected data regarding presidential actions in tenure decisions during the Phibbs and Pierce administrations. **Chair Foster** distributed two graphs with the status of working documents that showed negative and positive presidential decisions in tenure cases under Presidents Phibbs and Pierce.

AVP Bartanen asked what the source of the data was.

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ACTE Member Ostrom reported that it was a faculty source.

AVP Bartanen noted that the data were incomplete (only a selection of years during the presidencies), that no source was cited and that the axes of the graphs did not line up. She asked how a faculty member could have access to such information.

Chair Foster acknowledged some problems with the data but avered that the data could allow for some preliminary observations:

- There has been a dramatic increase in the number of women up for tenure.
- A greater proportion of men has been awarded tenure.

She reassured **Sen. Orlin** that the data did reflect outcomes of tenure cases. She noted that, according to the faculty source, the Trustees had never chosen to override a presidential recommendation.

AVP Bartanen noted that she had made four copies of the latest, complete data on faculty retention available to ACTE.

Chair Foster concluded by reminding the FS that some demographic factors will not be available because we cannot get the data. ACTE plans to pursue the issue of gender as a variable in tenure decisions.

Department Procedures

Chair Foster reported that ACTE was not investigating whether department procedures were in compliance with the Faculty Code, noting that this was the province of the PSC. She said ACTE was investigating variability in procedures aside from or in addition to Code requirements.

Faculty Interviews

Chair Foster announced that ACTE interviews would include five different groups of faculty, as listed on P.2, Section C of the ACTE Report.

Response to Specific Questions in the FS Working Document on Tenure and Promotion Issues.

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Chair Foster reminded the FS that ACTE’s responses had been included in an e-mail attachment that senators should have received.

FS Chair Beardsley asked whether data regarding tenure candidates who left before six years could be obtained.

AVP Bartanen noted that the data sent by her and John Finney to ACTE included this information.

Sen. Holland offered thanks on behalf of the FS to members of ACTE for all of the work they had accomplished in such a short time. She asked what ACTE would have the FS do next.

ACTE Member Ostrom urged the FS to act on ACTE’s recommendations.

IT WAS M/S/P TO RECEIVE THE ACTE REPORT. THE VOTE WAS UNANIMOUS.

| UEC Report

Chair Ryken formally presented the UEC Report.

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Sen. DeMarais asked for details regarding the pilot testing of a review process for undergraduate student research grants.

Chair Ryken highlighted the need for unsuccessful applicants for student research grants to receive feedback on the quality of their proposals. For example, only 21 of 32 applicants got grants, and the unsuccessful students received no feedback on their proposals.

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Chair Ryken reported that she was unsuccessful in getting the UEC to adopt a formal procedure, but that the provision was made for unsuccessful candidates to consult with John Finney regarding the written commentary their applications received.

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Sen. DeMarais asked **Chair Ryken** if she wished a charge from the FS to that effect.

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Suggested Charge #1: Explore more formalized possibilities for giving student applicants feedback.

Suggested Charge #2: Explore updating pertinent websites with more helpful information.

Sen. Holland asked about Item #5, the revision of eligibility requirements for faculty release units.

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Chair Ryken indicated that there were 16 applicants this year and that 8 release units were rewarded.

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Sen. Holland asked whether the number of awards varied from year to year.

Chair Ryken replied that the UEC only provided a ranking of applications, which was sent to the AVP Bartanen's office for determination of awards.

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Sen. Holland initiated a discussion concerning the advisability of funding student conference travel in cases where they were not presenting papers. **AVP Bartanen** noted that some departments made some of their departmental operating money available for this purpose. **Sen. Haltom** suggested that the FS consider a charge to badger ASUPS into making more money for student conference travel available.

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Sen. Tinsley commended **Chair Ryken** on the recent increases in the per diem for faculty travel, noting that the old per diem would not come close to covering basic expenses in any major city.

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Chair Ryken explained that she was able to work together with John Finney to receive more funding from the Budget Task Force and that the increase did not mean a decrease in UEC funding elsewhere.

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Sen. Tinsley offered thanks on behalf of the FS to members of UEC for this accomplishment.

IT WAS M/S/P TO RECEIVE THE UEC REPORT. THE VOTE WAS UNANIMOUS.

ASC Report

Chair Hamel formally presented the ASC Report.

Sen. Anton asked for a status report on the Academic Calendar.

Chair Hamel indicated his willingness to consult on the issue.

Discussion focused on the possibility of creating a protected hour for meetings of the full faculty. The inability of significant numbers of junior faculty to attend the last meeting, where a key change in tenure evaluation procedures was discussed, was cited as an example. **AVP Bartanen** described how the creation of MW classes at 3PM had eroded the proposed protected hour of M at 4PM. **Sen. Holland** noted that meeting dates are supposed to

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rotate, but that the last two faculty meetings had taken place on Tuesday, meaning that the same group was excluded twice.

Possible Charge #1: Explore the possibility of freeing up an hour for full faculty meetings so that everyone may attend.

IT WAS M/S/P TO RECEIVE THE UEC REPORT. THE VOTE WAS UNANIMOUS.

CC Report

Chair Anderson-Connolly formally presented the Report of the Curriculum Committee..

Sen. Edgoose, citing the gargantuan workload of the CC, asked whether appointing more members would be appropriate.

Chair Anderson-Connolly and **Associate Dean Barry** discussed a number of factors that might be responsible for the difficulty of finding committee members to staff the subcommittees in 2004-5, including the work on the new core, the necessity for a liaison to the Interim Study Abroad Committee and some problems with attendance. They suggested that the FS ask the CC again next year.

Sen. DeMarais asked whether the ASC were too large and suggested that a shift of slots from the ASC to the CC might solve the problem.

Sen. Orlin proposed that exploring this solution be presented to the CC as a charge. The FS agreed.

IT WAS M/S/P TO RECEIVE THE REPORT OF THE CC. THE VOTE WAS UNANIMOUS.

The Campus Policy Prohibiting Harassment

AVP Bartanen formally presented the final revised version of the CPPH, noting that it was the product of two years of collaboration among administration, students, faculty, and staff. She reminded the FS that it had discussed a previous draft of the CPPH in the spring of 2004, and that some changes then proposed by the FS had been incorporated. She reported that the University legal council had recommended that both an “objective” test of harassment (how a “reasonable person in the complainant’s position” would judge the situation) and a “subjective” test of disciplinary harassment (how “the complainant actually perceived” the situation) be included for both sexual harassment and other forms of discriminatory harassment.

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Sen. Haltom noted the importance of the conjunction “and” linking the two standards.

Sen. Tinsley asked whether it were indeed true that a complaint would be judged invalid should it meet just one of the tests.

AVP Bartanen agreed that, if it is found that reasonable people would not consider something to be harassment, it would fail the test. She noted that in a hypothetical case involving a complaint of one staff member against another, it still might be necessary to initiate a conversation with the respondent. Ultimately, staff handbook, faculty code or integrity code grievance procedures could apply.

Sen. Tinsley expressed concern about the effect on academic freedom of extending the conditions applicable in the current sexual harassment policy to all speech on campus. He asked if this meant that anything said in the classroom might be the cause for a complaint.

AVP Bartanen agreed that it might be but noted that the sexual harassment policy has always covered harassing speech, in the classroom or out.

Sen. Tinsley asked whether the new policy was generated in response to the University’s legal exposure or to specific incidents on campus.

AVP Bartanen informed the FS we have needed such a policy for a long time and that there have been several incidents over the past two years in which university officers have had to tell complainants that the University does not have a formal written policy covering discriminatory harassment but has used procedures parallel to the sexual harassment policy to address those situations.

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Sen. Tinsley reminded the FS of the incident in the 90’s involving a group of student Holocaust deniers on campus. He noted that President Pierce had responded by creating a series of public forums in which the deniers were forced to confront the implications of their ideas. This had mobilized student response and engendered a campus-wide dialogue in which many students were motivated to inform themselves about the Holocaust. This illustrated, to **Sen. Tinsley**, how a university should function. He

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asked **AVP Bartanen** if such a situation would be dealt with differently under the new policy.

AVP Bartanen answered that the response to Holocaust denial and incidents of discriminatory harassment were two different situations. The University had used the forum model in the case of the “Blackface” incident. The Diversity Committee is also working on creating an incident response team to intervene in such cases. This is a different issue than a pattern of individual behavior directed at an individual or group based on gender, race, or other characteristics. One is about conflicting ideas; the other is about protecting the working environment. In response to **Sen. Tinsley** she did agree that a complaint might be brought in the case such as he had just cited.

Sen. Edgoose raised the concern as to whether it would be appropriate under the CPPH for him to single out ethnicity as a category for special attention while training teachers.

AVP Bartanen responded that the manner in which such questions were raised would be crucial. There would be no problem if proper sensitivity were displayed.

Sen. Holland voiced support for the need for such a policy. She expressed concern about the potential for discussions about religion or religious groups being reported back as harassment.

AVP Bartanen suggested that an instructor proceed with sensitivity and test the comfort level. She noted that if the atmosphere is one where diversity of perspectives is welcomed, that there would be no reason for concern.

Chair Beardsley repeated his query from last year concerning whether extending the policy to all speech wouldn’t make it harder to bring sexual harassment complaints, since two tests are now required.

AVP Bartanen replied that the University legal counsel sees this change as reflecting conservative changes in the interpretation of the law.

Sen. Haltom pointed out, based on the functional illiteracy not infrequently displayed at faculty meetings regarding interpretations of the Faculty Code, that even literal statements as contained in the CPPH won’t avail us unless we can maintain faith in the

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University institutions and committees that are responsible for the interpretations.

Sen. Haltom then analyzed Point 5 of Page 10 of the CPPH, noting the asymmetry in the prohibition of prior acts becoming part of the case. He opined that the wording puts the respondent at the mercy of the complainant under such circumstances.

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AVP Bartanen reminded the FS that the wording is from the current sexual harassment policy, which has been in effect for twelve years. She asked if Haltom wished to offer a suggested revision.

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Sen. Tinsley asked to what degree records of complaints will be maintained and to what extent they will be used against respondents to establish a “pattern of discriminatory behavior.”

AVP Bartanen replied that a record of cases is published annually in *The Trail*, *The Open Line*, and in the minutes of the Student Life Committee. Such records are maintained by the Dean of Students under conditions of strict secrecy. Asked if the outcome of previous cases is ever taken into account, **AVP Bartanen** responded that she could not recall specific instances of such uses of the record.

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IT WAS M/S/P THAT THE FACULTY SENATE CONCURS WITH ASUPS AND THE STAFF SENATE IN APPROVING THE CPPH. THE VOTE WAS UNANIMOUS.

The CPPH will now go to the Trustees for final approval.

Old Business

Extensive discussions of the Faculty Service Award were initiated by **Chair Beardsley**. THE CONE OF SILENCE DESCENDED. After several spirited and heartfelt exchanges of opinion involving all senators, a candidate was elected by acclamation. This person’s identity will be revealed at the proper time and with the proper pageantry.

Other Business

Sen. Foster, donning her other hat, asked if it were the will of the FS, following the impetus of **Sen. Anton** at previous meetings, that each standing committee receive the charge to evaluate itself and its usefulness.

The FS voted unanimously to send this charge to each committee as part of a self-evaluation of governance.

Adjourn

The FS enthusiastically supported **Sen. Haltom’s** motion to

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adjourn. The time was 5:34 PM.

Respectfully submitted,
David Tinsley
Faculty Senator

Thanks to Sen. Porter and Sen. Holland for their transcriptions of the discussions on the CPPH.

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Documents to Be Appended:

ACTE Report
UEC Report
ASC Report
Report of the CC
The CPPH (single document)
The CPPH (parallel texts with changes highlighted)

April 12, 2005

Faculty Senate's Ad Hoc Committee on Evaluation, Tenure, and Related Topics

Members of the Committee, Appointed by the Faculty Senate:

Professors Nancy Bristow, Robin Foster (Chair), Hans Ostrom, and Alexa Tullis

**Answers to Questions Posed in the Faculty Senate's Document on Governance,
Followed by Recommendations**

Note: In each instance, we begin by restating the question(s) posed by the Senators, and we include any quotations from the Faculty Code that the Senators had explicitly linked to questions. After our answer(s) to each question appear our recommendations, which point to actions the Senate and others may want to take. Please feel free, of course, to share this document with all members of the faculty.

1. [Question #7 in Governance-Document]: Does the Faculty Advancement Committee have the authority to request an evaluatee to submit to it directly, to become part of the evaluatee's file, materials that the evaluatee elected not to include in his/her file?

The Faculty Code states that "The Advancement Committee shall consult with the head officer from the department, school or program or the person(s) serving as head officer for the evaluation, as provided for in Section 4.a. (3) (b) and (d) above: if the Committee is not assured that the department, school or program gave adequate consideration of the faculty member involved; or if the committee feels that additional information is needed" (Chapter III, Section 4, c. (4) (a)).

Answer: No, the Faculty Advancement Committee (FAC) does not have the authority to request an evaluatee to submit to it directly, to become part of the evaluatee's file, materials that the evaluatee elected not to include in his or her file. The Faculty Code clearly directs the FAC [Advancement Committee] to "consult with the head officer from the department, school [,] or program or the person(s) serving as head officer for the evaluation" in cases where "additional information is needed" and those where "adequate consideration" was not achieved. Because the Faculty Code clearly directs the actions of the FAC in such cases, the absence of an explicit directive prohibiting the request of material directly from an evaluatee **must not** be used as an excuse to circumvent the existing, clear, and explicit directive to the FAC that it should consult with the head officer.

Recommendation: The Ad Hoc Committee recommends that the Faculty Senate pass a “sense of the faculty” motion to reaffirm what the Faculty Code explicitly directs the FAC to do in cases where “additional information is needed” in an evaluation. The Committee further recommends, respectfully, that the Academic Vice President, in the evaluation-guidelines sent to chairs & directors each year, highlight this part of the Code. Question: If the consultation with the head officer results in a desire on both sides to see materials that the evaluatee elected not to include, can the head officer request it from the evaluatee, and does the evaluatee need to comply?

2. [Question # 8 of the Governance-Document]. **If the Faculty Advancement Committee becomes aware of procedural violations that may have occurred before the file reached the FAC, what must the FAC do to insure fairness, impartiality, and/or adequacy in its review? What may the FAC do?**

The Faculty Code states that “Before proceeding to a recommendation, the Advancement Committee through the Committee’s careful review of the evaluation file shall determine whether the department, school, or program gave adequate consideration to the evaluatee...” (Chapter III, Section 4, c. (4)).

“Having determined that it has the materials and documentation necessary for making a fair and impartial evaluation, or at the conclusion of the dispute process in Section 4.c.(4) above, the Advancement Committee shall proceed to a recommendation based on the evidence at hand” (Chapter III, Section 4, c. (5)).

Answers: If the FAC becomes aware of procedural violations that may have occurred or obviously did occur, it **must** do its utmost to redress the violations and/or to insure that other appropriate persons or entities redress the violations. It **must not** ignore the violations, and it **must not** pretend that they did not occur. One way the FAC **may** try to redress the violations, a way described in the Faculty Code, is for the FAC to contact the head officer (or his or her equivalent, as in the case of an Acting Chair), advise him or her of the violations, and direct him or her to re-open those portions or that portion of the evaluation-process in which the violation occurred. In the parlance of the FAC, this action is known as “sending the file back.”

To reiterate: If the FAC becomes aware of procedural violations that may have occurred or obviously did occur, it **must not** proceed as if the violations had not occurred. If the FAC determines that the procedural violations are irreparable or that returning (as it were) the evaluation-case to the department, school, or program would likely not address the violations, it **may** grieve the parties allegedly responsible for the violations, including the head officer. The grievance **may** be made to the Professional Standards Committee, according to existing guidelines for making grievances.

Again, if it does not grieve the parties, what might it do to avoid simply ignoring the violations?

Recommendation: The Committee recommends that the Senate ask three former members of the FAC to draft a document which *concisely* describes what steps the FAC ought to take in cases where it has found procedural violations to have occurred, the purpose of these steps being to insure adequate consideration of the evaluatee's file and case and to redress the specific violations the FAC determined probably to have occurred. The Committee respectfully suggests that when the Senate is satisfied that the steps described are sensible and follow the Faculty Code, it should approve the document and transmit it to the FAC.

3. [Questions 9 and 9A of the Governance-Document]. May a department or a head officer refuse either to hold a vote or to make a recommendation regarding an evaluatee?

- 9a. **If a Department chair were to forward a file without vote and/or recommendation to the Faculty Advancement Committee, may the FAC accept a departmental recommendation other than by a vote of the departmental faculty in some departmental assembly?**

Answers: A department, school, program, or the head officer thereof may *postpone* a vote or a recommendation regarding an evaluatee *if* the department, school, program, or head officer thereof determines that the evaluation-process has been incomplete or inadequate up to that point, in which case, according to the Faculty Code, a vote or recommendation is not yet appropriate.

However, in *all* cases where the evaluation-process has been complete and adequate, the department, school, or program must make a recommendation; the recommendation must fit the type of evaluation with which it is concerned, such as "Satisfactory or Unsatisfactory," "Tenure or Tenure-Denied," or "Promotion or Promotion Denied," for example; and the department, school, or program must communicate this recommendation to the FAC clearly. In all cases where the evaluation-process has been complete and adequate, a department, a program, a school, or a head officer thereof may not refuse to hold a vote or make a recommendation regarding an evaluatee and must insure that all tenure-line members of the department (and other members in similar good standing) have had a full and equal opportunity to participate in the voting and the recommendation-process.

The FAC must not accept a departmental [school, program] recommendation resulting from a process in which all members of the department [school, program] who were available to participate in the process did not, in fact, participate in the process because they were, in fact, against their wishes, and in spite of their availability, excluded from the process. Recommendations arising from such incomplete, exclusionary processes are, by definition, unfair and inadequate and therefore not appropriate for the FAC to consider. A "recommendation" springing from a

chair's reading and interpretation of colleagues' letters does not take the place of a legitimate recommendation resulting from a departmental meeting, and the FAC must not accept such a manufactured "recommendation." In other words, a chief purpose of departments' meeting to evaluate colleagues is to arrive legitimately at a recommendation concerning that evaluation. The Faculty Code clearly describes this chief purpose.

Of course, if a faculty-member is on sabbatical, he or she may be absent from an evaluation, and the evaluation-process will still be complete. (If he or she chooses to participate in an evaluation while on sabbatical, he or she may do so.) Also, if a faculty-member simply chooses not to participate in the evaluation of a colleague, and the head officer can do nothing to change the person's mind, then the process has not been exclusionary and is as complete as possible in the circumstances.

Recommendation: The Committee respectively recommends that the Academic Vice President, in the evaluation-document she sends out each year to departmental heads, include a reminder about the requirements (a) to reach a recommendation in all evaluation-cases, and (b) to include in the process by which a recommendation is reached in the evaluations all those members of the department who are available and who wish to participate. The reminder should reiterate that excluding colleagues-in-good-standing from the process is a violation of the Faculty Code, and that one chief purpose of departments' (and schools' & programs') meeting is to use the meeting to arrive at a recommendation.

Of course, any colleagues who believe they have been inappropriately excluded from a departmental deliberation on a colleague's evaluation should contact the Head Officer, the Academic Vice President, the Chair of the Faculty Senate, and/or a member of the Faculty Advancement Committee as soon as possible concerning the exclusion.

4. [Question 11 of the Governance-Document]. **Is it acceptable for a faculty member of any rank (instructor, professor, emeritus) to coach students to write letters against a faculty member coming up for evaluation?**

The Faculty Code states that "Faculty respect the private nature of the relationship between instructor and student, avoid any exploitation of students for private advantage, ..." (Chapter I, Part C, Section 2, a.).

Answer: It is not acceptable for a faculty member of any rank (instructor, professor, visiting professor, emeritus, administrator) to coach students to write letters against or for a faculty-member coming up for evaluation. Nor

is it appropriate for such a faculty member to invite a student (or students) to write letters (or their equivalent, such as emails), or to hint to a student that the student should write such a letter. **Rationale:** Students have a well established, influential role in the evaluation-process already insofar as they are invited to complete evaluation-forms and insofar as those forms must be distributed before each stage of evaluation occurs; that is, no faculty-member is exempt from the student-evaluation process, which is precisely outlined in the Code, for which process there are approved forms, which are distributed by departments and their secretaries. At the same time, students who have a problem with a professor that is outside the evaluation-process (sexual harassment is but one example of such a problem) have other means and processes available to them for addressing the problem; therefore, a student's contributing letters to the evaluation-process of a professor with whom the student has had a problem is not the appropriate way to address the problem.

To induce or invite students to write letters against or on behalf of faculty-members in the evaluation process is unprofessional. To coach students in the writing of letters (or emails, etc.) against or on behalf of faculty-members in the evaluation process also is unprofessional. To coach students in their completion of course-evaluation forms in one's own courses or in a colleague's courses is unprofessional.

The Committee recognizes that some departmental cultures include students' letters in faculty-evaluations. The Biology and Psychology Departments are two examples. However, even in such departments, the appearance of student-letters in evaluations is rare, is usually related to faculty-student research projects, and is not the result of students having been induced, coached, or invited by faculty-members to write letters.

Recommendations: 1) The Committee respectfully recommends that the Academic Vice President, in the evaluation-guidelines she distributes each year, explain that inducing or inviting students to write letters or emails on behalf of or against faculty-members who are up for evaluation is unprofessional and inappropriate behavior and will likely render the evaluation process unfair and inadequate. In the guidelines, the Academic Vice President may also want to remind head officers that coaching students in what to write in letters and emails of this kind is also unprofessional. In other words, the Academic Vice President should, in effect, remind all members of the faculty not to do these sorts of thing. 2) The Committee respectfully recommends that the Academic Vice President, in the evaluation-guidelines she distributes each year, explain that any faculty-

member's coaching of students in the way students complete course-evaluation forms is also unprofessional. 3) The Committee recommends that the Senate discuss the following question: Should there be a standardized set of guidelines available to students in those relatively rare instances when students want to write a letter to contribute to a faculty-member's evaluation? Such a form might be distributed to students, upon request, by a head officer or a departmental secretary. Such a form might help to avoid even the appearance of faculty-members' coaching students to write (or in the writing of) letters. 4) The Committee nonetheless strongly urges the Senate, departments, programs, the FAC, and other entities to do *nothing* to make students' letters in faculty-evaluations anything more than a rare occurrence springing from extraordinary professional collaborations between faculty-members and students.

Off course, if Senators are aware of an actual instance in which a faculty-member coached students to write letters or emails against a colleague in an evaluation, the Senators may file a grievance, on behalf and for the good of the faculty, with the Professional Standards Committee in this matter.

5. [Question 12 of the Governance Document]. **When and how may “personal and professional characteristics” be used in faculty evaluation?**

Background: The Committee reminds its colleagues that the phrase “personal and professional characteristics” has a specific history and context at the University of Puget Sound insofar as it used to be at the heart of *a separate criterion of evaluation* set forth in the Code. Faculty-members who were at the University in the 1970s and 1980s may remember that this criterion was frequently referred to colloquially as “the a**hole clause.” Undeniably, this “clause” was part of the lore and culture of evaluation in those decades. After a lawsuit-settlement related to a tenure-denial in the early 1990s, *and at the urging of President Pierce*, the faculty voted to remove this separate “personal and professional characteristics” criterion from the Faculty Code. The Senate may, with ease, identify the meeting at which the motion was made, seconded, and carried; the Committee is reasonably sure that the meeting occurred in **October 1994**.

Answers: Therefore, “personal and professional characteristics,” as a separate criterion or “clause,” or as a separate category of evaluation, **must not** be used in faculty-evaluation. The faculty, at the urging of the president and therefore, presumably, partly for legal reasons, voted to remove “the a**hole clause”; the criterion or “clause” having been removed is an historical fact, documented by minutes from a faculty meeting in 1994. Logic dictates that an evaluation criterion/category that has been removed from the Faculty Code may not be used in evaluation.

Only as part of a fair, adequate, and *evidence-based* evaluation that obeys the Faculty Code, and only in the context of assessing teaching, professional growth,

participation in university-governance, advising, and/or community-service may an evaluatee's "characteristics" be assessed. For example, if numerous student-evaluations (such evaluations qualifying as evidence) remark on a faculty-member's verbally abusive behavior in class, then those alleged abusive pedagogical characteristics may be evaluated professionally. For another example, if a faculty-member chooses to cancel two weeks of classes in order to work on his or her research, then this professional choice or characteristic may be evaluated professionally, provided evidence exists for the choice and the cause of absence. Colleagues will note, however, that even in such cases, the term "characteristic" is unnecessary, for a colleague's professional actions or performance, not his or her characteristics, are being discussed.

In faculty-evaluations, the personality of an evaluatee **must not** be treated as a separate, appropriate category or topic of evaluation. The Committee respectfully asks its colleagues to consider what negative results would likely occur—especially with regard to ethnicity, gender, politics, religion, and/or garden-variety personality conflicts—if the "personal and professional characteristics" "clause" or its equivalent were explicitly reintroduced or implicitly allowed to be resurrected or circuitously invoked.

To reiterate, the faculty voted to remove the "personal and professional characteristics" criterion from the Faculty Code. The Faculty Code (available online) does not include this criterion.

Recommendation: The Committee urges the faculty to adhere to the Faculty Code in all matters of faculty-evaluation, and to evaluate colleagues based on the well established criteria of evaluation: teaching; professional growth; contributions to university governance; advising; and contributions to the community. Further, the Committee recommends that the Faculty Senate ask a representative of the University's legal counsel to visit the Senate to explain why removing the "personal and professional characteristics" criterion from the Code was arguably in the best interests of the University. The Committee understands that the Senate will need to seek the Trustees' approval for such a conversation with counsel, and it understands that the University's counsel will be speaking on behalf of the University's interests. Nonetheless, the Committee believes that such a conversation may have significant educational value for the senators and their constituents.

TO: Faculty Senate
FM: Amy E. Ryken, Chair, University Enrichment Committee (UEC)
RE: University Enrichment Committee Annual Report (2004-2005)
April 11, 2005

Committee Members: Ethan Allured (student member), Rob Beezer (secretary), Derek Buescher, Michael Casey, George Erving, John Finney, Lauren Hayslett (student member), Diane Kelley, John McCuiston, Mark Reinitz, Amy Ryken (chair), Eric Scharrer, David Smith, Ted Taranowski, Jeff Tepper, Jerry Yonkman

Major Activities of the Committee:

1) Reviewed proposals for travel and research grants and dispersed funds according to UEC guidelines. John Finney supported the committee's work by ably processing and tracking a wide range of applications. Below is data on the number of applications and awards made, note that a number of major review deadlines are still to come.

Research Grants:

Undergraduate Summer Research in the Arts, Humanities, and Social Sciences:
32 applications, 21 funded
Undergraduate Students (major review deadline still to come)
Graduate Students (major review deadline still to come)
Faculty (major review deadline still to come)

Travel Grants (funded to date):

Undergraduate Students: 29 trips funded so far
Graduate Students: 6 trips funded so far
Faculty: 76 trips funded so far

2) Reviewed 16 faculty release time proposals, ranked the proposals, and forwarded recommendations to Dean Bartanen.

3) Register Lecture. Selected Susan Owen, Distinguished Professor of Communication Studies as the 2006 Lecturer. Hosted the 2004 Lecture, entitled *Cana and the Fifth Gospel: Jesus, Jews, and Christian Memory*, presented by Douglas Edwards, Distinguished Professor of Religion. Mott Greene, John Magee Professor of Science and Values will be the 2005 Lecturer.

4) Sought and received a \$7,000 increase for faculty travel in the budget review process. Raised lodging and meal support from \$110 to \$125 per night and the ground transportation support from \$30 to \$40. New limits will be a maximum total of \$1350 for domestic travel and \$1570 for international travel.

5) Revised the eligibility requirements for faculty release units, clarifying the proposal requirements.

6) Developed and pilot tested a review process for undergraduate summer research grants whereby students receive written feedback and the proposals are read by only three committee members. During the pilot members identified the need to revise and clarify the summer

research application guidelines and to further discuss pros and cons of providing written feedback to students.

7) Developed the concept of a web page listing student research and travel awards. The intent of this page is to serve as a resource for undergraduates applying for research grants and to make prospective students aware of student research opportunities. Web page is currently under construction and will be reviewed by committee members in the fall.

**ACADEMIC STANDARDS COMMITTEE
END OF YEAR REPORT**

To: William Beardsley, Faculty Senate Chair
 From: Fred Hamel, Academic Standards Committee Chair
 Re: 2004-2005 End of Year Report
 Date: April 15, 2005

Introduction

The Academic Standards Committee had no charges from the Senate at the beginning of the academic year. We developed four issues for consideration, beyond our routine duties of reviewing petitions and holding academic hearings. The four Fall issues were:

- 1) implement the requirement that students have an advisor in their academic major
- 2) consider the possibility of naming a valedictorian annually.
- 3) reconsider the Pass/Fail option for International Study Abroad courses
- 4) reconsider the Pass/Fail option for all UPS courses

In Spring, the ASC received two formal charges from the Senate:

- 5) consider means for achieving consistency in W/WF grading for students withdrawing after fourth week of a term
- 6) re-evaluate class scheduling with respect to approved time "blocks" for class offerings.

The Academic Standards Committee met every two to three weeks through the academic year, meeting specifically on: Sept. 10, Oct. 1, Oct. 15, Oct 29, Nov. 12, Dec. 3, Jan. 28, Mar. 4, Mar. 25, and Apr. 8. We have remaining meetings on Apr. 22 and May 6.

The 2004-2005 ASC included the following members:

Faculty	Faculty	Ex-officio	Students
<ul style="list-style-type: none"> • Block, Geoffrey • Clark, Kenneth • Cohen, Mirelle • Crane, Johanna • Hamel, Fred (<i>chair</i>) • Jackson, Martin • Kirkpatrick, Betsy • Kupinse, William 	<ul style="list-style-type: none"> • Lago-Grana, Pepa • Linauts, Martins • Madlung, Andreas • Matthews, Bob • Moore, Dave • Sampen, Maria • Singleton, Ross • Wilson, Ann 	<ul style="list-style-type: none"> • Roundy, Jack • Dougharty, Houston • Finney, John • Tomhave, Brad 	<ul style="list-style-type: none"> • Hatch, Andrea • Sojda, Kate

Committee Considerations

Our considerations have involved both routine tasks/authorizations and discussions of broader academic policy issues.

Routine Tasks & Authorizations

Petitions Subcommittee Work: This standing subcommittee of the ASC met weekly throughout the year to consider petitions students bring to the Registrar on academic matters. As customary, the ASC requested that half its members serve on Petitions in Fall, and the other half serve in Spring.

As of April 8th, the Petitions Subcommittee has handled 194 student petitions, with 157 approved, 34 denied, and 3 with no action. Details regarding these petitions can be obtained from Brad Tomhave, Associate Registrar.

Hearing Board: The ASC convened one Hearing Board on February 23rd. The case involved a discrepancy in communication between a student and professor over the due date for a paper extension. The student appealed the assignment of a failing for the paper.

Action: Given no concrete documentation of the communication about the due date, the Hearing Board upheld the failing grade.

Authorize Registrar approval of independent study, late add, and time conflict petitions: The ASC re-authorized the Registrar's office to independently approve certain independent study, late-add, and time conflict petitions, without consulting the Petitions Subcommittee. This authority has been delegated since 1998 and is allowed under clear guidelines regarding approvals only. Terms of authorization are attached to the Sept. 10th minutes.

Action: The committee approved the re-authorization unanimously.

Authorize Petitions Preview Team: The ASC re-authorized the Petitions Preview Team. This team consists of members Finney, Roundy, and Tomhave. The team previews all petitions submitted to ASC and approves those it is certain the Petitions Committee would approve, leaving only more complex or marginal petitions to the Petitions Committee. This process saves time and members affirmed that a Preview Team vote must be unanimous for approval, or the petition is forwarded to the Petitions Committee.

Action: Reauthorization passed unanimously.

Academic Policy Issues:

Academic Advisors in the Major

We took up the issue of implementing the new Logger requirement that all students have an academic advisor in their major. ASC was asked to review the policy by the Advising Review Group formed by Terry Cooney in 2002, but this work had been postponed until this fall.

Committee members strongly agreed with the benefits of having an advisor who understands the course requirements of a particular major. Concern was expressed about losing the valuable bonds that are developed between incoming students and their initial faculty advisors, and about making the transition from one advisor to the next. Much discussion turned on whether two advisors would be possible, specifically a “primary” and “secondary” advisor, and whether this would in fact help students or even work logistically.

We solicited department heads, asking them to discuss with faculty their views regarding advisors in the major and a primary/secondary advisor distinction. Feedback suggested substantial consensus regarding the value of having a primary advisor in the major, with differing views regarding secondary advisors. On the basis of this feedback, we reaffirmed the existing policy (*Logger*, p. 10) requiring students to have an advisor in the major (12 yes, 2 no, 2 abstentions, Oct. 15).

After continued discussion of terminology and double majors, we formulated final policy language:

"A student is required to have an advisor in the department of his or her major. Students have the option of selecting a secondary advisor to assist in planning for minors, special programs, or other academic matters. A secondary advisor is not required and in many cases may not be necessary. If a student has more than one major, however, the student is required to have a secondary advisor in each additional major."

Action: The language was approved (16 yes, 2 no) on November 12th. Implementation of the policy is set for Fall 2005. Jack Roundy will work with the Registrar's office and OIS to make convenient the transition for students and faculty.

Graduation Valedictorian

John Finney forwarded a request by President Thomas that the ASC consider institutional recognition of a Valedictorian at commencement. Such an award would be given on the basis of highest GPA. Discussion revolved around the term valedictorian, meaning the “one who delivers the valedictory.” Many opposed the idea that the commencement address be restricted to the senior with the highest GPA. Members asserted that the current process for selecting a commencement speaker was working well (i.e. interested students with a GPA above 3.5 apply for the honor). Others questioned whether GPA is the right measure of excellence at UPS. The committee recommended that the president

name the student with highest GPA as recipient of a “President’s Award for Academic Excellence.” An alternative recommendation was that we call this student the “Academic Valedictorian” and refer to the commencement speaker, selected through the existing process, as “Class Valedictorian.”

Action: No formal motions were made. Finney was asked to deliver a summary of our discussion to President Thomas.

Pass/Fail for International Study Abroad

The ASC discussed whether the Pass/Fail option for graded courses in the study abroad program should be eliminated. The issue was forwarded by the director of international study programs, Jannie Meisberger, who received a request from IES (Institute for the International Education of Students) to raise the issue at our institution. The rationale for the proposal is “that ‘mixed’ study abroad classes of students, some taking for a grade, and others taking P/F, create a difficult class environment, where rigor is challenged by some students taking it easy” (Dec.3 minutes).

Action: After initiating discussion on Dec. 3, the issue was postponed, as the ASC visited the larger rationale for Pass/Fail at the university at large.

Pass/Fail option for all graded courses

Extending the discussion of International Study Abroad, the committee reviewed the university-wide policy of allowing students to take a limited set of graded courses (4) as Pass/Fail. Registrar and Petitions Committee experience suggest that perhaps one third of students taking courses for Pass/Fail do so outside the spirit of the rationale stated in the Logger (“to encourage a student to explore courses in academic areas outside the major or minor”). Some argue that too often the primary reason for students taking Pass/Fail is to “manipulate GPA” rather than explore outside their major. In addition, the Registrar finds that each year a few seniors compromise their graduation status due to misunderstandings of the P/F policy (e.g. a student taking a course P/F get a D+ and fails, whereas he or she would have passed and graduated otherwise). An ASC student representative offered a different view, namely, that P/F was an option “most commonly chosen by good students committed to taking courses outside of their major,” with the P/F as a reasonable grade protection (Dec. 3 minutes).

The committee reviewed previous ASC deliberations on the issue, particularly the ASC final report from 2001-2002. We commissioned a Pass/Fail Subcommittee (Jackson, Moore, Tomhave, Sojda, Hatch, Matthews) to gather more data on the issue by reviewing policies at other institutions, current registrar data, previous ASC considerations, and existing policy language. The subcommittee found in its data that approximately 18% of students who elected P/F, from Fall 03 through Spring of 05, had taken a course P/F in their major area of study. The subcommittee also found evidence of ways that students do harm to their GPA by taking courses Pass/Fail. The subcommittee made no clear recommendation, stating that opinions of their members ranged from eliminating P/F

altogether, giving departments control of specific aspects of P/F for courses, and raising barriers for students exercising P/F options (e.g. an application form). The subcommittee report is attached to this document.

Action: Following discussion of the subcommittee report (see March 4 minutes), the ASC voted on a motion to eliminate the pass/fail option at Puget Sound. The motion passed (10 for, 6 against, 1 abstention). NOTE: The Faculty Senate overturned this motion at its meeting on April 4th.

Implementation of W/WF

ASC took up a charge from the Faculty Senate to discuss how to achieve more consistent implementation of the W/WF policy at Puget Sound. Concerns were expressed about “variability in faculty practice awarding [withdrawal] grades after the fourth week.” Some faculty act as “strict constructionists” and assign WFs according to Logger policy as stated (see Logger, p. 29). Others admittedly violate the policy or use wide latitude in what counts as “unusual circumstances beyond the student’s control,” in order to spare students from the steep repercussion of a WF (a zero factored into the GPA). The differences in implementation provide students weight in exerting “grade pressure” on strict constructionists, who have little to gain in holding out for the WF. Committee members noted the difficulty in affecting “implementation” of the withdrawal policy – that is, monitoring or controlling faculty grading practices—without changing the policy itself.

To date, the committee has looked at withdrawal policies of 13 other universities and is continuing discussion. A current motion on the floor seeks “to amend our withdrawal policy to eliminate the WF and move the deadline for withdrawal to a date two weeks following the midterm grading deadline.”

Action: None Taken

Other Issues

Registrar approval of Science in Context petitions.

The committee authorized the Petitions Preview Team (PPT) to approve petitions regarding completion of Science in Context courses. Specifically, the ASC authorize the PPT to approve petitions regarding the completion of the Science in Context Core, prior to the completion of the second Natural World Core, under the following conditions: 1) the student must submit a petition; 2) the student must have completed the first Natural World core; 3) the student must have a reasonable plan explaining why the completion of the Science in Context core out of order is academically sound; and 4) the student must have a specific plan for completing the second Natural World core that explains, academically, why the completion of the Science in Context core out of order is appropriate for the particular student's program of study. Petitions must also have the support of the student's academic advisor and the instructor of the Science in Context course.

Action: This motion was approved unanimously.

Logger Editing:

The ASC approved a motion to copy current language on first-day attendance from the “Pre-registration” section of the Logger to be included also under the “Registration and Attendance/Participation” section. This change will make the policy about first day attendance more accessible to students.

Action: Motion approved unanimously, March 25.

Remaining Issues and Suggested Charges for 2005-2006:

1. Continued deliberation of consistent implementation of W/WF policies.
2. Return to the issue of Pass/Fail in the International Study Abroad program.
3. Re-evaluate class scheduling with respect to approved time blocks for class offerings.
4. Review the issue of students seeking waiver of the foreign language requirement because of disability.

ASC Subcommittee on Pass/Fail
March 4, 2005

On January 28, 2005, the Academic Standards Committee passed a motion forming a subcommittee to consider the questions related to the Pass/Fail policy and to bring results to the full committee for deliberation. Appointed to the subcommittee were Andrea Hatch (student), Martin Jackson (Math/CS), Bob Matthews (Math/CS), David Moore (Psychology), Kate Sojda (student), and Brad Tomhave (Associate Registrar). A date of March 4, 2005 was set for a report from the subcommittee.

Information

Current P/F policy is embodied in the following language from the 2004-05 Academic Handbook:

The Pass/Fail grade option is designed to encourage a student to explore courses in academic areas outside the major or minor. The breadth of a liberal education is thereby enhanced. Students who wish to exercise the Pass/Fail grading option must do so at the Office of the Registrar or through Cascade web on or before the last day to add classes.

A student may take on a pass/fail basis a total of four (4) academic courses (with a limit of one per term) and up to 1.5 activity units in the minimum of thirty-two (32) units required for graduation. Any mandatory pass/fail academic course will count as one of the four courses allowed toward graduation. Almost all activity courses are mandatory pass/fail. A maximum of one academic course may be taken pass/fail per term in addition to any mandatory pass/fail course. A student planning to go to graduate or professional school is advised not to use the Pass/Fail option in academic courses.

Pass/Fail registrations are "blind" and are not reported to the instructor. Those students registered for Pass/Fail receive a "P" if the instructor submits a grade of "C-" or higher and receive an "F" if the instructor submits a grade of "D+" or lower.

Courses taken pass/fail will not fulfill University Core Requirements. All courses counting toward the academic major or minor must be taken for a letter grade unless they are mandatory pass/fail. Graduate students may not apply pass/fail credits toward a graduate degree.

If a student's grade is "Pass," credit will be given for the course and included in total hours of credit, but will not be included in the calculation of the grade average. If a student's grade is "Fail," it will be included in the calculation of the grade average.

The subcommittee collected the following information on which to base discussion:

- minutes from relevant ASC meetings during Academic Year 00-01 and 01-02;
- data on P/F enrollments for Fall 03, Spring 04, Fall 04, and Spring 05 (provided by Brad Tomhave); and
- a sample of P/F policies at comparable and next-level institutions (provided by Andrea Hatch).

The full committee has noted the discussions and actions on Pass/Fail that took place in the ASC during the 00-02 academic years. The subcommittee finds that these prior discussions were detailed and comprehensive. The minutes of March 22, 2000 contain an attachment in the form of a useful memo from John Finney giving a history of the P/F policy at UPS. The final action taken by the ASC was “to limit the number of P/F courses a student may take per term to one, in addition to mandatory P/F.” Over the course of its discussions, that version of the ASC also considered six other changes to the P/F policy: (1) reducing the total number of P/Fs allowed in a degree from four to two, (2) changing the requirement that a C- be earned to receive a P in a P/F class, (3) permitting instructors to designate courses for A-F grading only, (4) allowing P/F registrations on a “space available” basis only, (5) permitting no P/F in the major, even in “surplus” courses not counted among requirements, and (6) making all non-academic classes P/F only. None of these changes was adopted.

Brad Tomhave provided two data sets. The first gave all P/F enrollments (for courses with optional P/F) for the terms Fall 2003, Spring 2004, Fall 2004, and Spring 2005 listed by course. For each enrollment, the data set included the A-F grade assigned by the instructor, the P/F grade, the student’s GPA, the student’s class standing, and the student’s declared majors/minors. In analyzing this data set, the subcommittee counted the number of P/F courses taken in the same department or program in which a student has a declared major or minor and counted the number of students for whom the assigned A-F grade was greater than the GPA. Results are summarized in the following table.

Term	Number of P/F courses	Number of courses in major/minor	Percent of courses in major/minor	Number of assigned grades greater than student GPA	Percent of assigned grades greater than student GPA
F03	68	14	21%	26	38%
S04	88	23	26%	31	35%
F04	45	2	4%	14	31%
S05	114	17	15%		
TOTAL	315	56	18%	71	35%

The distribution of A-F grade assigned by the instructor is given in the following table. This table also includes a distribution of A-F grades assigned in Spring 2002 (which was most recent at hand as this report was written).

Grade	A	A-	B+	B	B-	C+	C	C-	D+	D	D-	F	I	W
Percent for all P/F (F03, S04, F04)	10%	12%	16%	20%	15%	8%	10%	4%	1%	0%	0%	1%	1%	3%
Percent for non P/F (Spring 2002)	21%	20%	17%	18%	8%	5%	5%	1%	0%	1%	0%	1%	1%	2%

The second data set listed all current students who have or are enrolled in a course using the P/F option. For each student, information is listed on the course, class standing, and declared majors/minors. There are a total of 174 currently enrolled students who have

used or are using the P/F option. Of these, four are sophomores, 18 are juniors and 152 are seniors. Of the 174 students, 149 have one P/F course, 22 have 2 P/F courses, 3 have 3 P/F courses, and none have 4 P/F courses (the maximum allowed toward a degree).

In comparison to the sample of P/F policies examined, the UPS policy is typical. A limit of 4 P/F courses counting toward a degree and a limit of one P/F course per semester were common in the sample. Some institutions have more restrictive policies (for example, Bard College has no P/F option outside of the music program).

Issues

The subcommittee briefly discussed general principles for the existence and use of any grading system. Grades are used by students for self-understanding, by the university for monitoring progress toward and award of a degree, and by external users (such as employers and graduate schools) for making judgments on students as applicants.

A rationale for P/F as an option is given in the Academic Handbook: to encourage a student to explore courses in academic areas outside the major or minor. The subcommittee presumes this encouragement to be in the form of reduced risk to the student's cumulative GPA. Several lines of reasoning against P/F emerged:

1. A student may use P/F not in accordance with the stated rationale in one of several ways. First, a student may exercise the P/F option in a course not outside the major or minor. Second, a student may exercise the P/F option with the primary goal of reducing workload.
2. In using P/F, a student may unknowingly do harm in one of several ways. The student may earn an A-F grade higher than the current GPA and thus forfeit an opportunity to increase GPA. External users may view the presence of a P/F grade on a transcript negatively.
3. Audit is available as a low-risk opportunity to explore courses outside the major or minor.

Information available to the subcommittee shows that about 18% of recent P/F courses are taken in the major or minor area. The subcommittee did not have a means of determining the primary motivation for each student choosing to exercise the P/F option. The subcommittee feels that the number of students taking P/F in the major or minor area is worthy of some attention.

About one-third of the students using the P/F option were assigned an A-F grade greater than the current GPA. A crude comparison of the distribution of assigned grades for courses taken with the graded option exercised and the distribution for courses taken with the P/F option exercised shows a downward shift. The subcommittee notes that if the P/F option were not available and there were no change in enrollment patterns or student effort levels, the overall impact on GPA may be small. A change in one grade level in a one-unit course produces a change in GPA of 0.031 when averaged over the 32 units required for graduation.

Conclusions

Some members of the committee favor eliminating P/F as a grade option (but not P/F in courses for which it is mandatory). These members argue that the known abuse and potential abuse together with the known harm outweigh the potential benefit of a P/F option, arguing that the potential benefit is unknown because we cannot know what a student would take if P/F is not an option.

In addition to a proposal to eliminate P/F as an option, the subcommittee discussed two other approaches to modifying the current P/F policy:

1. Give departments control over two aspects of P/F. Allow departments to determine if P/F is an option for each course. Allow departments to determine if a student majoring or minoring in the department can use the P/F option within the department. (Here, department should be read broadly as department, school, or program.)
2. Raise some barriers for a student to exercise the P/F option. One idea here is to require an application for the P/F option. Components of this application might include (1) explicit confirmation that the course is not in the major or minor, (2) a written justification responding to the rationale in the P/F policy, and (3) the course plan to be taken if the application is denied.

DATE: April 15, 2005
TO: Faculty Senate
FROM: Richard Anderson-Connolly, Chair, Curriculum Committee
SUBJECT: 2004-05 Curriculum Committee Final Report, Draft

This memo summarizes the work of the Curriculum Committee during 2004-05 academic year. In the first part of the document I will highlight the more significant decisions of the body; a categorical and chronological disposition of the agenda follows.

Five-Year Departmental Reviews

The CC approved the reviews of Biology, Foreign Languages and Literature, Gender Studies (previously Women's Studies), Philosophy, Physical Education, and Religion.* The Study Abroad Program requested and was given an extension from 2005-06 until 2006-07. The extension will allow the department to better incorporate any recommendations from the three-year Interim Study Abroad Committee.

The review documents prepared by the departments were generally found to be well-considered. In most cases the subcommittees made requests for clarification or elaboration of a few issues in the review. In all cases the subcommittees and entire committee were satisfied with the final results.

Implementation and Assessment of the Core

Clarification of Policies involving First-Year Seminars

"First-Year" Seminars to be taken during the first year

The CC approved the current practice of the registrar which requires that all students register for a First-Year Seminar in each of their first two semesters.

Size of First-Year Seminars

The CC approved establishing an enrollment limit at 17 such that faculty may not add students above this limit.

Exclusivity of Entering First-Year and Transfer Sections

After considerable debate the CC decided that the registrar should continue the current practice of prohibiting entering first-year students from enrolling in transfer sections and vice versa. The general sentiment of the committee is that the university must more carefully examine the experiences of our transfer students but that we should not make

* The CC recently received and has not yet completed the review for Environmental Studies.

any major changes to the core curriculum because (1) the new core is merely two years old and (2) we lack sufficient data about transfer students vis-à-vis the new core.

Visiting Professors and First-Year Seminars

The committee debated but ultimately rejected the suggestion that First-Year Seminars be taught only by tenure-line faculty.

Assessment of First-Year Seminars

The relevant subcommittees assessed the First-Year Seminars through a dinner and survey for faculty who teach these courses. When completed, the findings of the subcommittees will be included as addenda to this report.

According to the registrar the First-Year Seminars have not adversely affected the offerings of courses at the sophomore/200 level. Enrollment limits and the variety of courses at the sophomore level have remained roughly constant since the introduction of the new core.

Regarding the impact of First-Year Seminars on the quality of work by students at the sophomore level, evidence has not yet been found. Professors have not reported any improvements in the quality of work in the second semester of the first year (when students already have completed one First-Year Seminar) compared to the first semester. Admittedly these data are impressionistic. Regardless, assessment of any changes in quality will face substantial methodological hurdles.

Guidelines for Connections Courses

The biggest challenge in approving courses for the Connections category is assessing their interdisciplinary content. One institutional arrangement used by the CC this year to facilitate this task was the creation of a large subcommittee (6 members instead of 4 as with other subcommittees) that included representatives from a broad range of disciplinary backgrounds. Secondly, the subcommittee normally met in-person instead of via email, trusting the richer dialogue of the former to draw-out the strengths and weaknesses of the proposals.

Additionally the subcommittee looked for the course proposer to explicitly state the manner through which the course would be interdisciplinary, generally in the form of a cover letter included with the proposal as well as through the substantive content of the syllabus. While interdisciplinarity was essential, the subcommittee believed that many routes to this objective were possible. The subcommittee was reluctant to establish rigid, written guidelines, preferring to allow the proposers greater flexibility and creativity to accomplish the goal.

Thus the guidelines established by the CC for evaluating Connections Courses consist of institutional procedures rather than a formal document.

Other Business

- The committee approved an amendment to the document specifying the authority delegated to the Associate Dean. Item 10 continues to grant authority to the Associate Dean to approve courses for the Approaches categories for the new core but was amended to include an obligation on the part of the Associate Dean to report on the review process to the Curriculum Committee at least once per semester.
- The committee granted the Associate Dean authority to provisionally approve First-Year Seminars and Connections Courses during the summer (Item 11). These courses will be formally considered for approval by the CC in the fall. This authority is primarily intended to be used for courses proposed by faculty hired in the spring and who are thus unable to provide a syllabus and formal proposal.
- The creation of the Interim Study Abroad Committee (ISAC) relates to the CC insofar as both are concerned with evaluating and approving the curriculum of study abroad courses. While the Associate Dean serves on both committees, the committee favored a stronger faculty link between the two. To this end the chair of the CC (Anderson-Connolly) joined the ISAC. (See below under “Recommended Charges to the 2005-06 Curriculum Committee.”)
- The committee proposed a change to the guidelines for setting the academic calendar. This proposal will come before the entire faculty in the fall of 2005.

Recommended Charges to the 2005-06 Curriculum Committee

1. The following department/programs are scheduled for their five-year reviews: African American Studies, Engineering (dual degree program), Learning Center courses, Mathematics and Computer Science, Occupational Therapy Program, Physical Therapy Program, Politics and Government, and Psychology.
2. The Natural and Scientific Approaches should be reviewed in 2005-06.
3. The CC should continue to place a liaison on the Interim Study Abroad Committee (ISAC). Although the chair of the CC held this position in 2004-05, in the future it might perhaps be considered as equivalent to a subcommittee assignment for one of the members of the CC.

Additional Recommendation to the 2005-06 Curriculum Committee

Based on the successful practice established in 2004-05, the chair recommends that the Connections subcommittee continue to consist of six members, selected from a broad disciplinary background.

Disposition of the 2004-05 Agenda

I. Departmental Reviews

- | | |
|-----------|--|
| 12/1/2004 | Women Studies Program (renamed Gender Studies) curriculum review approved. |
| 2/14/2005 | Religion Department curriculum review approved. |
| 3/7/2005 | Philosophy Department curriculum review approved. |
| 3/28/2005 | Biology Department curriculum review approved. |
| 3/28/2005 | Physical Education Department curriculum review approved. |
| 4/4/2005 | Foreign Languages and Literature Department curriculum review approved. |
| Pending | Environmental Studies Program curriculum review |

II. On-going business

Academic Calendar

- | | |
|------------|--|
| 10/20/2004 | Full Academic Calendar for 2005-2006 approved and sent to Faculty Senate; basic dates for 2008-2009 deferred |
| 3/7/2005 | Proposal to revise the Academic Calendar approved and sent to the Faculty Senate |

Action on core courses

- | | |
|------------|--|
| 9/22/2004 | STS 352, Memory in a Social Context, approved for the Connections core |
| 9/22/2004 | STS 350, Computational Intelligence: An Introduction to Cognitive Science, approved for the Connections core |
| 10/6/2004 | COMM 110, Contemporary Controversies, , approved for the Writing and Rhetoric seminar core |
| 10/6/2004 | STS 360, Astrobiology: The Search for Life on Other Planets and for Life's Origins on Earth, approved for the Connections core |
| 10/6/2004 | STS 345, Physics in the Modern World: Copenhagen to Manhattan, approved for the Connections core |
| 10/6/2004 | STS 318, Science and Gender, approved for the Connections core |
| 10/6/2004 | CONN 369, Power, Gender, and Divinity: the Construction of Goddesses, approved for the Connections core |
| 10/6/2004 | CSOC 140, Modern Revolutions, approved for the Scholarly and Creative Inquiry seminar core |
| 10/6/2004 | REL 110, Magic and Religion, approved for the Scholarly and Creative Inquiry seminar core |
| 10/20/2004 | BIOL 157, Genetic Determinism: Are We Our Genes? the Scholarly and Creative Inquiry seminar core |
| 10/20/2004 | CONN 330, Tao and Landscape Art, approved for the Connections core |
| 10/20/2004 | CONN 302, Ethics of Responsibility and Difference, approved for the Connections core |
| 10/20/2004 | CONN 310, Crime and Punishment, approved for the Connections core |
| 11/2/2004 | OT 115, Schizophrenia Debates, approved for the Writing and Rhetoric seminar core |
| 11/2/2004 | AFAM 110, Imaging Blackness: Black Film and Black Identity, approved for the Writing and Rhetoric seminar core |

11/2/2004 ENVR 325, Geological and Environmental Catastrophes, approved for the Connections core

11/2/2004 HUM 309A, Nationalism: British and German Nationalism in the Age of Industrialization and Empire, 1700-1919, approved for the Connections core

11/2/2004 AFAM 401, Narratives of Race, approved for the Connections core

11/2/2004 CONN 375, The Harlem Renaissance, approved for the Connections core

11/10/2004 STS 341, Modeling the Earth's Climate, approved for the Connections core

11/10/2004 CONN 350, Perspectives on Food and Culture, approved for the Connections core

11/10/2004 CONN 415, Education and the Changing Workforce, approved for the Connections core

12/1/2004 COMM 190, The Discourses of Slavery, approved for the Scholarly and Creative Inquiry seminar core

12/1/2004 BUS 110, Business and the Natural Environment, approved for the Scholarly and Creative Inquiry seminar core

12/1/2004 CLSC 120, Persuasion and Power in the Classical World, approved for the Writing and Rhetoric seminar core

12/1/2004 CONN 351, Everything Causes Cancer - Statistical Arguments for Causation, approved for the Connections core

12/1/2004 CONN 320, Health and Medicine, approved for the Connections core

12/1/2004 CONN 315, Democracy, Ancient and Modern, approved for the Connections core

12/1/2004 CONN 306, The Conflict Between Rhetoric and Philosophy, approved for the Connections core

12/1/2004 CONN 448, Work and Well-being: Stress and Health in the Workplace, approved for the Connections core

2/14/2005 HIST 135, Success (and failure) in American Culture, approved for the Scholarly and Creative Inquiry seminar core

2/14/2005 HIST 131, "Let Nobody Turn Us Around": Literature and History in the Civil Rights Era, approved for the Scholarly and Creative Inquiry seminar core

2/14/2005 CONN 305, The Idea of Archaeology, approved for the Connections core

2/28/2005 CONN 355, Early Modern French Theatre, approved for the Connections core

2/31/2005 STS 314, Cosmological Thought, approved for the Connections core

23/31/2005 ENVR 322, Water Policy, approved for the Connections core

3/7/2005 CONN 379, Postcolonial Literature and Theory, approved for the Connections core

3/7/2005 STS 340, Finding Order in Nature, approved for the Connections core

3/7/2005 CONN 380, Cosmos to Cosmopolitanism: Tradition and Transformation in Southeast Asian Architecture and Culture (2005-2006 PacRim course), approved for the Connections core

3/7/2005 IPE 377, Revolutionary Ideas in Political Economy, approved for the Connections core

3/21/2005 HIST 137, The Black Death: Medieval and Modern Perspectives, approved for the Scholarly and Creative Inquiry seminar core

3/28/2005	PHIL 103, The Posthuman Future, approved for the Scholarly and Creative Inquiry seminar core
3/28/2005	CONN 312, Biological Determinism and Human Freedom: issues in Science and Religion, approved for the Connections core
4/4/2005	EXSC 123, Understanding High Risk Behavior, approved for the Writing and Rhetoric seminar core
4/4/2005	IPE 180, War and Peace in the Middle East, approved for the Scholarly and Creative Inquiry seminar core
4/4/2005	ECON 104, Peasants, Commodity Markets and Starbucks: Coffee in the Global and Local Economies, approved for the Scholarly and Creative Inquiry seminar core
4/4/2005	PG 137, Politics of Terror, approved for the Scholarly and Creative Inquiry seminar core
Pending	CONN 308, Free Expression in the United States

III. Other Curricular Business

- 9/3 & 22/2004 Approved the continuation of the current authority delegated to the Associate Dean, amended as follows (amended text underlined):
- “(10) approval of courses for the Approaches core categories in the new core. The Associate Dean will refer to the appropriate Curriculum Committee Subcommittee all courses that he believes may not or do not meet the new core guidelines as well as provide a report on approved courses once each semester; and“
- (11) provisional approval of Writing and Rhetoric, Scholarly and Creative Inquiry, and Connections courses over the summer. Such approvals are reviewed by the Committee in Fall term.

First year Seminars

- 1/31/2005 Approval of a maximum enrollment of 17 for first year seminars.
- 1/31/2005 Approval of allowing freshmen to enroll in first year seminars designated for transfer students and sophomores on a space-available basis only with permission of the instructor and after successfully petitioning the Academic Standards Committee.
- 4/4/2005 At the request of the Senate, the Committee revisited its earlier decision to allow freshmen to register into seminars designated for transfer students. The Committee reversed its earlier decision leaving the current policy of no freshmen being allowed in transfer only seminar sections and transfer students prohibited from enrolling in freshmen-only sections.

Deferrals

- 10/6/2004 Approved deferral of Study Abroad curriculum review to from 2005-2006 to 2006-2007

Special Interdisciplinary Major

- 11/3/2004 Approved the Special Interdisciplinary Major in Behavioral Neuroscience for Leiana Jagolino
- 3/28/2005 Approved the Special Interdisciplinary Major in Cognition and Brain Science for Drew Bromfield
- 3/28/2005 Any changes to approved SIMs must be approved by the SIM advisory committee *and* the Curriculum Committee

Study Abroad

- 10/6/2004 Intercollegiate Center for Classical Studies in Rome approved as an affiliated program.
- 10/20/2004 Approved lifting the requirement that Study Abroad programs must be at least six weeks long.
- 11/10/2004 Approved dropping the exchange agreement with University of Aberdeen (Scotland)
- 11/10/2004 Approved the Oaxaca program that PLU has organized at the Institute Cultura de Oaxaca as an affiliated program.

IV. Business to be carried over to 2005-2006

Basic calendar for 2008-2009

V. Departmental reviews scheduled for 2005-2006

African American Studies
 Engineering (dual degree program)
 Learning Center courses
 Mathematics and Computer Science
 Occupational Therapy ProgramT
 Physical therapy program
 Politics and Government
 Psychology

DRAFT 12:

Campus Policy Prohibiting Harassment

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

Puget Sound 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 provides means for investigation of and response to harassment concerns, resolution of issues, and corrective action when necessary. The University encourages any person who believes he or she has been harassed to seek prompt assistance under the 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 status, gender identity or any characteristic that is legally protected under applicable local, state or federal law. This Campus Policy Prohibiting Harassment explicitly defines harassment, including sexual harassment, as a prohibited form of discrimination. This policy further prohibits sexual assault and other forms of nonconsensual sexual conduct. 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.

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.

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 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 assault.

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 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 staff 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 inappropriately or unfairly. Students should expect to be challenged by their education, but they also have the right to participate in educational discussion without being inappropriately or 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 creates a hostile working or learning environment (hostile environment harassment). Conduct of concern under this policy will be evaluated in terms of (1) whether a reasonable person of the same sex and in the same circumstances as the person would find the behavior intimidating or hostile, and (2) whether the complainant actually perceived the environment to be hostile.

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

D. Sexual Assault

Sexual assault is defined by this policy with reference to applicable criminal law and consists of any actual, attempted, or threatened form of nonconsensual sexual intercourse or other sexual conduct of a forcible, threatening, or otherwise nonconsensual nature. Sexual conduct is of a nonconsensual nature if the complainant objected or manifestly attempted to object to the conduct, or if his or her capacity to consent was substantially impaired by reason of physical force, threat or intimidation, lack of opportunity to object, physical or mental disability, drug or alcohol consumption, or other voluntary or involuntary cause.

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

E. Consensual Sexual Relationships

A consensual sexual relationship between a faculty or staff member and a student does not necessarily involve sexual harassment. 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 relationship. A faculty or staff member who enters into such a consensual relationship is required to 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 discriminatory harassment. 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 harassment problem, including sexual harassment, is strongly encouraged to report it to a designated university official.

B. Supervisory Responsibilities

Supervisors are particularly responsible for helping to prevent and eliminate discriminatory harassment, 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 harassment, as defined in Sections II.A and II.B, 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 harassment problem. Requests for confidentiality will be respected if at all possible (see Section IV.D). Supervisors must also help to ensure that no retaliation occurs against persons who complain of sexual or other harassment or who cooperate with a harassment investigation. Failure to comply with these supervisory responsibilities may subject the supervisor or faculty member to disciplinary action.

C. Information and Education

This policy emphasizes the importance of information and education in preventing discriminatory harassment, including sexual harassment. A copy of 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 harassment problems. 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.

IV. Complaint Procedure

A. General

Anyone who perceives himself or herself to be a victim of sexual assault, sexual harassment or other discriminatory 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.

B. Retaliation and False Complaints

This policy prohibits threats, other forms of intimidation, or retaliation of any kind against a person who reports a harassment problem or who cooperates with a harassment 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.

C. Counseling and Support Resources

1. Counseling Services

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

2. Personal Support for Parties to Complaint

The immediate parties to a harassment 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 Harassment Advisory Group 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.

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

D. Initiation of Complaint Procedure

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

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 (see Appendix E).

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.

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 harassment problem, including sexual harassment.

E. Informal Resolution Procedure

1. General

In many instances, a complainant may prefer to seek an informal resolution of a 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 potentially lengthier, more adversarial, and less confidential 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 techniques 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, 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 (see Appendix E).

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 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, Staff Policies and Procedures Manual, or 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 complaint against a staff member must be formally addressed through the corrective action policy of the Staff Policies and Procedures Manual.

c. Complaint Against a Student

A violation of this policy by a student constitutes a violation of Standard 6 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.

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 assault 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 decisionmaker may impose any one or more sanctions as appropriate in the circumstances. In imposing sanctions, the decisionmaker 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 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.

V. Policy Approval and Amendments

This Campus Policy Prohibiting Harassment and any subsequent amendments shall be adopted by the Board of Trustees upon recommendation by the President. This policy as approved or amended shall supersede any prior policy statements concerning harassment, including sexual harassment or other prohibited sexual conduct.

Appendices to the Campus Policy Prohibiting Harassment provide explanatory guidance for the policy and may be amended administratively, consistent with the provisions of the policy.

Origination Date: 1/1983

Revised: 2/6/98

Owner: President's Cabinet

Contact: Assistant to the President/Secretary of the Corporation

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 other employees 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 email 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 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 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. The conduct may constitute sexual harassment if it is directed toward a person because of his or her sex. A typical example is where a female joins a traditionally male work crew or a male joins a traditionally female secretarial staff, and co-workers refuse to cooperate or even communicate with the non-traditional staff member because of the staff member's sex. 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 Harassment Policy prohibits all forms of rape, sexual assault, 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 Campus Security. The victim also has the option to notify the Tacoma Police Department, whether or not the offense is reported to Campus Security. If the victim so desires, the university will assist in notifying the police.
2. The victim 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 victim should also be encouraged to seek personal counseling and support from Counseling, Health, and Wellness Services, the Pierce County Sexual Assault Crisis Center, or another counseling service of the victim's choice.
4. The victim should be informed of the option to report the offense to a designated campus official in accordance with this Sexual Harassment Policy, if applicable.
5. If the victim 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. 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 harassment problem on his or her own.

(1) The complainant might be empowered to handle uncomfortable situations personally by using a variety of interpersonal techniques, 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 Anti-Harassment Policy 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

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 Associate Dean for Student Services/Title IX Compliance Officer, the Associate Dean for Student Development/Judicial Officer, the Assistant Director for Student Development/Judicial_Coordinator, and the Director of Human Resources/Affirmative Action Officer.

Support Persons

In addition to the usual sources of support (Dean of Students Office, Residential Life staff, Counseling Center, University Chaplain, faculty members, Academic Vice Presidents Office, Human Resources Department), Puget Sound has a Harassment Response Committee appointed by the President. Membership of the group includes the University's Title IX Compliance Officer and the Affirmative Action Officer, four students, two faculty members (one of whom may be the faculty ombudsperson), and two staff members who are not designated officials under this policy. Members of the group, all volunteers, are trained to assist complainants and respondents as support persons in responding to inquiries about harassment and/or in informal and formal resolution processes. The names and telephone numbers of the Harassment Response Committee and designated officials who receive harassment complaints are normally provided in *The Logger* (both web and print) and can be obtained from the Dean of Students Office, the Academic Vice Presidents Office, the Department of Human Resources, the President's Office, or the Security Services Department.

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. 1981 and 1986) provide a federal statutory remedy for certain kinds of discrimination independent of Title VII; Section 1981 applied to discrimination on the basis of race, color and probably national origin; Sections 1985 and 1986 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.

Rehabilitation Act of 1973 (29 U.S.C. 793 *et seq.*) prohibits discrimination by government contractors on the basis of mental or physical disability.

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 Vocational Rehabilitation Act of 1973 (Vietnam Era Veterans) and Veterans Readjustment Act of 1974 (38 U.S.C. 2011 *et seq.*) which prohibits discrimination by government contractors on the basis of Vietnam era veteran status or disabled veteran status.

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 Right 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.”

Current Policy	Proposed Policy
<p style="text-align: center;">Sexual Harassment Policy</p>	<p style="text-align: center;">DRAFT <u>12</u>:</p> <p style="text-align: center;">Campus Policy Prohibiting Harassment</p> <p><u>The University of Puget Sound values and celebrates a diverse educational community based on mutual respect, trust, and responsibility. Puget Sound believes its students, faculty and all other employees should learn, teach, work, serve and lead in an environment free from harassment.</u></p> <p><u>Puget Sound 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 provides means for investigation of and response to harassment concerns, resolution of issues, and corrective action when necessary. The University encourages any person who believes he or she has been harassed to seek prompt assistance under the policy</u></p>

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<p>I. Policy Statement</p> <p>The University of Puget Sound prohibits discrimination in education or employment on the basis of sex (Equal Opportunity Statement).</p> <p>This Sexual Harassment Policy explicitly defines sexual harassment as a prohibited form of sex discrimination.</p> <p>This policy further prohibits sexual assault and other forms of nonconsensual sexual conduct. 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.</p> <p>This policy is intended to meet and may generally exceed the requirements of applicable federal and local law. However, this policy does not provide a substitute procedure for redressing any person's legal rights, nor is the university prevented from acting to remedy a problem which could also be remedied by resort to legal action.</p> <p>II. Policy Scope and Applications</p> <p>A. Policy Scope</p> <p>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 occurs between a</p>	<p>I. Policy Statement</p> <p>The University of Puget Sound prohibits discrimination in education or employment on the basis of sex, <u>race, color, national origin, religion, creed, age, disability, marital or familial status, sexual orientation, veteran status, gender identity or any characteristic that is legally protected under applicable local, state or federal law.</u> This <u>Sexual Harassment Campus Policy Prohibiting Harassment</u> explicitly defines <u>harassment, including sexual harassment</u>, as a prohibited form of sex discrimination.</p> <p>This policy further prohibits sexual assault and other forms of nonconsensual sexual conduct. 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.</p> <p>This policy is intended to meet and may generally exceed the requirements of applicable federal, <u>state</u> and local law. However, this policy does not provide a substitute procedure for redressing any person's legal rights, <u>or create legal rights separate from applicable laws.</u> <u>Additionally, the university is not prevented by this policy</u> from acting to remedy a problem <u>that</u> could also be remedied by resort to legal action.</p> <p>II. Policy Scope and Applications</p> <p>A. Policy Scope</p> <p>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 occurs between a</p>
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member and a nonmember of the student body, faculty, or staff, such as an off-campus 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 definition of sexual harassment.

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 assault.

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 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 an employee'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

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<p>B. Sexual Harassment</p> <p>Sexual harassment as defined by this policy with reference to applicable equal opportunity law consists of unwelcome verbal or physical conduct of a sexual or nonsexual nature that is directed toward a person because of the person's sex, when:</p> <ol style="list-style-type: none"> 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 an intimidating, hostile, or offensive working or educational environment (hostile environment harassment). 	<p><u>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 inappropriately or unfairly. Students should expect to be challenged by their education, but they also have the right to participate in educational discussion without being inappropriately or unfairly singled out by race, national origin, age religion, sexual orientation or other protected characteristics or status recognized by the university or applicable law.</u></p> <p>For additional information relating to the application of this policy, see <u>Appendix A</u>. For additional information relating to the legal foundations for this policy, see Appendix F.</p> <p>C. Sexual Harassment</p> <p>Sexual harassment <u>is a form of discriminatory harassment and is defined by this policy to include</u> unwelcome verbal or physical conduct of a sexual or nonsexual nature that is directed toward a person because of the person's sex, when:</p> <ol style="list-style-type: none"> 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 <u>creates a hostile working or learning environment (hostile environment harassment). Conduct of concern under this policy will be evaluated in terms of (1) whether a reasonable person of the same sex and in the same circumstances as the</u>
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For additional information relating to the application of this policy, see [Appendix A](#).

C. Sexual Assault

Sexual assault as defined by this policy with reference to applicable criminal law consists of any actual, attempted, or threatened form of nonconsensual sexual intercourse or other sexual conduct of a forcible, threatening, or otherwise nonconsensual nature. Sexual conduct is of a nonconsensual nature if the complainant objected or manifestly attempted to object to the conduct, or if his or her capacity to consent was substantially impaired by reason of physical force, threat or intimidation, lack of opportunity to object, physical or mental disability, drug or alcohol consumption, or other voluntary or involuntary cause.

See [Appendix B](#) for additional information relating to the application of this policy.

D. Consensual Sexual Relationships

A consensual sexual relationship between a faculty or staff member and a student does not necessarily involve sexual harassment. 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

person would find the behavior intimidating or hostile, and (2) whether the complainant actually perceived the environment to be hostile.

For additional information relating to the application of this policy, see [Appendix B](#).

D. Sexual Assault

Sexual assault is defined by this policy with reference to applicable criminal law and consists of any actual, attempted, or threatened form of nonconsensual sexual intercourse or other sexual conduct of a forcible, threatening, or otherwise nonconsensual nature. Sexual conduct is of a nonconsensual nature if the complainant objected or manifestly attempted to object to the conduct, or if his or her capacity to consent was substantially impaired by reason of physical force, threat or intimidation, lack of opportunity to object, physical or mental disability, drug or alcohol consumption, or other voluntary or involuntary cause.

See [Appendix C](#) for additional information relating to the application of this policy.

E. Consensual Sexual Relationships

A consensual sexual relationship between a faculty or staff member and a student does not necessarily involve sexual harassment. 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

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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 in a position to make or influence a decision or to confer or withhold a benefit relating to the student's education or employment.

This policy does not prohibit a consensual sexual relationship between a faculty or staff member and a student in the absence of a current professional responsibility with respect to the student. Nor does this policy prohibit consensual relationships between a faculty or staff supervisor and a supervisee (unless the supervisee is a student). However, because all such relationships potentially involve a violation of equal opportunity law, it may be difficult in any internal proceeding to defend against a sexual harassment charge where the defense is based on the complainant's consent to the relationship.

III. Responsibilities

A. General

All members of the campus community have a responsibility to govern their own conduct in accordance with this policy. In

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 relationship. A faculty or staff member who enters into such a consensual relationship is required to 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 discriminatory harassment. 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

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addition, any person who knows about a sexual harassment problem is strongly encouraged to report it to a designated university official.

B. Supervisory Responsibilities

Supervisors are particularly responsible for helping to prevent and eliminate sexual harassment in the areas they oversee. A supervisor who believes that sexual harassment 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 sexual harassment problem.

Requests for confidentiality will be respected if at all possible (see [Section IV.D](#)). Supervisors must also help to ensure that no retaliation occurs against persons who complain of sexual harassment or who cooperate with a sexual harassment investigation. Failure to comply with these supervisory responsibilities may subject the supervisor or faculty member to disciplinary action.

C. Information and Education

This policy emphasizes the importance of information and education in preventing sexual harassment. A copy of 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 harassment problems. 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

addition, any person who knows about a harassment problem, including sexual harassment, is strongly encouraged to report it to a designated university official.

B. Supervisory Responsibilities

Supervisors are particularly responsible for helping to prevent and eliminate discriminatory harassment, 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 harassment, as defined in Sections II.A and II.B, 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 harassment problem. Requests for confidentiality will be respected if at all possible (see [Section IV.D](#)). Supervisors must also help to ensure that no retaliation occurs against persons who complain of sexual or other harassment or who cooperate with a harassment investigation. Failure to comply with these supervisory responsibilities may subject the supervisor or faculty member to disciplinary action.

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This policy emphasizes the importance of information and education in preventing discriminatory harassment, including sexual harassment. A copy of 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 harassment problems. Participation in such programs will be expected of academic and administrative department heads. This policy authorizes the President to appoint such

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programs and informational materials.

IV. Complaint Procedure

A. General

Anyone who has reason to believe he or she has been sexually harassed or assaulted is strongly encouraged to use this complaint procedure. 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.

B. Retaliation and False Complaints

This policy prohibits threats, other forms of intimidation, or retaliation of any kind against a person who reports a sexual harassment problem or who cooperates with a sexual harassment 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 falsely reported merely because the evidence does not suffice to support a formal charge.

C. Counseling and Support Resources

1. Counseling Services

The counseling staff of [Counseling, Health and Wellness Services](#)

advisory groups as may be needed to assist in developing appropriate educational programs and informational materials.

IV. Complaint Procedure

A. General

Anyone who ~~perceives himself or herself to be a victim of sexual assault, sexual harassment or other discriminatory 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.

B. Retaliation and False Complaints

This policy prohibits threats, other forms of intimidation, or retaliation of any kind against a person who reports a harassment problem or who cooperates with a harassment 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.

C. Counseling and Support Resources

1. Counseling Services

The counseling staff of [Counseling, Health and Wellness Services](#)

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are available to provide confidential counseling to any student who has a problem or concern with respect to sexual harassment or assault. The counseling staff also provide confidential referral services for faculty and staff.

The only role of the counseling staff with respect to any party to a sexual harassment complaint will be to provide confidential counseling and emotional support. A counseling staff member is not required to report a client's sexual harassment problem to the university without the client's consent.

2. Personal Support for Parties to Complaint

The immediate parties to a sexual harassment 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, or supervisor, 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 shall be under the same obligation as the university to maintain the confidentiality of the proceeding.

D. Initiation of Complaint Procedure

are available to provide confidential counseling to any student who has a problem or concern with respect to discriminatory harassment, sexual harassment or sexual assault. Confidential counseling for faculty and staff is available through the University's Employee Assistance Program (EAP). The only role of the counseling staff with respect to any party to a harassment complaint will be to provide confidential counseling and emotional support. Unless otherwise required by law, a counseling staff member is not required to report a client's harassment problem to the university without the client's consent.

2. Personal Support for Parties to Complaint

The immediate parties to a harassment 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 Harassment Advisory Group 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.

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

D. Initiation of Complaint Procedure

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

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A faculty, staff, or student complaint may be brought to any of the following designated officials: the Academic Vice President, Associate Academic Dean, the Dean of Students, the Associate Dean for Student Services/Title IX Compliance Officer, the Associate Dean for Student Development, or the Director of Human Resources/Affirmative Action Officer.

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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 sexual harassment complaint ombudsperson who shall be a tenured member of the faculty appointed by the President in consultation with the Chairs

~~President (see Appendix E), the Academic Vice President, Associate Academic Dean, the Dean of Students, the Associate Dean for Student Services/Title IX Compliance Officer, the Associate Dean for Student Development, the Assistant Director of Student Development or the Director of Human Resources/Affirmative Action Officer.~~

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 (see Appendix E).

The role of a department head or complaint ombudsperson will be to counsel the complainant about sources of further information

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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.

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 sexual harassment problem.

E. Informal Resolution Procedure

1. General

In many instances, a complainant may prefer to seek an informal resolution of a sexual harassment problem, especially if the purpose in bringing the complaint is simply to put a stop to the

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.

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 harassment problem, including sexual harassment.

E. Informal Resolution Procedure

1. General

In many instances, a complainant may prefer to seek an informal resolution of a 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 potentially lengthier, more adversarial, and less confidential formal process. However, the use of an informal process is entirely voluntary. A complainant

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offending behavior. A variety of informal methods may empower the complainant to achieve an effective resolution of the problem without becoming involved in a potentially lengthier, more adversarial, and less confidential 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 sexual 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 techniques may assist a complainant in resolving a problem informally on his or her own. See [Appendix C](#) 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) Either 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

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 techniques 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

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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. Either 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 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 sexual harassment problem.

F. Formal Resolution Procedure

1. Initiation of Formal Procedure

A formal procedure may be initiated on the complainant's or the university's own behalf by any of the following designated officials: the Academic Vice President, Associate Academic Dean, the Dean of Students, the Associate Dean for Student Services/Title IX Compliance Officer, the Associate Dean for Student Development, or the Director of Human Resources/ Affirmative Action Officer.

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, 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 following designated officials designated by the President (see Appendix E): ~~the Academic Vice President, Associate Academic Dean, the Dean of Students, the Associate Dean for Student Services/Title IX Compliance Officer, the Associate Dean for Student Development, the Assistant Director for Student Development or the Director of Human Resources/ Affirmative Action Officer.~~

~~The initiation of a formal procedure is timely if the complaint is brought within any applicable time limitation as provided by the relevant faculty, staff, or student procedures. A complaint is also presumptively timely if it is brought within 180 days of the~~

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<p>The initiation of a formal procedure is timely if the complaint is brought within any applicable time limitation as provided by the relevant faculty, staff, or student procedures. A complaint is also presumptively timely if it is brought within 180 days of the alleged violation, and is presumptively untimely if it is not brought within this time, but the university will consider all facts and circumstances, including the longer time limits provided by applicable civil or criminal law. All persons are encouraged to bring a complaint to the attention of a designated official even if it is beyond 180 days. Any time limitation for initiating a formal procedure may be extended during an informal resolution process, provided that the initial complaint is reported to a designated official within any allowable time limit.</p> <p>2. Complaint Investigation</p> <p>The official initiating a formal procedure 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 and amend the statement. 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.</p>	<p>alleged violation, and is presumptively untimely if it is not brought within this time, but the university will consider all facts and circumstances, including the longer time limits provided by applicable civil or criminal law. All persons are encouraged to bring a complaint to the attention of a designated official even if it is beyond 180 days. Any time limitation for initiating a formal procedure may be extended during an informal resolution process, provided that the initial complaint is reported to a designated official within any allowable time limit.</p> <p>2. Complaint Investigation</p> <p>[moved above]</p> <p>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. <u>The university's general practice for working with respondents to complaints is as</u></p>
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<p>The investigating officer will 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 may result. 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 respondent will have an opportunity to review and amend the statement.</p>	<p><u>follows, recognizing that circumstances of a particular case may require some flexibility of process:</u> 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. <u>The complainant will have an opportunity to review, amend and affirm by signature the accuracy of the interview summary.</u></p>
<p>The investigating officer will promptly conduct a thorough investigation, making a reasonable effort to consult known sources of relevant information. The parties to the complaint will be kept 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.</p> <p>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</p>	<p>The investigating officer will <u>endeavor to</u> promptly conduct a thorough investigation, making a reasonable effort to consult known sources of relevant information. <u>Reasonable efforts should be made to keep the parties informed of the progress of the investigation.</u> 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.</p> <p>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</p>

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<p>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 in default of the respondent's answer or appearance at the scheduled proceeding.</p>	<p>found <u>if the respondent fails to answer or appear</u> at the scheduled proceeding.</p>
<p>If no charges are brought, the respondent and the complainant will both be notified that the respondent will not be 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.</p>	<p>If no charges are brought, the respondent and the complainant will both be notified that the respondent will not be 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.</p>
<p>3. Formal Hearing Procedure</p>	<p>3. Formal Hearing Procedure</p>
<p>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, Staff Policies and Procedures Manual, or 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:</p>	<p>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, Staff Policies and Procedures Manual, or 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:</p>
<p>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 may be formally adjudicated pursuant to the grievance procedures of Chapter VI or the dismissal procedures of Chapter V of the Faculty Code.</p>	<p>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 <u>must</u> be formally adjudicated pursuant to the grievance procedures of Chapter VI or the dismissal procedures of Chapter V of the Faculty Code.</p>
<p>Because the conduct prohibited by this policy and by applicable civil or criminal law is inconsistent with the university's purpose to provide a nondiscriminatory and safe working and learning</p>	<p>Because the conduct prohibited by this policy, and <u>possibly</u> 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</p>

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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 complaint against a staff member may be formally adjudicated pursuant to the corrective action policy of the [Staff Policies and Procedures Manual](#).

c. Complaint Against a Student

A violation of this policy by a student constitutes a violation of Standard 6 of the [Student Integrity Code](#) and may also violate one or more other substantive code provisions. A complaint against a student may be formally adjudicated pursuant to the procedural provisions of the student code.

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

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 complaint against a staff member must be formally addressed through the corrective action policy of the [Staff Policies and Procedures Manual](#).

c. Complaint Against a Student

A violation of this policy by a student constitutes a violation of Standard 6 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.

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

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prejudicial to any party.

harassment resolution process may elect to meet with the hearing officer or hearing body as part of the hearing process.

(2) 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). A violation may be found based solely on the statements of the person by or on whose behalf the complaint is brought.

(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.

(3) Consent as Defense. Consent is not a defense 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.

(4) Consent as Defense. Consent is not a defense in a sexual harassment or sexual assault 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.

(4) Character Evidence. Evidence of a party's character is 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

(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

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<p>relevant purpose and as fairness may require.</p> <p>(5) 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 will be excluded if his or her presence cannot be obtained.</p>	<p>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 <u>may</u> be excluded if his or her presence cannot be obtained.</p>
<p>(6) 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.</p>	<p>(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.</p>
<p>4. Sanctions</p> <p>The applicable decisionmaker may impose any one or more sanctions as appropriate in the circumstances. In imposing sanctions, the decisionmaker 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</p>	<p>4. Sanctions</p> <p>The applicable decisionmaker may impose any one or more sanctions as appropriate in the circumstances. In imposing sanctions, the decisionmaker 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.</p> <p>a. Student Sanctions</p> <p>Sanctions that may be imposed upon a student include but are not limited to:</p>

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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, mandatory counseling, or participation in an appropriately designed educational 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

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

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<p>the faculty or staff;</p> <ol style="list-style-type: none"> 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, mandatory counseling, or participation in an appropriately designed educational program; 6. termination of employment. 	<p>increase;</p> <ol style="list-style-type: none"> 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 <u>or counseling</u> program; 6. termination of employment.
<p>G. Records Retention and Disclosure</p> <p>The university will retain a confidential record of any 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 a 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.</p>	<p>G. Records Retention and Disclosure</p> <p>The university will retain a confidential record of any 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 <u>legal process, including valid court order</u>. The complaint record may otherwise be used by the university for legitimate internal purposes relating exclusively to the enforcement of this policy.</p>
<p>V. Policy Approval and Amendments</p> <p>This Sexual Harassment Policy and any subsequent amendments shall be adopted by the Board of Trustees upon recommendation by the President. This policy as approved or amended shall supersede any prior policy statements concerning sexual harassment or other prohibited sexual conduct.</p>	<p>V. Policy Approval and Amendments</p> <p>This <u>Campus Policy Prohibiting Harassment and any subsequent amendments</u> shall be adopted by the Board of Trustees upon recommendation by the President. This policy as approved or amended shall supersede any prior policy statements concerning <u>harassment, including</u> sexual harassment or other prohibited sexual conduct.</p>

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Origination Date: 1/1983
Revised: 2/6/98
Owner: President's Cabinet
Contact: Assistant to the President/Secretary of the Corporation

Appendices to the Campus Policy Prohibiting Harassment provide explanatory guidance for the policy and may be amended administratively, consistent with the provisions of the policy.

Origination Date: 1/1983
Revised: 2/6/98
Owner: President's Cabinet
Contact: Assistant to the President/Secretary of the Corporation

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 and employees 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

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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 email messages, or leaving threatening voice mail messages.

APPENDIX B

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<p>APPENDIX A</p> <p>Policy Comments and Examples</p> <p>1. Quid Pro Quo Harassment</p> <p>In the case of quid pro quo harassment, the harasser is usually someone 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.</p> <p>Following are some examples of conduct that may constitute quid pro quo harassment:</p> <p>(a) Granting or denying an employment 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;</p> <p>(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.</p> <p>2. Hostile Environment Harassment</p> <p>The harasser in the hostile environment situation can be a person in a position of formal authority or power, but can also be a co-</p>	<p style="text-align: center;">Sexual Harassment Comments and Examples</p> <p>1. Quid Pro Quo Harassment</p> <p>In the case of quid pro quo harassment, the harasser is usually someone, <u>whether of the same sex or of a different sex</u>, 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.</p> <p>Following are some examples of conduct that may constitute quid pro quo harassment:</p> <p>(a) Granting or denying an employment 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;</p> <p>(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.</p> <p>2. Hostile Environment Harassment</p> <p>The harasser in the hostile environment situation can be a person <u>of the same sex or of a different sex</u> 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 <u>that interferes with the victim's access to the educational</u></p>
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worker, peer, or even a subordinate of the person harassed. This type of harassment generally involves repeated behavior or a pattern of offensive conduct. 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 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

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 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

<p>sexual or nonsexual behaviors directed toward a person or group because of the sex of the person or group;</p> <p>(f) Sexual assault and other forms of nonconsensual sexual conduct.</p> <p>3. Unwelcome Conduct</p> <p>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, since 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.</p> <p>4. Hostile or Offensive Environment</p> <p>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.</p> <p>5. Sexual or Nonsexual Conduct</p> <p>Conduct need not be sexual in nature to be sexually harassing. The conduct may constitute sexual harassment if it is directed toward a person because of his or her sex. A typical example is where a female joins a traditionally male work crew or a male joins a traditionally female secretarial staff, and co-workers refuse to cooperate or even communicate with the non-traditional staff</p>	<p>conduct.</p> <p>3. Unwelcome Conduct</p> <p>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.</p> <p>4. Hostile or Offensive Environment</p> <p>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.</p> <p>5. Sexual or Nonsexual Conduct</p> <p>Conduct need not be sexual in nature to be sexually harassing. The conduct may constitute sexual harassment if it is directed toward a person because of his or her sex. A typical example is where a female joins a traditionally male work crew or a male joins a traditionally female secretarial staff, and co-workers refuse to cooperate or even communicate with the non-traditional staff member because of the staff member's sex. Conversely, conduct is not sexually harassing if it is neither sexual in nature nor directed toward a person because of his or her sex.</p>
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member because of the staff member's sex. 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 B

Sexual Assault Response Procedures

This Sexual Harassment Policy prohibits all forms of rape, sexual assault, 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 Campus Security. The victim also has the option to notify the Tacoma Police Department, whether or not the offense is reported to Campus Security. If the victim so desires, the university will assist in notifying the police.
2. The victim 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 victim should also be encouraged to seek personal counseling and support from Counseling, Health, and Wellness Services, the Pierce County Sexual Assault Crisis Center, or another counseling service of the victim's choice.
4. The victim should be informed of the option to report the offense to a designated campus official in accordance with this Sexual Harassment Policy, if applicable.

APPENDIX C

Sexual Assault Response Procedures

This Sexual Harassment Policy prohibits all forms of rape, sexual assault, 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 Campus Security. The victim also has the option to notify the Tacoma Police Department, whether or not the offense is reported to Campus Security. If the victim so desires, the university will assist in notifying the police.
2. The victim 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 victim should also be encouraged to seek personal counseling and support from Counseling, Health, and Wellness Services, the Pierce County Sexual Assault Crisis Center, or another counseling service of the victim's choice.
4. The victim should be informed of the option to report the offense to a designated campus official in accordance with this Sexual Harassment Policy, if applicable.
5. If the victim 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

5. If the victim 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 Sexual Harassment Policy. 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 C

Informal Resolution Alternatives

Following are some of the possible ways in which a complainant might be assisted in resolving a sexual harassment problem on his or her own.

(1) The complainant might be empowered to handle uncomfortable situations personally by using a variety of interpersonal techniques, 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: "You have your hands on my shoulders," 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

the designated officials as provided by the Campus Policy Prohibiting Harassment. 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 harassment problem on his or her own.

(1) The complainant might be empowered to handle uncomfortable situations personally by using a variety of interpersonal techniques, 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

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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.

If there is a significant age difference between you and the harasser, try asking how the harasser would feel if his or her own child 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 Sexual Harassment Policy 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.

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 Anti-Harassment Policy 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

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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 Associate Dean for Student Services/Title IX Compliance Officer, the Associate Dean for Student Development/Judicial Officer, the Assistant Director for Student Development/Judicial Coordinator, and the Director of Human Resources/Affirmative Action Officer.

Support Persons

In addition to the usual sources of support (Dean of Students Office, Residential Life staff, Counseling Center, University Chaplain, faculty members, Academic Vice Presidents Office, Human Resources Department), Puget Sound has a Harassment Response Committee appointed by the President to assist in developing appropriate educational programs and informational materials related to harassment issues. Membership of the group includes the University's Title IX Compliance Officer and the Affirmative Action Officer, four students, two faculty members (one of whom may be the faculty ombudsperson), and two staff members who are not designated officials under this policy. Members of the group, all volunteers, are trained to assist complainants and respondents as support persons in responding to inquiries about harassment and/or in informal and formal resolution processes. The names and telephone numbers of the Harassment Response Committee and designated officials who receive harassment complaints are normally provided in *The Logger* (both web and print) and can be obtained from the Dean of Students Office, the Academic Vice Presidents Office, the

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Department of Human Resources, the President's Office, or the Security Services Department.

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. 1981 and 1986) provide a federal statutory remedy for certain kinds of discrimination independent of Title VII; Section 1981 applied to discrimination on the basis of race, color and probably national origin; Sections 1985 and 1986 prohibit conspiracies to deprive a

	<p>person or class of persons of the equal protection of the laws or the right to vote or to support a candidate.</p> <p>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.</p> <p>Age Discrimination in Employment Act of 1967 (29 U.S.C. 621 <i>et seq.</i>) prohibits discrimination in employment against individuals over the age of 40.</p> <p>Americans With Disabilities Act (42 U.S.C. 1201 <i>et seq.</i>) extends broad federal civil rights protection to Americans with disabilities.</p> <p>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.</p> <p>Uniformed Services Employment and Reemployment Rights Act (38 U.S.C. 4301 <i>et seq.</i>) 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.</p> <p>Executive Order 11246, Amended by Executive Order 11375 prohibits discrimination by government contractors on the basis of race, color, religion, sex or national origin.</p> <p>Immigration Reform and Control Act of 1986 prohibits</p>
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	<p>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.</p> <p>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.</p> <p>Rehabilitation Act of 1973 (29 U.S.C. 793 <i>et seq.</i>) prohibits discrimination by government contractors on the basis of mental or physical disability.</p> <p>Executive Order 11141 prohibits discrimination by government contractors based on age.</p> <p>Age Discrimination in Federally Assisted Programs Act of 1975 (42 U.S.C. 6101 <i>et seq.</i>) 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.</p> <p>The Vocational Rehabilitation Act of 1973 (Vietnam Era Veterans) and Veterans Readjustment Act of 1974 (38 U.S.C. 2011 <i>et seq.</i>) which prohibits discrimination by government contractors on the basis of Vietnam era veteran status or disabled veteran status.</p>
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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 Right 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.”