



Discrimination, Sexual Harassment, and Sexual Misconduct Prevention

Revised May 2014

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Disclaimer

This program is for instructional purposes only and is not to be regarded as legal advice.

The scenarios and situations described in the course have been fabricated for the purpose of illustrating specific learning objectives and are not intended as categorical evidence of discrimination, sexual harassment or sexual misconduct.

All allegations of discrimination, sexual harassment, and/or sexual misconduct require careful analysis and thorough investigation.

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Course Objectives

- 1) Identify specific University policies
- 2) Identify issues that implicate discrimination, sexual harassment, and sexual misconduct
- 3) Describe your responsibilities as an employee and supervisor
- 4) Identify specific University offices and resources to assist in cases of alleged discrimination, sexual harassment, and sexual misconduct

OFFICE OF THE
PRESIDENT

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April 12, 2010

Eradicating discrimination and sexual harassment and fostering a respectful environment requires an ongoing, demonstrated commitment from all members of the University community.

Elson S. Floyd, Ph.D.
President
Washington State University

OFFICE OF THE
PRESIDENT

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April 12, 2010

All supervisors are expected to reflect this responsibility in all aspects of their conduct.

Make it clear to your employees that you will not tolerate sexual or discriminatory remarks, jokes or behavior in the workplace.

Elson S. Floyd, Ph.D.
President
Washington State University

Federal/State Laws

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In addition to WSU's commitment to diversity and creating an environment free from discrimination, sexual harassment, and sexual misconduct, WSU must comply with various federal and state laws regarding discrimination (e.g. 14th Amendment, ADA, ADEA, Title VII, Title IX, RCW 49.60, etc.).

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WSU Policy

Executive Policy #15:
WSU Policy Prohibiting
Discrimination, Sexual Harassment,
& Sexual Misconduct

Executive Policy #28:
WSU Policy on
Faculty-Student and
Supervisor-Subordinate
Relationships



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EP #15:

WSU Policy Prohibiting Discrimination, Sexual Harassment, and Sexual Misconduct

This policy expresses the commitment of WSU to maintaining an environment free from all forms of discrimination, including discriminatory harassment, sexual harassment, and sexual misconduct.

This policy applies to all students, faculty, staff, or others having an association with the University.



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EP #15:

Discrimination Prohibited

It specifically prohibits discrimination on the basis of:

<ul style="list-style-type: none"> • Race; • Sex/Gender; • Sexual Orientation; • Gender Identity/Expression; • Religion; • Age; • Color; • Creed; • National or Ethnic Origin; 	<ul style="list-style-type: none"> • Physical, mental or sensory disability, including disability requiring the use of a trained service animal; • Marital status; • Genetic information; and/or • Status as an honorably discharged veteran or member of the military.
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Prohibited Behavior

Prohibited conduct is:

- Any conduct toward an individual, individuals, or groups
- On the basis of one or more protected classes
- That is sufficiently severe, persistent, or pervasive
- That it has the purpose or effect of:
 - o Creating an intimidating, hostile, or offensive environment; or
 - o Unreasonably interfering with the work, academic performance, living environment, personal security, or participation in any WSU activity.

Discrimination

Improper or different treatment on the basis of a protected class.

A form of Discrimination encompassing unwelcomed conduct on the basis of a protected class.

A form of Discrimination encompassing unwelcomed conduct on the basis of sex and/or gender, or of a sexual nature.

A form of Sexual Harassment, which includes: Sexual Assault, Voyeurism, Sexual Exploitation, etc.

Discrimination

Hannah is the only woman on the crew and is never allowed in the job assignment meetings.

When she asked her supervisor about this he commented:

"Don't worry about these things, honey. The men handle all the big decisions."



Example:

Discrimination

One of my co-workers often uses derogatory slang terms to describe other staff who are minorities.

He makes the comments when they are not around.



Example:

Discrimination

Wendy has coordinated a lunch group at work.

She has told the men in the department they are not invited.



Example:

Discrimination



Ron is the top candidate for the Program Coordinator position being filled in your department.

Two members of the Search Panel prefer another candidate because Ron uses a wheelchair.

Sexual Harassment

Sexual harassment is a form of discrimination which encompasses unwelcome verbal or physical conduct based on sex and/or gender or of a sexual nature.

Sexual misconduct, which includes sexual assault and other sexual violence, is a form of sexual harassment.

Sexual Harassment also encompasses harassment of a non-sexual nature that is based upon a person's sex and/or gender, including nonconformity with sex and/or gender stereotypes.



Sexual Harassment

Sexual harassment creates a hostile environment when:

- Behavior is sufficiently severe, persistent, or pervasive -
 - To interfere with an individual's work or educational performance; or
 - That it creates an intimidating, hostile, or offensive work or educational environment.



Quid Pro Quo

Quid Pro Quo, or "This For That," is a form of sexual harassment that occurs when:

1. Submission to such conduct is made either explicitly or implicitly a term or condition of any individual's employment or education; or
2. Submission to or rejection of such behavior by an individual is used as the basis for employment or education decisions affecting the individual.



A single incident of Quid Pro Quo sexual harassment may be considered sufficiently severe to constitute a violation of the policy.

Example:

Quid Pro Quo

Loretta requests a day off.

Her supervisor tells her:

"Sure, I will be nice to you if you will go out with me."



Example:

Quid Pro Quo

Since refusing to go on a date with Mark, a supervisor, Ra'shawn is no longer invited to any of the leadership development workshops.

All other employees are still invited.



Example:

Unwelcome Behavior

Sarah receives frequent memos, cartoons and emails from coworkers that are sexual in nature.

She does not appreciate this brand of humor and has continued to receive them on two separate occasions even after asking her coworkers to stop.



Example:

Unwelcome Behavior

The persistent use of foul language in the work unit has been going on for years.

Norm, a new employee, recently told the group it is not professional to curse in the work unit.



Now the others have begun calling him, "Girly-Man."

Example:

Unwelcome Behavior



Frank compliments Sienna's clothing nearly every day.

"That dress really shows off your figure," he says, or "None of the other girls could make that top look so good."

Sienna is not flattered and wishes he would stop.

Example:

Unwelcome Behavior

Several of my colleagues spend a lot of time talking about sex.

Explicit details are frequently included.

I find this upsetting and have repeatedly asked them to stop.



Example:

Unwelcome Behavior



"My co-worker recently began asking me out. Although I have declined all the invitations, she repeatedly keeps asking me.

They have actually become distracting and are making work uncomfortable."

Discrimination is Real!

*Discrimination happens.
Your participation in this training
is a critical step in helping
Washington State University
be an inclusive and safe workplace
and educational institution.*

Visual:

Inappropriate Behavior

- Posters, cartoons, drawings, calendars, pinups, and pictures
- Electronic bulletin boards, computer graphics, and emails
- Knick-knacks, toys, and other objects

If of a sexual nature or on the basis of a protected class, each of these examples may constitute discriminatory harassment or sexual harassment.

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Verbal:

Inappropriate Behavior

- Derogatory comments of a sexual nature or on the basis of a protected class
- Referring to an adult as “girl” or “boy,” “doll” or “hunk,” and other derogatory terms
- Hooting, sucking, lip-smacking, and animal noises
- Grunts, wolf-whistles, or catcalls
- Sexual innuendos or derogatory stories
- Telling lies or spreading rumors about a person’s personal or sex life
- Turning work discussions to sexual topics

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Physical:

Inappropriate Behavior

- Staring, leering, sexually suggestive looks
- Looking up and down (“elevator eyes” or “undressing with the eyes”)
- Derogatory gestures
- Facial expressions like winking or licking lips
- Inappropriately touching a person or person’s clothing
- Blocking someone’s path with the purpose of making a sexual advance

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Differing Perspectives

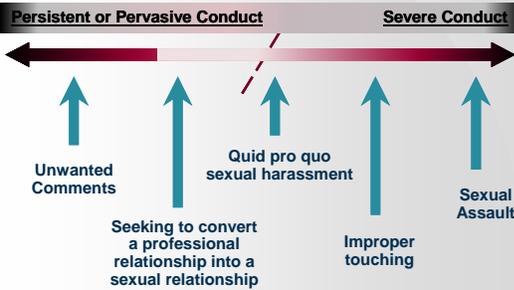
- Varying backgrounds and standards
social - cultural - ethnic
gender - others
- Harmless joking vs. offensive discrimination
- Assumptions may not be valid
- Practice restraint



Policy Review

- Improper conduct toward an individual, individuals, or groups
- Of a sexual nature or on the basis of a protected class that is:
 - Sufficiently severe, persistent, or pervasive that it has the purpose or effect of:
 - Creating an intimidating, hostile, or offensive environment ; or
 - Unreasonably interfering with an individual's work academic performance, living environment, personal security, or participation in any WSU activity;

Sexual Harassment Exists on a Continuum



Sex and Gender Based Violence

WSU policy prohibits sexual misconduct and other forms of sex and gender based violence as forms of sexual harassment. This includes, but is not limited to:

- Sexual Assault;
- Sexual Exploitation;
- Intimate Partner Violence (i.e. domestic or dating violence); and
- Stalking

One instance of sexual misconduct will be considered sufficiently severe to rise to the level of a violation of EP 15.

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Sex and Gender Based Violence

WSU will address student allegations of sexual harassment and sexual misconduct, regardless of where the conduct occurred (on or off campus) if it may interfere with the educational pursuits of the parties involved.

WSU's process under this policy is separate from the criminal process and can be pursued simultaneously.

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EP #15:

Retaliation Prohibited

This policy prohibits retaliation. Retaliation includes any act that would dissuade a reasonable person from making or supporting a complaint, or participating in an investigation, under this policy.



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EP #15:

Retaliation Prohibited

Retaliation takes many forms:

Negative actions taken after a person makes a report of discrimination or sexual harassment, assists someone else with a complaint, or participates in discrimination or sexual harassment prevention activities can include:

For EMPLOYEES:

- Demotion
- Suspension
- Denial of promotion
- Poor evaluation
- Punitive scheduling
- Unfavorable position reassignment
- Withholding of deserved support for promotion or tenure
- Assigning undesirable or inadequate space
- Punitive work assignments
- Dismissal

EP #28:



WSU Policy on Faculty-Student and Supervisor-Subordinate Relationships

Faculty or anyone in a supervisory role is prohibited from having supervisory responsibility over a student or subordinate with whom he or she is currently having a romantic and/or sexual relationship.



EP #28:



WSU Policy on Faculty-Student and Supervisor-Subordinate Relationships

Supervisory responsibility includes any supervisory role perceived as a position of power or authority.

It is not limited to instruction, research, academic advising, coaching, service on research and thesis (dissertation) committees, assignment of grades, evaluation and recommendation in an institutional capacity for employment, scholarships, fellowships, or awards.



EP #28:



WSU Policy on Faculty-Student and Supervisor-Subordinate Relationships

Relationships between individuals in which neither party is in a position to evaluate or supervise the other party are not within the scope of this policy so long as neither party participates in decisions that may reward or penalize the other and so long as such an evaluative relationship is not reasonably anticipated by the parties.

[Read this policy online](#)



Review #1

The following review describes ten workplace scenarios. After reading each scenario, select the single best response from the choices available.



Scenario #1

Your department routinely celebrates birthdays each month by serving cake and punch during an afternoon break. You notice the task of ordering and picking up the cake is always delegated to a female employee. When you asked about this you were told, "This is the sort of thing women do better anyway."



This is primarily an example of:

- Discrimination
- Sexual Misconduct
- Workplace Harassment
- None of the above

Scenario #2



Tom and Karen work in the same office. Tom has always liked Karen and one day asks her if she would like to go to a movie that weekend. Karen declines the offer and explains that she does not date coworkers. Tom thanked her for being candid and went back to work.

This is primarily an example of:

- Discriminatory Harassment
- Sexual Harassment
- Workplace Harassment
- None of the above

Scenario #3

The members in your work group all perform well together and several have even developed friendships that extend outside the workplace. There is always some good conversation on breaks and when the workload allows - in the work areas. During these conversations Craig frequently uses the expression, "That's mighty white of you."



This is primarily an example of:

- Discriminatory Harassment
- Sexual Harassment
- Workplace Harassment
- None of the above

Scenario #4

Mary's office is being remodeled. She is temporarily relocated to share a large office with Bill, a co-worker. They are in close proximity to one another and Mary often hears Bill having phone conversations of a sexual nature. Explicit details are usually included.



Mary has asked Bill to stop having these conversations in her presence. Bill, however, has said, "Listen, honey, you are the one who is in my office. I don't see why I should change just to suit a temporary visitor."

This is primarily an example of:

- Discriminatory Harassment
- Sexual Harassment
- Workplace Harassment
- None of the above

Scenario #5



In a recent lab management meeting for senior lab technicians, Halil, a U.S Citizen born in Seattle, WA, suggested a method for rotating perishable supplies that he had successfully used in the past.

"That may be how you do things wherever you're from but it's not how we do things in America!" his coworker retorted.

This is primarily an example of:

- Discriminatory Harassment
- Sexual Harassment
- Workplace Harassment
- None of the above

Scenario #6



Susan is planning to attend a conference in Chicago. She asks Arline, her subordinate, to come along. *"If you take care of all my personal needs in Chicago," she explains, "it will be easier for me to decide who gets that promotion when we return."* Having heard from her coworkers about what happens on trips with Susan, Arline understands the request is for sex.

This is primarily an example of:

- Discriminatory Harassment
- Sexual Harassment
- Workplace Harassment
- None of the above

Scenario #7



The photocopier in your department has a lot of problems and is due for replacement. Until a new one can be procured, however, everyone has to make the best of it. One day, as Yvonne struggles with the machine, she slams the lid down and shouts, *"Dang it! This thing is a pain in the rear!!!"*

This is primarily an example of:

- Discriminatory Harassment
- Sexual Harassment
- Workplace Harassment
- None of the above

Scenario #8

"I am in a protected group, but my supervisor frequently reprimands me for being tardy for my work shift."



This is primarily an example of:

- Discriminatory Harassment
- Sexual Harassment
- Workplace Harassment
- None of the above

Scenario #9

Some of the employees in your department are in the habit of playing practical jokes on you. One day your computer mouse was hidden in your desk drawer, another day your coffee mug was glued to your desk, and on another day your telephone receiver was slathered with cologne.



This is primarily an example of:

- Discriminatory Harassment
- Workplace Harassment
- Sexual Harassment
- None of the above

Scenario #10

Lorene interviewed very well and several members of the Search Panel favored her for the position. One member, however, was not at all in favor of selecting her. "I know Lorene's family," she said, "and I also know that Lorene recently married. That means pregnancy, babies and Family Medical Leave. We need someone who will be available for the project."



This is primarily an example of:

- Discrimination
- Workplace Harassment
- Sexual Harassment
- None of the above

What Can I Do and What Must I Do?



As a Complainant:

- If you or others are in immediate danger of harm, dial 911.
- Report the incident to your supervisor or directly to the Office for Equal Opportunity
- If you would like to speak with someone confidentially about your concern, you may contact the Employee Assistance Program, or WSU Counseling and Testing Services



As a Potential Respondent:

- **STOP the behavior immediately!**
- Review WSU Policy Prohibiting Discrimination, Sexual Harassment, and Sexual Misconduct
- Contact your supervisor
- Contact the Office for Equal Opportunity, the University Ombudsman, or Human Resource Services



Reporting Requirements

- WSU employees cannot guarantee confidentiality to students or other employees, unless they have a legally privileged relationship.
- All WSU employees, including student employees, who have information regarding incidents of sexual harassment or sexual misconduct **must** report to OEO, the WSU Title IX Coordinator, or a Title IX Co-Coordinator.
- In addition, WSU employees with supervisory authority who have information regarding incidents of other forms of discrimination, must report those to OEO.
- Employees should **not** attempt to investigate or assess allegations of discrimination, sexual harassment, or sexual misconduct prior to consulting with the Office for Equal Opportunity.

Confidentiality

- WSU employees cannot guarantee confidentiality to students or other employees, unless they have a legally privileged relationship
- Information is shared on a limited "need to know" basis.
- Investigative information will be shared with others on a need-to-know basis, including with investigators, witnesses, the accused individual, and relevant WSU officials, or as required or permitted by law.
- In some cases, the investigation file may be subject to requests for public records; WSU will redact identifying or other information when legally permissible.



Confidential Resources

For Students:

- WSU Counseling and Testing Services 509-335-4511
- WSU Health and Wellness Services 509-335-3575

For Employees:

- Employee Assistance Program (EAP) 509-335-5759

For Both:

- Alternatives to Violence of the Palouse (ATVP)
509-332-4357 or 1-877-334-2887

For other WSU Campuses see oeo.wsu.edu/resources

As a Supervisor, *you have specific responsibilities:*

- You must report the allegation/incident to the Office for Equal Opportunity
- In some cases, supervisors must take immediate action to end offending conduct and protect the well-being of the complainant. Supervisors must take such interim measures in consultation with HRS and the Attorney General's Office



As a Supervisor, you need to:

- Listen!
- Inform the reporting party that you are required to report the incident directly to the Office for Equal Opportunity;
- If you suspect a crime may have occurred, encourage the complainant to contact the police;
- Consult with Human Resource Services



As a Supervisor:

Note:

Contact the
[Office for Equal Opportunity](#)
or
[Human Resource Services](#)
prior to taking direct action!



As a Witness:



- Review WSU Policy Prohibiting Discrimination, Sexual Harassment, and Sexual Misconduct
- Encourage the potential complainant to talk with his or her supervisor and contact the Office for Equal Opportunity
- Report the behavior

Prevention

It is the direct responsibility of all administrators, deans, directors, chairs, and supervisors to:

- Ensure that all employees and students are made aware of these policies
- Monitor work and learning areas for policy violations



Prevention

It is the direct responsibility of all administrators, deans, directors, chairs, and supervisors to:

- Listen to charges of policy violation brought to their attention
- Consult with the Office for Equal Opportunity or Human Resource Services



Prevention

It is the direct responsibility of all administrators, deans, directors, chairs, and supervisors to:

- Coordinate with OEO to respond to and address concerns of retaliation for the use of WSU complaint procedures



Review #2

The following review contains ten questions. Select the best responses from the choices available.

In some cases, more than one selection is allowed.



Question #1

The WSU Policy Prohibiting Discrimination, Sexual Harassment, and Sexual Misconduct covers only incidents of sexual harassment made by a supervisor towards an employee.

True

False

Question #2

A pattern of at least two instances must exist before quid pro quo harassment can be alleged.

True

False

Question #3

Supervisors who become aware of an incident of sexual harassment at WSU should report the incident to the Office for Equal Opportunity.

- True False

Question #4

Sexual Harassment creates a hostile environment when behavior is sufficiently severe, persistent, or pervasive to interfere with any individual's work or educational performance, or creates an intimidating, hostile, or offensive work or educational environment.

- True False

Question #5

Which of the following may constitute hostile behavior?

- The behavior is unwanted or unwelcome
- The behavior is severe, persistent, or pervasive enough to affect the person's work environment
- The behavior creates an intimidating and offensive educational environment.

Question #6

Which of the following may be considered sexual harassment behavior?

- Sexual stories, pictures, jokes
- Spreading rumors about a person's sex life
- Requesting sexual favors
- Talking about your sex life

Question #7

As a supervisor, Lois acts in a professional manner when criticizing the work of her subordinates. However, she often uses derogatory comments and slurs when criticizing the work performed by subordinates of her own national origin. "It's not a problem," she claims. "I'm an immigrant, too, remember?" Is Lois engaging in discrimination?

- No, not as long as she restricts her derogatory comments to only those of her national origin
- Yes, she is treating individuals differently on the basis of their national origin
- No, because her comments are directed at work performance

Question #8

It is permissible for a faculty member to have a sexual relationship with his/her student as long as the student is 21 years old and consents to the relationship.

- True
- False

Question #9

The receptionist for your department is on extended leave. The obvious choice for staffing the front desk during her absence is Marion, but you are concerned. As a Mennonite, Marion wears the traditional clothing of her religion and you believe that will make some of your clients uncomfortable. You decide to have someone else staff the desk.

This is primarily an example of:

- Discrimination
- Sexual Harassment
- Workplace Harassment
- None of the above

Question #10

Which of the following are appropriate resources for learning more about discrimination, sexual harassment, and sexual misconduct policy at WSU?

- Human Resource Services
- WSU Counseling Services
- University Ombudsman
- Your Supervisor

WSU Resources

- Executive Policy #15
[WSU Policy Prohibiting Discrimination, Sexual Harassment, and Sexual Misconduct](#)
- Executive Policy #28
[Policy on Faculty-Student and Supervisor-Subordinate Relationships](#)

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WSU Resources

[Office for Equal Opportunity](#)
[WSU Title IX Coordinator and Co-Coordinators](#)

WSU Counseling Services

- [WSU Counseling Services](#) *(for students)*
- [Employee Assistance Program](#) *(for employees)*

[University Ombudsman](#)
[Human Resource Services](#)

For other WSU Campuses see oeo.wsu.edu/resources

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Other Resources

[U.S. Equal Employment Opportunity Commission](#)
 ➔ [EEOC Online Assessment System](#)

[Washington State Human Rights Commission](#)
 ➔ [HRC Online Complaint Process](#)



This has been a
WSU Training
Videoconference

If you wish to have your attendance documented in your training history, please notify Human Resource Services within 24 hours of today's date:

hrstraining@wsu.edu

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