

University of Puget Sound Faculty Senate
April 3, 2017 McCormick Room 4pm

Present: Kris Bartanen, Nancy Bristow, Gwynne Brown, David Chiu, Sara Freeman, Bill Haltom, Robin Jacobson, Kristin Johnson, Alisa Kessel, Andrea Kueter, Brendan Lanctot, Noah Lumbantobing, Pierre Ly, Mike Segawa, Lilian Wang, Peter Wimberger.

Guests: Roger Allen, James Bernhardt, Amanda Diaz, Poppy Fry, Jennifer Neighbors.

- 1. Kessel called the meeting to order at 4:00.**
- 2. M/S/P to approve the minutes of March 20, 2017**
- 3. Updates from liaisons to standing committees**

Ly and Kessel: Updated the Senate about Faculty Advancement Committee nominations. There were dozens of nominations, yet only five candidates agreed to stand for election to the three open seats. Three seats should have at least six candidates. A short statement about having only 5 candidates will accompany the email that links to the voting.

Johnson: Shared that the Student Life Committee is working on a short informational flyer for faculty outlining FERPA basics and another for reporting sexual misconduct. For the latter, they are planning to briefly outline what faculty should say if a student approaches them about an incident of sexual misconduct, etc. They'd like both flyers to go out to all faculty semi regularly and to be discussed in department meetings.

Bristow: Reports that the Professional Standards Committee is finalizing an evaluation form for team taught classes and that it has also made clarifications to the Faculty Code related to the Campus Policy Prohibiting Sexual Misconduct and Campus Policy Prohibiting Harassment which PSC Chair Neighbors will report on in person later in this meeting.

4. Updates from the ASUPS President and the Staff Senate representative

Lumbantobing reported on ASUPS elections. Amanda Diaz was elected to be President after a re-vote due to problems with the voting technology. ASUPS also passed a financial code created in consultation VP Finance Sherry Mondou. This document helps codify the way they are allocating finances to scholarships. ASUPS undertook this initiative wanting to be thoughtful about its budget as a moral document.

On a personal note, Lumbantobing reflected that he is excited about the potentials of campus conversations during the common hour.

Diaz introduced herself. She is a junior, from the Bay Area, is a doing a SIM major combining Latino/Latina Studies, P&G, and SOAN. She comes to the ASUPS presidency following in the footsteps of Nakisha Renee and Noah Lumbantobing and planning to advance ASUPS's work on communication and transparency.

Kueter had no new update from Staff Senate.

5. Year-end report from University Enrichment Committee (UEC)

Allen offered brief comments about UEC's standing charges and special charge for 17-18, summarizing the end of year report submitted to the Senate (**attached as Appendix A**). This year, they accomplished creating a policy regarding online publications fees, which they determined can be funded by UEC at 80%, but will not take precedence over startup funds.

Allen noted that UEC still has three pieces of ongoing business before the end of the Academic Year: evaluating student research proposals and nominations for next year's Register Lecture, plus the choice of the recipient for the Dirk Andrew Phibbs award.

Allen shared that things have gone very smoothly this year after three years of work on transparency and protocols spearheaded by former UEC chair Professor Dawn Padula who Allen praised for her forward-looking mode. Allen also offered an appreciation for the Faculty Senate Liaison who attended UEC meetings regularly.

Bristow asked about the report's comments that the size of the committee could be reduced. Allen said the way responsibility is divided doesn't require a large committee and they could function with 7.

Wimberger asked if the UEC would be amenable to using the same format employed by the Summer Science research applications for faculty recommendations for their student research awards. This would streamline the work of faculty recommenders. Allen says the policy is in place to allow that.

M/S/P to receive the UEC report.

6. Discussion of common period campus-wide event

Kessel updated that there have been some changes to the proposal after feedback (**Attached as Appendix B**). She had two process questions: 1. Which model do we want to use? and 2. Who to send this to for feedback before we distribute it broadly?

A discussion marked by fits and starts followed. Kessel and Bristow both expressed concerns with the lack of discussion and wondered if we should be pursuing plans for a shared conversation or event, or if it's just one more thing for people already pulled in too many directions. The Senate discussed how it is hard to mobilize energy for a new plan, but that there is a desire to make what we're already doing richer and make good use of the common period to connect members of the campus. The Senate recognized that Faculty felt a benefit of the common period was the opportunity to have events the whole campus can attend, yet struggled with how to invite collective broad thinking, especially at the end of the year.

Johnson recommended coordinating with the organizers of the big lectures in case they want to coordinate speakers and suggested a way of labeling or branding things that are already

happening as part of the campus conversation event. Brown expressed support for model one, which includes reading a shared text.

Jacobson sought to clarify the role of the Senate in the production of the event. Segawa said the rub comes in the follow up: there's an event, it's one hour early on in the semester, then what? Who buys in? How do we ask for commitment?

A livelier discussion ensued about types of shared topics or texts and past models (like the Diversity Theme year, or films as a shared text, or a dream of Michael Moore visiting campus), as well as the duties of the Committee to Support the Shared Curriculum and the relationship of the CSSC and the CC to a common hour event.

Kessel summarized that there seem three types of questions: logistics questions, procedural questions, and questions about how to launch. She notes that the event doesn't have to happen until the spring. Bristow also synthesized the concerns as having Part I: where is the decision making going to sit if this is going to be a thing? and Part II: how do we move it forward? Segawa cautioned against kicking the can down the block because it often takes a group just resolving to do something to make it happen. Bristow advocated for staff and student presence in the planning for an event, therefore worried about the CC as the permanent home for it. Bartanen agreed that if we want it to start, it needs to start; then we figure out how to keep it going. Lanctot asked where money will come from if we want to do a marquee event.

Kessel outlined a provisional plan to assemble a committee of about 5 (including students and staff senate), building on the group who wrote the proposal (Kessel, Bristow, Lumbantobing), who would go forward with the text model and the version of the question: "Is open-mindedness (still) a virtue?" Plans will be shared with ASUPS, Staff Senate, the Orientation Planning Committee and the CSSC. Kessel reminded the Senate that Bristow is on sabbatical next year and Lumbantobing is no longer ASUPS president, so there will need to be other people to join in.

7. Year-end report from Library, Media, and Information Systems Committee (LMIS)

James Bernhard provided a brief summary in addition to end of year report (**attached as Appendix C**). LMIS focused on understanding the many changes in Technology Services, with many presentations from Chief Information Officer and AVP for Tech Services Jeremy Cucco. LMIS focused on their special senate charge regarding data usage, discovering that the policies in place on administrative side are very complicated and lots of people work on them, however, faculty generate and manage a lot of data on their own in ways that aren't always well accounted. Best practices have changed. The committee concluded there is lots of work to do on that front.

Brown asked for examples about faculty and data use. Bernhard offered: is it ok to store my grades on Google Docs? How long should Faculty keep grades? Do they need to secure them in some way? Can they be put in the cloud? Use of external or Cloud based storage: compliant with FERPA? Are faculty aware of what we should be doing? LMIS hopes to raise awareness in future years.

Jacobson asked how frequently the committee meets. Every other week, with some bye-weeks.

Kessel queried how best to frame/divide up dimensions of a future charge and makes plans to work on the wording of the future charge.

M/S/P to receive the LMIS report.

8. Report on Campus Policy Prohibiting Sexual Misconduct, Campus Policy Prohibiting Harassment, and corresponding procedures

Neighbors, in her capacity as chair of PSC, presented procedural action taken by the committee. The PSC approved two interpretation of the Faculty Code that will aid the implementation of the CPPSM and CPPH. They also endorsed both policies. (**Sidebyside comparison of the policies attached as appendix D**).

The first interpretation clarifies what public law means in chapter 1, part D, section 4 on Professional Ethics. In short, public law is understood to include the guidance provided by the office of civil rights about what it means to comply with Title IX.

The second interpretation concerns the use of the word ‘intimate’ versus ‘sexual and/or romantic’ in sections on Faculty as Teachers, Professional Ethics, and Relationships between Faculty and Students. This change to wording the recommendation of the Gender and Sexual Violence Policy Subcommittee. In the PSC discussion, it recommends the clarification that, as used in the policy, intimate does not prohibit platonic friendship or mentorship between faculty and students.

The PSC deems these to be clarifications and not significant interpretations. The Senate discussed the distinction this designation signals. It means the clarifications do not activate a 10-day period for appeals prior to the being reviewed by the board.

The Senate discussed a question regarding preexisting intimate relationships (i.e. a faculty spouses): as it stands, bound by the Student Integrity Code, there is a requirement for notification if a faculty spouse takes any class on campus, there must be a brief heads up to the Title IX coordinator about it.

The Senate expressed appreciation to Professor Poppy Fry for the enormous amount of work she has done in this arena, and the development of the policies.

9. Discussion of spring semester calendar recommendations

Jacobson and Kessel presented an update on the models, having worked out some parallel to but different from ones presented by CC. (**Attached as Appendix E**).

Model 1: Spring semester ends a week earlier

Model 2: Spring Break two weeks.

Model 3: Intersperse days.

The Senate had a wide-ranging discussion exploring the benefits and impacts of each model and the way that the two desired benefits are not served the same way by each model (sustained time for faculty work vs. locating time in the life of the community for shared conversation and colloquia). Feedback from Athletics indicates that Model I is deeply difficult because it puts final exams in the middle of their season. Comparisons to other NW5 schedules were explored. The Senate worked through concerns about hours for .75 FTE staff people and DCS and Residence Life.

Brown reflected that if we moved to a two-week spring break, it would be desirable to offer options for structured activities for students who can't go home and noted that musical ensembles that tour might benefit from a week for tour and a week for actual break. Brown finally wondered if the option to leave the schedule as is would be considered. Kessel said that leaving the schedule unchanged would likely be an option on an eventual voting ballot. Segawa said a two-week break gives staff a significant break. The spring semester is long and he break could produce good results in the second half of the semester. Segawa also noted that he did not believe students would be stuck on campus but might go home with friends or find other things to do; he thought a two week spring break would lead to an almost empty campus.

The Senate decides to take the models to the faculty for conversation, with hope that the faculty will not yet move to vote on the measure. It will be listed on the agenda as a discussion item, not an action item.

10. No other Business.

11. M/S/P Adjourn at 5:37pm

Minutes prepared by Sara Freeman

Respectfully submitted,

Pierre Ly

Secretary of the Faculty Senate

University Enrichment Committee

End of Year Report 2016-2017

MEMBERSHIP:

Faculty: Roger Allen (Chair), Terry Beck, Erin Colbert-White (spring only), Mark Martin, Dawn Padula (fall only), Rachel Pepper, Renee Simms, Jess Smith, and Randy Worland

Students: Tyson West and Louisa Armstrong

Ex Officio: Sunil Kukreja (Associate Dean)

Senate Liaison: Bill Haltom

MEETING DATES:

Fall 2016: September 7, October 26, November 16, November 30, and December 8

Spring 2017: January 23, February 14, March 6, April 18, and May 5

GENERAL UEC ACTIVITY:

The UEC has successfully completed, or will have completed by the end of the spring 2017 semester, all of the regular yearly duties assigned, including evaluating and awarding student research proposals in the fall (November) and spring (April), evaluating and awarding faculty research proposals in the fall (December) and spring (March), hosting the Register Lecture (November), evaluating and awarding Release Time Awards for faculty (February), determining the recipient of the Dirk Andrew Phibbs Award (May), and the evaluation of nominations for the purpose of selecting the 2018 Register Lecturer (May).

SENATE CHARGES: The UEC has the following standing charges set forth in The Faculty Bylaws:

The duties of the Committee shall be:

1. To promote the professional growth of the Faculty by seeking and receiving funds for research and travel, to budget and allocate such funds, and to receive and approve research and travel reports.
2. To seek and allocate funds for student research.
3. To seek nominations and select the Register lecturer.
4. To support Faculty leaves such as sabbaticals, grant-assisted leaves, and exchanges.
5. Such other duties as may be assigned to it.

The Senate's sole additional charge ("such other duties as may be assigned to it") to the 2016-2017 UEC, as provided by Senate liaison Bill Haltom was:

“In addition to the ongoing charges in The Faculty Bylaws, the Faculty Senate charges the University Enrichment Committee a) to determine whether there is a need to establish a guideline for funding on-line, public-access fees for publication and, if the UEC determines there is such a need, b) to create and publish the guideline.”

UEC ACTIONS IN RESPONSE TO STANDING CHARGES:

Over the course of the academic year, the committee reviewed faculty research funding proposals, student research funding proposals, and faculty proposals for release time. Faculty proposals were submitted and reviewed in both the fall and spring semesters, while student proposals were reviewed in the fall and spring, with an additional early-bird submission opportunity for student proposals offered in September 2016. Faculty release time proposals were reviewed early in the spring semester, with five requests for regular 1.0 release units recommended for approval, in addition to a recommendation to approve one Civic Scholarship release time proposal supported by the Center for Strategic Issues.

<https://www.pugetsound.edu/files/resources/release-time-guidelines-form-2017.pdf>

During the previous two years, the committee did a considerable amount of work revising evaluation guidelines and rubrics for assessing submitted funding proposals, so as to increase transparency of evaluation process, ensure coherence with application guidelines, and provide consistency for comparison across reviewers. This work and the revised rubrics have greatly aided the committee’s review work this year and thanks are extended to past committee’s for their thoughtful efforts to bring this about.

At the time of preparation and presentation (April 3) of this report to the Faculty Senate, the work of this year’s UEC is not yet complete. Two more scheduled meetings remain where we will be evaluating spring proposals for student research support (April 18) and selecting the 2018 Register lecturer & 2016-2017 Phibbs Award recipient (May 5). The call for nominations for the Register Lecture has gone out to the campus community and we are awaiting nominations (April 7 deadline). The Dirk Andrew Phibbs Award winner is selected annually by the UEC from among faculty proposals submitted during the academic year. While this is not specifically cited as a standing charge to the UEC in The Faculty Bylaws, the February 26, 1999 Memorandum of Understanding that established the award specifically states:

Recipients should be tenured and have at least 10 years of service with the University. They should be chosen by the University Enrichment Committee and be selected on the quality of their teaching and their plan for the travel year. Recipients should submit a report to the Enrichment Committee by the beginning of the semester immediately following their return.

It is recommended that, at some point in the reasonable future, UEC standing charges in The Faculty Bylaws be revised to specifically cite the committee’s role and obligations in reference to this annual award.

The Associate Dean’s office and UEC also hosted the 44th Register Lecture and reception in the

Tahoma Room of Thomas hall on November 10, 2016. The event was very well attended, with both seating (for 160) and standing room capacity exceeded (quite a number of people had to be turned away, or listened to the lecture from the lobby area). The following is a link to the program for this year's lecture:

https://www.pugetsound.edu/files/resources/pev17regprog_print.pdf

UEC ACTIONS IN RESPONSE TO SENATE CHARGE:

“In addition to the ongoing charges in The Faculty Bylaws, the Faculty Senate charges the University Enrichment Committee a) to determine whether there is a need to establish a guideline for funding on-line, public-access fees for publication and, if the UEC determines there is such a need, b) to create and publish the guideline.”

The 2015-2016 UEC began substantive discussion regarding the funding of on-line and public access publication fees. The following is an excerpt from UEC Chair Dawn Padula's previous End of Year Report to the faculty senate that set the stage for this year's activities on the matter:

4. Discussion Surrounding UEC Funding of On-Line Public Access Publication Fees

During our evaluation of faculty research proposals this year, it was noted that there were requests to cover fees for open-access on-line publications. After further discussion, the consensus was that this is a growing issue since open-access and online publications are becoming more prominent. Our current guidelines stipulate that the UEC will not cover "vanity press" publication charges, but there is not any established criteria published for handling these types of publication cost requests.

Discussion surrounded this issue, including potential ways of handling the issue in the future if necessary. The outcome of the discussion was that next year's UEC could perhaps determine the need for establishing a guideline to this effect and if one was deemed necessary, fleshing it out and publishing it.

Regarding section “a” of this year's senate charge, the UEC first determined unanimously that “yes” there is a need to establish such a guideline. We then moved on to part “b” to draft and publish an appropriate guideline.

We met as a committee on several occasions with librarian Ben Tucker. He did a tremendous amount of background work and educated the committee regarding the lay of the land in the domain of on-line publication. He subsequently attended and consulted at all our meetings as the guideline was drafted and finally approved. (Without Ben, we would have made a mess of this thing - seriously.) A subcommittee consisting of Rachel Pepper, Renee Simms, and Jess Smith volunteered to take on drafting initial language for the committee to review and then incorporate committee feedback into a final document. (This subcommittee composition was quasi-intentional, in that Rachel and Renee will be our only two current committee members continuing on with the UEC next year and we wanted to ensure that the historical perspective and rationales that gave rise to the guideline could be passed on.)

It became very clear that on-line/open-access publishing is a rapidly evolving landscape (understatement). Given that, we did not think it prudent to draft language that was so specific to current conditions that it would have a very short shelf life and require constant research and revision. The final drafted policy is quite appropriately succinct and covers funding guidelines for both print and electronic publication costs. This will be incorporated into the Description/Eligibility section of the Faculty Research funding application instructions (combined with elimination of the existing footnote).

https://www.pugetsound.edu/files/resources/faculty-research-guidelines-and-form-2016-iacuc_s2-2.pdf Since this policy will go into effect for faculty research proposals beginning fall 2017, the Committee decided to hold inclusion of this new policy on the webpage until the end of the spring 2017 semester. The policy document may be found in Appendix I.

SUGGESTED SENATE CHARGES FOR NEXT YEAR'S COMMITTEE:

Beyond the standing charges set forth in The Faculty Bylaws, the committee has no recommendations at this time for additional Senate charges for next year's committee. Completing the work of the standing charges supplies a quite full agenda throughout the academic year.

The Bylaws indicate that the UEC be comprised of no more fewer than 7 faculty members. The current membership has 9. Given how innovations into proposal review and division of effort, that were implemented over the past three years, has helped with committee efficiency, it may be quite feasible to return the committee to a size of 7 faculty members if need be. The diversity of cross-campus opinion and perspectives when considering proposals is highly valued and this would not be compromised with a slightly smaller committee size, given balanced cross-disciplinary assignment to the committee. It could also serve to streamline a bit both discussion and consensus decision making.

CONCLUSION:

The work of the University Enrichment Committee this year was extremely collegial, focused, efficient, and productive. In addition to handling the regular duties assigned, the committee completed all work on the new Senate charge for the year, hosted the Register Lecture, and will be selecting the 2016-2017 Phibbs Award recipient. The committee wishes to extend very special thanks to Ben Tucker for his invaluable and patient participation and consultation through the process of drafting a publication funding guideline.

It was both an honor and a constant pleasure to serve with this wonderful group of faculty colleagues and students in supporting faculty and student scholarship, creativity, and innovation.

Respectfully submitted,

Roger Allen, PhD, PT - UEC Chair 2016-17, Professor of Physical Therapy

APPENDIX I

UEC Funding of Publication Costs Guideline

Proposal: To eliminate the section on publication limitations from the footnote and instead add a new paragraph to the eligibility/description section.

https://www.pugetsound.edu/files/resources/faculty-research-guidelines-and-form-2016-iacuc_s2-2.pdf

Publication costs are considered for funding when there is evidence of readiness for publication and the applicant has tried to negotiate or cover these costs in other ways. Publication costs are typically funded up to 80% of the total cost. These costs include page charges, required open access costs, image licensing fees, etc.

The committee will consider funding journal publication fees if all of the following requirements are met:

- The journal is peer-reviewed
- The publication charge is required to publish the work in the chosen journal
- The applicant has tried to negotiate down the publication fees
- The applicant shows evidence of pursuing other funding sources to cover this cost
- The applicant makes a strong case in their narrative that this particular publication venue is necessary¹ (e.g., for open access journals, the journal is listed in the Directory of Open Access Journals)

¹ Collins Memorial Library has resources available to help evaluate open access journal options, and subject librarians are also able to offer assistance.

PROPOSAL: Campus conversations at the University of Puget Sound Spring 2017

Rationale: During the debate over the common period, the Faculty Senate observed widespread interest from faculty, staff, and students in using the common period to support a shared, community-wide conversation each year. The Faculty Senate understands that the common period should not be dedicated extensively to this project, since the primary purpose of the common period is to foster shared governance. Therefore, we propose that one campus-wide event, oriented around a single question, and hosted during the common period in the first few weeks of the academic year, be used to initiate conversation and skill-development that extends to other time slots, venues, and reflections throughout the year.

Question identification: Each year, in collaboration with members of the campus community, the Faculty Senate or its designees can identify a shared question as the ‘theme’ of the year’s investigations. A committee of the Faculty Senate (Bristow, Lumbantobing, and Kessel) have developed the following proposal for consideration by members of the campus community.

Our intention is to initiate a campus conversation in 2017-8 that:

- fosters disciplinary and interdisciplinary inquiry
- contributes positively to campus-wide endeavors like the development of a new strategic plan and ongoing considerations of our curriculum
- attends to the national conversations around higher education
- anticipates campus-wide events like the 2018 Race and Pedagogy national conference.

To that end, we propose the following question for the 2017-8 Campus Conversation:

What does it mean to know?
OR
Is open-mindedness (still) a virtue?

In a way, this question is central to all scholarly inquiry, but it is also a question about limits, information, access, beliefs, power, the self, and the world. A campus-wide conversation about this question will focus participants inward, toward their own limits and presumptions as ‘knowers,’ and outward, toward the broader context in which we all make claims and interrogate the claims of others.

This question also invites several subsidiary questions. For example:

- Whose ideas matter to me? Whose don't?*
- Whose knowledge or facts do I accept and whose do I reject?*
- Do I do enough to engage ideas, beliefs, and values that differ from my own?*
- What does it mean to have an open mind?*
- Should I engage the ideas of those who deny that my knowledge, ideas, or experiences matter?*
- What are the limits of proof?*
- What counts as a fact?*
- Can I know things that aren't 'knowable'?*
- Can I know things by faith?*
- What are my habits of mind?*
- How might I examine the assumptions that undergird my responses to these questions?*

The question also invites skill development. For example:

How can I practice keeping my mind open? (Why) is this important to me?

What are/should be the limits to my engagement with ideas, beliefs, or values that differ from my own? When should I push myself to expand my engagement?

What role can I play in the development of new or different knowledge(s)?

How can I engage the ideas of those who deny that my knowledge, ideas, or experiences matter?

Some venues for continued conversation (not exhaustive): Classroom activities and topics, Orientation, Prelude, ASUPS-sponsored events, named lectures, library materials and exhibitions, Kittredge and Slater programming and exhibitions, Music and Theatre Arts programming, Wed@4, the Thompson Hall series, annual writing workshops, CWLT events, department-sponsored programming, student leadership training, Race and Pedagogy Institute events, Courageous Conversations, student club activities, MLK Day celebrations, professional development workshops

Model 1: Shared text, speaker, & campus-wide workshop

Once the theme of the campus conversation is established, the campus community is invited to propose nominations for a shared text or texts related to the theme ('texts' is meant as a broad invitation to consider books, films, works of art, articles, etc). The text(s) should be accessible and legible to a diverse array of backgrounds, skill levels, and disciplinary interests. A speaker (perhaps the author or creator of the work) is invited to present some kind of response to the question. Our hope is that this event will have a strong interactive component in order to help participants engage ideas and texts in active ways.

Model 2: Campus-wide speaker and workshop

Once the theme of the campus conversation is established, a speaker is invited to host a campus-wide workshop (along the lines of the Shakti Butler event in January 2017). Again, our hope is that this event will have a strong interactive component in order to help participants engage ideas and texts in active ways.

To: Faculty Senate
From: James Bernhard, Chairperson LMIS
Concerning: Report LMIS Charges 2016-17
Date: March 31, 2017

Dear Colleagues:

The following is a summary of our responses to the Faculty Senate Charges. For further information, I encourage you also to consult the LMIS minutes posted on SoundNet.

Because of the many changes in Technology Services during the past couple of years, this year LMIS has focused primarily on getting updated on those changes and fostering the opportunities that the changes have enabled. The Fall 2016 semester was devoted almost exclusively to updates, and in the Spring 2017 semester we have begun to explore the opportunities that have been created. More specifically, our work on the committee's charges has been as follows.

1. *To develop general policies, procedures and plans in collaboration with the Library Director and the Chief Technology Officer.* Much of the Fall 2016 semester was devoted to this. We did not develop new policies, but we have laid the groundwork to be able to do so. This preliminary work has been necessary because of all the major changes in technology-related positions on campus.

On 9-20-2016, CIO Jeremy Cucco updated LMIS on three major technology areas: infrastructure, v-Desk, and printing. On 10-11-2016, he updated the committee on ERP (PeopleSoft). On 11-08-2016, he updated the committee on the Service Desk. In this discussion, he mentioned that technology services is working to develop a technology standards document that clearly explains what technology (both hardware and software) is supported by the university. This would be very useful to incoming students, departments buying equipment, and others. On 12-06-2016, Jeremy Cucco updated LMIS on analytics, and on some other areas that had changed since his previous updates. On 1-31-2017, Jeremy Cucco led a discussion on cloud computing and the role that it may or may not play on campus in the future. On 2-14-2017, he led a discussion on computer and network security. In this, he emphasized that for any institution, the question is not whether a breach will occur, but rather how well it can be contained or limited when it occurs.

This update concluded what was well over a full semester of much-needed updates. Jeremy Cucco's presentations have helped greatly in forging solid, fruitful communication channels between faculty and technology staff on campus, and he

should be commended for all his hard work in this regard. Because of it, LMIS is now in a much better position to be able to develop the policies and plans referred to in this charge.

2. *To provide recommendations and advice to all parts of the University community on the role of the library, media and information systems in support of the academic program.* On 10-11-2016, following a campus visit by Nicole Allen of SPARC, the committee discussed the role that open educational resources might play in our teaching. Jane Carlin expressed the library's enthusiasm for this, and we discussed ways in which the library might work with faculty to encourage use and development of open educational resources.

3. *To review periodically the mission and objectives of the library and information systems and to recommend such changes as are needed.* On 2-28-2017, Jane Carlin and guest Lori Ricigliano updated LMIS on happenings in the library. This included an overview of the LIBQUAL survey results and a discussion of short- and long-term plans for how to use library space.

4. *To review periodically the collection development plan for the library to ensure that a balanced collection is maintained for effective support of the academic program.* Since we have been very busy with the other charges (especially Charge 1), we have not had a chance to address this charge yet. However, we are scheduled to have such a review during our next meeting (on 4-4-2017).

5. *Such other duties as may be assigned to it by the Faculty Senate.* No additional duties were assigned.

6. *In addition to the ongoing charges in the Faculty Bylaws (Items 1-5), the Faculty Senate charges the LMIS Committee to work with Institutional Research and Technology Services to review existing and, if needed, develop policies concerning the appropriate use of institutional data on campus.* On 3-21-2017, LMIS and guests Ellen Peters and Brad Tom have discussed data use policies. In this discussion, we learned that there are complicated data use policies in place, as well as plans to develop those policies further as need be. However, since faculty are generally unaware of the details of those policies or how to implement them, there is great need for information about *what faculty should and should not do to comply with these policies*. We began to discuss how such information might be compiled and presented to faculty but did not arrive at any definite plans. There is much more to be done in this regard.

Requests for future charges:

We have no requests for additional future charges at this point. However, in the current charges, perhaps references to the Chief Technology Officer should be changed to Chief Information Officer in keeping with the current title for the position.

Committee size and workload:

The committee seemed to have a suitable number of members for its workload. LMIS needs enough members to fuel discussions, but it does not have a lot of regular subcommittee work that needs to be divided among its members, so more members are not needed.

Additional comments:

One of my goals for LMIS year has been to develop good lines of communication with the many recent technology-related hires, and I think that we have been successful in that.

CAMPUS POLICY ON PROHIBITING HARASSMENT [DRAFT]

- I. Policy Statement**
- II. Policy Scope and Applications**
- III. Responsibilities**
- IV. Complaint Procedure**
- V. Policy Approval and Amendments**
- VI. Appendices: A and B**

Statement of Purpose

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

The university is a community that encourages a rich knowledge of self and others, an appreciation of commonality and difference, the full, open, and civil discussion of ideas, thoughtful moral discourse, and the integration of learning. This community recognizes the importance of academic freedom, open exchange of ideas and creative, and intellectual expression. The Campus Policy Prohibiting Discriminatory Harassment provides a 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 this policy.

I. Policy Statement

The University of Puget Sound prohibits discrimination and harassment in education or employment on the basis of sex, race, color, national origin, religion, creed, age, disability, marital or familial status, sexual orientation, veteran or military status, gender identity or any characteristic that is legally protected under applicable local, state or federal law.

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

II. Policy Scope and Applications

A. Policy Scope

This policy applies when the conduct prohibited by this policy occurs between any member of the student body, faculty, or staff and any other member of the student body, faculty, or staff. This policy also applies when the prohibited conduct 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, volunteer, or third party. All members of the campus community have a responsibility to govern their own conduct in accordance with this policy, and all employees of the University of Puget Sound have a special responsibility to report all discrimination and harassment.

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 and types of harassment.

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

B. Harassment

Harassment is conduct that has the effect of creating an intimidating, hostile, or offensive environment for others, interfering with the academic performance or co-curricular activity of a student, or the work performance of a faculty or staff member. Complaints under this category may include:

- (1) Conduct that threatens the health or safety of a person or persons at the university;
- (2) Conduct that damages or threatens to damage property of the university or property owned by a person or persons at the university;
- (3) Conduct that substantially interferes or threatens to substantially interfere with a person's or persons' right of access to educational programs or co-curricular activities offered by the university;
- (4) Conduct that interferes or threatens a person's work performance or ability to perform work duties.

See provisions under section E. below.

C. 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, sex, color, national origin, religion, creed, age, disability, marital or familial status, sexual orientation, veteran or military status, gender identity or any protected characteristic, which is sufficiently severe, persistent or pervasive as to limit or deny a student's ability to participate in or benefit from an educational program or a faculty, staff or student 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.

Related to discriminatory harassment are bias and hate motivated incidents. Bias and or hate motivated incidents, whether verbal or non-verbal, can evoke feelings of marginality and compromise a welcoming and educational atmosphere. Bias or hate incidents include messaging on campus property such as desks, walls, stalls, doors, or whiteboards, as well as email and social media. While some acts of bias may constitute discriminatory harassment other acts of bias may not. Nonetheless, incidents of bias and hate are divisive situations that not only harm the targeted collective groups and individual group members, but harm the sense of safety, security and educational climate on campus. For additional information about bias and hate response and education on campus, the **[LINK: Bias and Hate and Education Response Team (BHERT) Reporting, Response, and Communication Protocol]** provides definitions related to bias and hate and outlines mechanisms for reporting, responding to, and communicating about bias and hate incidents on campus.

To engage in discriminatory harassing behavior is to treat someone unfairly. Students should expect to be challenged by their education, but they also have the right to participate in educational discussion without being unfairly singled out by race, national origin, age religion, sexual orientation or other protected characteristics or status recognized by the university or applicable federal and state 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 B](#).

D. Sexual Harassment

The University prohibits all forms of sexual misconduct, including sexual harassment, sexual assault, sexual exploitation, stalking, intimate partner violence, and other forms of nonconsensual sexual conduct, including prohibited relations. Sexual harassment is a form of discriminatory harassment and is defined under the campus wide sexual misconduct 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.

For additional information and definitions relating to sexual misconduct, please refer to **[LINK: Policy Prohibiting Sexual Misconduct]**. The campus wide policy on prohibiting sexual misconduct standards provide specific policy definitions and types, for sexual misconduct, and apply regardless of the sex, gender, sexual orientation, gender identity, or gender expression of any of the individuals involved.

E. 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. Supervisors Responsibilities

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

B. Retaliations and False Complaints

This policy prohibits threats, other forms of intimidation, or retaliation of any kind against a person who reports a discriminatory harassment or who cooperates with a harassment investigation. Any such conduct will itself constitute a violation of this policy and may subject the offender to disciplinary and or corrective 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 & Wellness Services are available to provide confidential counseling to any student who has a concern with respect to discriminatory harassment. The only role of the counseling staff with respect to any party to a harassment complaint will be to provide confidential counseling. Unless otherwise required by law, a counseling staff member is not required to report a client's harassment problem to the university without the client's consent and will not assume an advocacy role. Confidential counseling for faculty and staff is available through the university's Employee Assistance Program (EAP).

2. University Chaplain

The University Chaplain is available to provide confidential counseling to any student, faculty or staff member who has a concern with respect to discriminatory harassment. The University Chaplain may refer a faculty or staff member to the university's Employee Assistance Program (EAP) or work with a student to arrange a more formal counseling resource on or off campus. The only role of the University Chaplain with respect to any party to a harassment

complaint will be to provide confidential counseling. Unless otherwise required by law, the University Chaplain is not required to report a client's harassment problem to the university without the client's consent and will not assume an advocacy role.

3. Associate Dean of Students/Director of Sexual Assault Prevention Education

The Associate Dean of Students is available to provide confident support for any student who has a concern with respect to sexual harassment. The Associate Dean of Students/Director of Sexual Assault Prevention assumes an advocacy role and may refer a student to the Office of Student Conduct or arrange a more formal counseling resource on or off campus.

4. Personal Support for Parties to Complaint

The immediate parties to a discriminatory 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 Response Committee to provide emotional and other personal support at all times during the complaint process and after its resolution. This person may be present whenever the party is involved in any phase of an informal or formal procedure. However, he or she may be asked to maintain the confidentiality of the proceeding.

IV. Complaint Procedure

A. General

Anyone who perceives himself or herself to be a victim of discriminatory harassment, in any form, 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, the Student Integrity Code, and or the Policy Prohibiting Sexual Misconduct, depending on whether the alleged person is a member of the faculty, staff, or student body, respectively. See Appendix B for additional information relating to the application of this policy.

B. Confidentiality

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

The degree to which confidentiality can be protected, however, depends upon the professional role of the person being consulted. An individual can speak confidentially with certain persons in legally protected roles. They include counselors and medical providers at Counseling, Health, and Wellness Services, the University Chaplain and sexual assault counselors.

Information shared with individuals who are not in legally protected roles may be disclosed. For example, the Dean of Students, a Resident Director or a Resident Advisor may need to inform other individuals to protect their safety or rights, in fairness to the persons involved, or in response to legal requirements.

C. Resource Persons

1. Officers Who Receive Harassment Complaints

The university officials currently designated by the President to receive harassment complaints are the Academic Vice President, Associate Academic Dean, the Dean of Students, the Chief Diversity Officer/Title IX Officer, the Deputy Title IX Officer, the faculty harassment complaint Ombudsperson, the Assistant Dean of Students, the Associate Vice President for Human Resources, the Director of Intercultural Engagement, the Director of Residence Life, the Director of Student Employment Services, the Human Resources Director, and the Director of International Programs. See the [Harassment Reporting Officers](#) page for more information.

2. Support Persons

Sources of support for parties involved with a harassment process include the Dean of Students Office, Residence Life staff, Counseling, Health and Wellness Services, University Chaplain, trained faculty and staff Sound Advocates, Academic Vice President's Office, Human Resources, Chief Diversity Officer, and the faculty harassment complaint ombudsperson. Puget Sound has a number of resources available to assist in developing appropriate educational programs and informational materials related to discriminatory harassment issues. In addition to the aforementioned parties, other educational resources include members of diversity committees and response team, intercultural engagement professional and student staff, and student diversity organizations. The contact information for the referenced resources and designated officials who receive harassment complaints are normally provided in *The Logger* and can be obtained from the Dean of Students Office, the Academic Vice President's Office, the Office for Diversity and Inclusion, Human Resources, the President's Office, or Security Services. See the [Harassment Reporting Officers Web](#) page for more information.

D. Initiation of Complaint Procedure

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

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

addition, the complainant will receive a copy of this policy and the appropriate faculty, staff, or student procedures.

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

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

E. Informal Resolution Procedure

1. General

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

2. Informal Resolution Alternatives

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

(1) A variety of interpersonal approaches may assist a complainant in resolving a problem informally on his or her own. 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 problem. Even after a formal procedure is initiated, any party to the complaint may propose an informal resolution process at any time during the formal process. A proposed resolution should not be rejected solely because it is not specifically referenced by this policy, as long as the policy is applied fairly, impartially, and consistently with the best interests of the parties and the campus community in resolving a harassment problem.

F. Formal Resolution Procedure

1. Initiation of Formal Procedure

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

2. Complaint Investigation

The investigating officer will endeavor to promptly notify the respondent of the nature and circumstances of the complaint. The officer will advise the respondent that the complaint is being investigated and that formal charges could result. The university's general practice for working with respondents to complaints is as follows, recognizing that circumstances of a particular case may require some flexibility of process: The respondent will have an opportunity to meet with the investigating officers and will also receive a copy of this policy and the appropriate faculty, staff, or student procedures. In meeting with the respondent, the investigating officers 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 officers 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 or their 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**

The applicable procedure will be as provided under the Faculty Code, the Staff Policies and Procedures, or the Student Integrity Code depending on whether the respondent is a member of the faculty, staff, or student body, respectively. Following are references to the applicable provisions of those documents:

a. Complaint Against a Faculty Member

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

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

b. Complaint Against a Staff Member

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

c. Complaint Against a Student

A violation of this policy by a student constitutes a violation of Standard One and Standard Six of the Student Integrity Code and may also violate one or more other substantive code provisions. A complaint against a student must be formally adjudicated pursuant to the procedural provisions of the student code.

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 Applicability

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. *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. Prior conduct or other evidence of character is admissible for any relevant purpose and as fairness may require.

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 may be excluded if his, her, or their presence cannot be obtained.

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.

4. **Sanctions**

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

a. Student Sanctions

Sanctions that may be imposed upon a student include but are not limited to:

1. official reprimand, including a warning of the possible consequences of further violations;
2. conduct probation, during which period of time the student may not participate in cocurricular activities;

3. permanent eviction from university housing;
4. conduct suspension, consisting of a temporary separation of the student from the university;
5. any one or more other corrective sanctions as appropriate, such as an apology to persons harmed, or participation in an appropriately designed educational or other appropriate counseling program;
6. permanent expulsion from the university.

b. Faculty or Staff Sanctions

Sanctions that may be imposed upon a faculty or staff member include but are not limited to:

1. official reprimand, including a warning of the possible consequences of further violations;
2. restrictions on participation in campus activities or forfeiture of a benefit, honor, leadership position, or other privilege enjoyed by virtue of the person's membership of the faculty or staff;
3. transfer, demotion, or forfeiture of promotion or salary increase;
4. suspension or mandatory leave of absence;
5. any one or more other corrective sanctions as appropriate, such as an apology to persons harmed, participation in an appropriately designed educational or counseling program;
6. termination of employment

G. Records Retention and Disclosure

The university will retain a confidential record of any discriminatory harassment 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 Discriminatory 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 discriminatory harassment. Appendices to the Campus Policy Prohibiting Discriminatory 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; 5/13/05; 1/26/08; New Date

Most Recent Review: 8/14/14 [9/21/16]

HARASSMENT POLICY REVISIONS AND UPDATES MB 12/20/16; 3/15/16; 3/24/17; 4/1/17

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.

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

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

Examples of behavior that could be reported for review under this policy include:

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

Appendix B
Legal Foundations for the Campus Policy Prohibiting Discriminatory 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 Rights (OCR) on July 29, 2003 clarified the standard for discriminatory harassment, noting that it must “include something beyond the mere expression of views, words, symbols or thoughts that some person finds offensive. Under OCR's standard, the conduct must also be considered sufficiently serious to deny or limit a student's ability to participate in or benefit from the educational program. Thus, OCR's standards require that the conduct be evaluated from the perspective of a reasonable person in the alleged victim's position, considering all the circumstances, including the alleged victim's age.”

DRAFT

Side-by-side comparison: Current Campus Policy Prohibiting Harassment and Sexual Misconduct (CPPH&SM) and proposed Campus Policy Prohibiting Sexual Misconduct (CPPSM) and Campus Policy Prohibiting Harassment (CPPH)

Current CPPH&SM	Proposed CPPSM	Proposed CPPH
<p>Statement of Purpose The University of Puget Sound values and celebrates a diverse educational community based on mutual respect, trust, and responsibility. The university believes its students, faculty members and all other staff members should learn, teach, work, serve and lead in an environment free from harassment and sexual misconduct.</p> <p>The university is a community that encourages a rich knowledge of self and others, an appreciation of commonality and difference, the full, open, and civil discussion of ideas, thoughtful moral discourse, and the integration of learning. This community recognizes the importance of academic freedom, open exchange of ideas and creative, intellectual expression. The Campus Policy Prohibiting Harassment and Sexual Misconduct provides a means for investigation of and response to harassment and sexual misconduct concerns, resolution of issues, and corrective action when necessary. The university encourages any person who believes he or she has been harassed or subject to sexual misconduct to seek prompt assistance under this policy.</p>	<p><u>Statement of Purpose</u> Title IX of the Education Amendments of 1972 is a federal civil rights law that prohibits discrimination on the basis of sex in any education program or activity that receives federal funding. Under Title IX, all students, faculty, and staff, regardless of gender, are protected from any sex-based discrimination, harassment or violence that is “so severe, pervasive, and objectively offensive that it effectively bars the victim’s access to an educational opportunity or benefit.” This policy conforms to Title IX.</p> <p>In addition, this policy is informed by an understanding that sexual violence destroys the respect, dignity, and trust necessary to form a vibrant community. The emotional trauma experienced by survivors and its ripple effect throughout the campus impedes the ability of community members to thrive and flourish. In addition to seeking to curb sexual misconduct, the policy is an effort to affirm Puget Sound’s care and fairness for all of its constituents and seeks to preserve the university as a welcoming place for exploration, self-expression, and the deep work of learning.</p> <p>This policy is binding upon all members of the</p>	<p>Statement of Purpose The University of Puget Sound values and celebrates a diverse educational community based on mutual respect, trust, and responsibility. The university believes its students, faculty members and all other staff members should learn, teach, work, serve and lead in an environment free from harassment.</p> <p>The university is a community that encourages a rich knowledge of self and others, an appreciation of commonality and difference, the full, open, and civil discussion of ideas, thoughtful moral discourse, and the integration of learning. This community recognizes the importance of academic freedom, open exchange of ideas and creative, and intellectual expression. The Campus Policy Prohibiting Harassment provides a means for investigation of and response to harassment concerns, resolution of issues, and corrective action when necessary. The university encourages any persons who believe they have been harassed to seek prompt assistance under this policy.</p>

<p>I. Policy Statement The University of Puget Sound prohibits discrimination in education or employment on the basis of sex, race, color, national origin, religion, creed, age, disability, marital or familial status, sexual orientation, veteran or military status, gender identity or any characteristic that is legally protected under applicable local, state or federal law.</p> <p>This Campus Policy Prohibiting Harassment and Sexual Misconduct explicitly defines harassment, including sexual harassment, as a prohibited form of discrimination. In addition, the university prohibits consensual sexual relationships between a faculty or</p>	<p>university including faculty, students, staff, and administrators. It is a charter for creating an environment in which each person is liberated to pursue their intellectual potential. It contains standards of behavior for all of us in the shared community of the university. Enforcement of this policy and reports of violations are to be fairly and impartially expedited by the Title IX Coordinator (or their designee), the Dean of Students, the Dean of the University, and/or Human Resources. The expectation is that all members of the community are participants and bear a shared responsibility for upholding these standards.</p> <p><u>Policy Statement</u> The University prohibits all forms of sexual misconduct, including sexual harassment, sexual assault, sexual exploitation, stalking, intimate partner violence, and all other forms of nonconsensual sexual conduct.</p> <p>This policy applies to all members of the Puget Sound community, including students, faculty, and staff, as well as off-campus visitors, vendors, independent contractors, work-study employers, internship supervisors, prospective students, volunteers, and third parties. These standards apply regardless of the sex, gender, sexual orientation, gender identity, or gender expression of any of the individuals involved.</p>	<p>I. Policy Statement The University of Puget Sound prohibits discrimination and harassment in education or employment on the basis of sex, race, color, national origin, religion, creed, age, disability, marital or familial status, sexual orientation, veteran or military status, gender identity or any characteristic that is legally protected under applicable local, state or federal law.</p>
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<p>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>The University of Puget Sound also prohibits sexual misconduct in any form including sexual assault and other forms of nonconsensual sexual conduct. Sexual misconduct will not be tolerated within the college community as it is harmful to both the learning environment and the sense of community the college fosters among students, faculty, staff, and administrators.</p> <p>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.</p>	<p>Adherence to these standards is expected regardless of location either on or off campus.</p> <p>All members of the campus community have a responsibility to govern their own conduct in accordance with this policy. All employees of the University of Puget Sound have a special responsibility to report discriminatory harassment or sexual misconduct, including sexual harassment. It is the policy of the University of Puget Sound to respond promptly and fairly to reports of sexual misconduct. Violations of this Policy that are reported, investigated, and adjudicated may result in sanctions up to, and including termination, dismissal, or expulsion. The University is committed to providing educational and preventative training programs regarding sexual or gender-based harassment and to providing a safe, private, and accessible reporting process.</p> <p>This policy is intended to meet and may generally exceed the requirements of applicable federal, state, and local laws. However, this policy does not provide a substitute procedure for redressing any person's legal rights, or create legal rights separate from applicable laws. Additionally, the university is not prevented by this policy from acting to remedy a problem that could also be remedied by resort to legal action. The university may take appropriate</p>	<p>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.</p>
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<p>The university may take appropriate protective and administrative action even in situations where the complainant is absent.</p> <p>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.</p>	<p>protective and administrative action even in situations where the complainant is absent. 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 or finding of responsibility.</p> <p><u>Policy Definitions</u></p> <p>Consent: Consent is a clear and unambiguous agreement, expressed outwardly through mutually understandable words and/or actions, to engage in a particular activity. Consent must be given voluntarily and cannot be obtained through coercion or force. An incapacitated person is unable to give consent. Coercion, force, and incapacitation are defined in subsequent sections.</p> <p>Consent is not to be inferred from silence, passivity, or lack of resistance. Relying on non-verbal communication alone may not be sufficient to ascertain consent.</p> <p>A person under the age of sixteen cannot consent to sexual activity of any kind.</p> <p>Consent is not to be inferred from an existing</p>	<p>The university may take appropriate protective and administrative action even in situations where the complainant is absent.</p> <p>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, volunteer or third party. All members of the campus community have a responsibility to govern their own conduct in accordance with this policy, and all employees of the University of Puget Sound have a special responsibility to report all discrimination and harassment.</p> <p>The university may impose sanctions if the</p>
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The university may impose sanctions if the prohibited conduct occurs on university premises or in connection with a person's participation in a university-sponsored organization, program, or activity, or if the conduct poses a risk of harm to any member of the campus community, including but not limited to any of the harmful effects encompassed by the definitions of discriminatory harassment, sexual harassment or sexual misconduct.

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

or previous intimate relationship.

Consent to engage in one sexual activity is not consent to engage in a different sexual activity or to engage in the same sexual activity on a later occasion. Consent must be given at the time of the sexual activity.

Consent to engage in sexual activity with one person is not consent to engage in sexual activity with any other person. Consent cannot be conveyed by a third party but must be communicated between participants.

Consent must be on-going and may be withdrawn by any party at any point. Once consent is withdrawn, the sexual activity must cease immediately.

Coercion:

Coercion is conduct that would reasonably place an individual in fear and is employed to compel someone to engage in sexual activity. Coercion includes, but is not limited to, intimidation and expressed or implied threats of physical, emotional, reputational, academic or financial harm to any person. The intentional use of alcohol or other drugs to render a person incapacitated also constitutes coercion.

Force:

Force is the use or threat of physical violence or intimidation to compel someone to engage

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 and types of harassment.

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

in sexual activity.

Incapacitation:

Incapacitation constitutes a state in which a person can no longer adequately process information to make an informed, reasoned judgement. Incapacitation may result from the consumption of alcohol or other drugs. In addition, a person is incapacitated and cannot consent if that person is asleep, seriously ill, unconscious, intermittently conscious, or physically or mentally unable to make informed, reasoned judgments. Incapacitation will be determined on a case-by-case basis, and will involve an analysis of whether a responding party “should have known” that the complainant was incapacitated, or played a role in the complainant becoming incapacitated.

B. Harassment

Harassment is conduct that has the effect of creating an intimidating, hostile, or offensive environment for others, interfering with the academic performance or co-curricular activity of a student, or the work performance of a faculty or staff member.

Complaints under this category may include:

- (1) Conduct that threatens the health or safety of a person or persons at the university;

<p>B. Discriminatory Harassment Discriminatory harassment consists of conduct of any type (e.g., oral, written, graphic, or physical) directed against a person (or group of persons) because of his or her (or their) race, color, national origin, religion, creed, age, disability, marital or familial status, sexual orientation, veteran or military status, gender identity or any protected characteristic, which is sufficiently severe, persistent or pervasive as to limit or deny a student’s ability to participate in or benefit from an educational program or a faculty, staff or student 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</p>		<p><u>(2) Conduct that damages or threatens to damage property of the university or property owned by a person or persons at the university;</u> <u>(3) Conduct that substantially interferes or threatens to substantially interfere with a person's or persons' right of access to educational programs or co-curricular activities offered by the university;</u> <u>(4) Conduct that interferes or threatens a person’s work performance or ability to perform work duties. See provisions under section E. below.</u></p> <p>C. 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, sex, color, national origin, religion, creed, age, disability, marital or familial status, sexual orientation, veteran or military status, gender identity or any protected characteristic, which is sufficiently severe, persistent or pervasive as to limit or deny a student’s ability to participate in or benefit from an educational program or a faculty, staff or student 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</p>
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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.

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.

Related to discriminatory harassment are bias and hate motivated incidents. Bias and or hate motivated incidents, whether verbal or non-verbal, can evoke feelings of marginality and compromise a welcoming and educational atmosphere. Bias or hate incidents include messaging on campus property such as desks, walls, stalls, doors, or whiteboards, as well as email and social media. While some acts of bias may constitute discriminatory harassment other acts of bias may not. Nonetheless, incidents of bias and hate are divisive situations that not only harm the targeted collective groups and individual group members, but harm the sense of safety, security and educational climate on campus. For additional information about bias and hate response and education on campus, the **[LINK: Bias and Hate and Education Response Team (BHERT) Reporting, Response, and Communication Protocol]** provides

<p>To engage in harassing behavior is to treat someone unfairly. Students should expect to be challenged by their education, but they also have the right to participate in educational discussion without being unfairly singled out by race, national origin, age, religion, sexual orientation or other protected characteristics or status recognized by the university or applicable law.</p> <p>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.</p> <p>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:</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 	<p><u>Types of Sexual Misconduct</u> Sexual misconduct includes sexual harassment, sexual assault, intimate partner violence, stalking, and sexual exploitation as well as other misconduct of a sexual nature.</p> <p>Sexual Harassment: Sexual harassment includes "hostile environment" harassment and "quid pro quo" harassment.</p> <p>Hostile Environment Harassment: Unwelcome sexual advances, requests for sexual favors, or other verbal, nonverbal, or physical conduct of a sexual nature constitute sexual harassment if such conduct creates a hostile environment. A hostile environment exists when the conduct is sufficiently severe, persistent, or pervasive that it unreasonably interferes with a person's University education, employment, or activities.</p>	<p><u>definitions related to bias and hate and outlines mechanisms for reporting, responding to, and communicating about bias and hate incidents on campus.</u></p> <p>To engage in discriminatory harassing behavior is to treat someone unfairly. Students should expect to be challenged by their education, but they also have the right to participate in educational discussion without being unfairly singled out by race, national origin, age, religion, sexual orientation or other protected characteristics or status recognized by the university or applicable federal and state law.</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 <u>Appendix B</u>.</p> <p>D. Sexual Harassment <u>The University prohibits all forms of sexual misconduct, including sexual harassment, sexual assault, sexual exploitation, stalking, intimate partner violence, and other forms of nonconsensual sexual conduct, including prohibited relations.</u> Sexual harassment is a form of discriminatory harassment <u>and is defined under the campus wide sexual misconduct policy</u> 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.</p>
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<p>decision affecting the person's employment or education (quid pro quo harassment); or</p> <p>2. the conduct has the purpose or effect of unreasonably interfering with a person's work or educational performance or creating a working or learning environment that a reasonable person of the same sex and in the same circumstances as the person would find intimidating, hostile, or offensive (hostile environment harassment)</p> <p>For additional information relating to the application of this policy, see Appendix B.</p> <p>D. Sexual Misconduct</p> <p>Sexual misconduct is defined as actual or attempted sexual activity that is forced upon another without the clear consent of that person. Sexual misconduct may vary in its severity and can range from unwanted touching or physical contact of a personal nature to unwanted, coerced or forced penetration Sexual misconduct can include, but is not limited to, indecent liberties, rape and sexual exploitation. Indecent liberties is the knowing sexual contact with another person by forcible compulsion or without that person's consent. Sexual contact includes but is not limited to, sexual</p>	<p>Quid Pro Quo Harassment: Unwelcome sexual advances, requests for sexual favors, or other verbal, nonverbal, or physical conduct of a sexual nature constitute sexual harassment if submission to such conduct is made, either explicitly or implicitly, a term or condition of a person's employment, academic standing, or participation in University activities. This is referred to as "quid pro quo" harassment.</p> <p>When sexual harassment occurs within the context of a sexual and/or intimate relationship, it may constitute intimate partner violence.</p> <p>Sexual Assault:</p> <p>Sexual assault is any type of sexual contact or behavior that occurs by force or without the consent of the recipient of the unwanted sexual activity. Sexual assault includes rape as well as other forms of sexual assault. Rape is the non-consensual penetration of any orifice with any object. Other forms of sexual assault include attempted rape, fondling, and other physical sexual activity that occurs without consent. For definitions of consent, including force, coercion, and incapacitation, see the first section of this document, entitled "Consent".</p> <p>When sexual assault occurs within the context of a sexual and/or intimate</p>	<p>For additional information and definitions relating to sexual misconduct, please refer to [LINK: Policy Prohibiting Sexual Misconduct]. The campus wide policy on prohibiting sexual misconduct standards provide specific policy definitions and types, for sexual misconduct, and apply regardless of the sex, gender, sexual orientation, gender identity, or gender expression of any of the individuals involved.</p>
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<p>intercourse, penetration of an orifice (anal, oral or vaginal) with the penis, finger or other object, intentional touching of the genitals, buttocks or breasts, or coercion to force someone else to touch one's genitals, buttocks or breasts. Sexual contact can occur over clothing. Rape is any sexual intercourse (anal, oral or vaginal), however slight, with any object, by a man or a woman, without consent. Sexual exploitation involves taking non-consensual or abusive sexual advantage of another. Examples of sexual exploitation include, but are not limited to, prostitution, electronic recording or photography without knowledge and consent of all parties, voyeurism, transmission of human immunodeficiency virus (HIV) or sexually transmitted infection (STI), and inducing incapacitation with the intent to rape or sexually assault. See Appendix C for additional information relating to the application of this policy.</p>	<p>relationship, it may constitute intimate partner violence.</p> <p>Intimate Partner Violence: Intimate partner violence, also known as domestic violence or dating violence, is defined as an act or pattern of abusive behavior that is used by an intimate partner to gain or maintain power and control over another intimate partner. Not all intimate partner violence is sexual in nature, but sexual misconduct and intimate partner violence can overlap.</p> <p>Stalking Stalking is the repetitive and/or menacing pursuit, following, and/or harassment of a person which interferes with that person's well-being and safety or the well-being and safety of that person's family, friends and/or associates. Stalking and harassment may also occur digitally through cell phones, the internet, social media platforms, or other technology.</p> <p>Not all stalking is sexual in nature. Non-sexual stalking is prohibited under the Discrimination and Harassment Policy. (The Discrimination and Harassment Policy will be linked here.)</p> <p>When stalking occurs within the context of a sexual and/or intimate relationship, it may constitute intimate partner violence.</p>	
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	<p>Sexual Exploitation: Sexual exploitation may include allowing third parties to observe private sexual activity without consent, engaging in voyeurism (watching private sexual activity without consent or viewing another person's intimate parts in a place where that person has a reasonable expectation of privacy), recording, disseminating, or transmitting private sexual images or sounds without consent, and prostituting another person.</p> <p>When sexual exploitation occurs within the context of a sexual and/or intimate relationship, it may constitute intimate partner violence.</p> <p>Other Sexual Misconduct: Any sexual behavior that could reasonably be expected to inflict unwanted harm upon another member of the campus community may fall under the category of sexual misconduct. Other sexual misconduct includes unwanted physical contact, touching oneself sexually for others to view without their consent, and knowingly exposing another person to a sexually transmitted infection or virus without that person's knowledge.</p> <p>When such behavior occurs within the context of a romantic/intimate relationship, it may constitute domestic/intimate partner</p>	
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<p>E. Consensual Sexual Relationships Consent is defined as verbal agreement and positive physical cooperation in the course of mutually agreed upon sexual activity. The person giving consent must act freely, voluntarily and understand the nature of consent. Consent may not be given by a minor or by a person who suffers from mental incompetence or intoxication. Lack of protest or silence does not imply consent. The person who wants to engage in the specific sexual activity or conduct is responsible for obtaining consent to make sure that he or she has consent from the other party(ies). A prior relationship is not sufficient to indicate consent. Consent must be present throughout and can be revoked at any time. A consensual sexual relationship between a faculty or staff member and a student does not necessarily involve sexual harassment or misconduct. However, the university's educational responsibilities to its students are potentially compromised in all such cases by the likelihood or even the appearance of a conflict of interests. Consequently, this policy prohibits consensual sexual relationships between a faculty or staff member and a student whenever the faculty or staff member is in a</p>	<p>violence.</p> <p>Prohibited Relations: The ability for a student to give full and affirmative consent to intimate relations with a faculty or staff member can be diminished or compromised. Additionally, such relations have the potential to create a negative environment for other individuals who may perceive that they are disadvantaged as a result of the relations. As a result, the University of Puget Sound prohibits any intimate relations between a faculty member and a student. The university also prohibits intimate relations between a staff member and a student whenever the staff member is in a position of professional responsibility with respect to the student. All members of the faculty are by default considered to be in a supervisory role with students. Pre-existing, on-going intimate relationships between a faculty member and someone who is enrolling at the university must be disclosed to the office of the Title IX Coordinator.</p> <p>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 an intimate relationship with. A faculty or staff member who enters into an intimate relationship with a</p>	
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<p>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.</p> <p>In accord with the university's conflict of interest provisions, this policy prohibits faculty or staff members from exercising supervisory responsibility with respect to another faculty or staff member with whom they are involved in a consensual sexual relationship. A faculty or staff member who enters into a consensual sexual relationship with a subordinate is required to promptly disclose the relationship to his/her superior(s) so that reassignment, alternative supervision processes, or other arrangements can be facilitated and documented.</p> <p>F. Other Behaviors of Concern Some complaints that students, staff members or faculty members may bring forward to designated officials may not constitute harassment or sexual misconduct. The reported behaviors may nonetheless be of concern and may constitute lack of compliance with campus expectations outlined in other published campus policies and codes. Such complaints will be addressed through the appropriate resolution procedures of the Student Integrity Code, the</p>	<p>subordinate is required to promptly disclose the relationship to his/her superior(s) so that reassignment, alternative supervision processes, or other arrangements can be facilitated and documented.</p> <p>Intimate relations are defined as occurring when intimate, romantic, or sexual contact is established between one person or persons and another person or persons. Such contact may be a single instance or it may involve an ongoing pattern of contact. Intimate relations may involve a range of activities that may or may not be viewed as romantic or sexual by the parties involved. All reported violations of this policy will be investigated as an incident of sexual misconduct.</p>	<p>E. 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.</p> <p>III. Responsibilities</p>
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Staff Policies and Procedures Manual, or the Faculty Code.

III. Responsibilities

A. General

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

B. Supervisors Responsibilities

Supervisors are particularly responsible for helping to prevent and eliminate discriminatory harassment and sexual misconduct, including sexual harassment, in the areas they oversee. A supervisor who believes as a result of direct observation or from a report brought to him or her that discriminatory harassment or sexual misconduct including sexual harassment, as defined in Sections II.A., II.B., II.C., II.D., is or may be occurring must report the problem to a designated official even if the problem is not within his or her area of responsibility. All faculty members likewise have a supervisory responsibility to report a discriminatory harassment or sexual misconduct including sexual harassment problem. Requests for confidentiality will be respected if at all possible (see Section IV.B.).

A. Supervisors Responsibilities

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

<p>Supervisors must also help to ensure that no retaliation occurs against persons who complain of sexual misconduct or other harassment or who cooperate with a complaint investigation. Failure to comply with these supervisory responsibilities may subject the supervisor or faculty member to disciplinary action.</p> <p>C. Retaliations and False Complaints This policy prohibits threats, other forms of intimidation, or retaliation of any kind against a person who reports a discriminatory harassment or sexual misconduct including sexual harassment problem or who cooperates with a harassment or sexual misconduct investigation. Any such conduct will itself constitute a violation of this policy and may subject the offender to disciplinary action.</p> <p>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.</p>	<p><u>Retaliation and Violation of Interim Measures</u></p> <p>In addition to the behaviors defined above, the policy also prohibits retaliation and the violation of interim measures.</p> <p>Retaliation includes acts, words, or attempts to seek retribution or take action against a person because of that person’s good faith participation in the reporting, investigation, or resolution of an alleged violation of this policy. Retaliation may include intimidation, threats, coercion, or adverse educational or employment actions. A good faith pursuit by either party of civil, criminal, or other legal action does not constitute retaliation.</p> <p>Interim measures are those services, accommodations, agreements, and arrangements that the University secures for complainants after receiving notice of alleged violations of policy, but before any final outcomes have been determined. Failure to comply with interim measures is a violation of this policy.</p>	<p>B. Retaliations and False Complaints This policy prohibits threats, other forms of intimidation, or retaliation of any kind against a person who reports a discriminatory harassment or who cooperates with a harassment investigation. Any such conduct will itself constitute a violation of this policy and may subject the offender to disciplinary and or corrective action.</p> <p>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.</p> <p>C. Counseling and Support resources</p> <ol style="list-style-type: none"> Counseling Services The counseling staff of <u>Counseling, Health & Wellness Services</u> are available to provide confidential counseling to any student who has a concern with respect to discriminatory harassment. The only
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<p>D. Counseling and Support resources</p> <p>1. Counseling Services</p> <p>The counseling staff of Counseling, Health & Wellness Services are available to provide confidential counseling to any student who has a concern with respect to discriminatory harassment or sexual misconduct including sexual harassment problem. The only role of the counseling staff with respect to any party to a harassment complaint will be to provide confidential counseling. Unless otherwise required by law, a counseling staff member is not required to report a client's sexual misconduct or harassment problem to the university without the client's consent and will not assume an advocacy role. Confidential counseling for faculty and staff is available through the university's Employee Assistance Program (EAP).</p> <p>2. University Chaplain</p> <p>The University Chaplain is available to provide confidential counseling to any student, faculty or staff member who has a concern with respect to discriminatory harassment, sexual harassment, sexual assault or sexual misconduct. The University Chaplain may refer a faculty or staff member to the university's Employee Assistance Program (EAP) or work with a student to arrange a more formal counseling resource on or off campus. The only role of the University Chaplain with respect to any party to a harassment complaint will be to</p>		<p>role of the counseling staff with respect to any party to a harassment complaint will be to provide confidential counseling. Unless otherwise required by law, a counseling staff member is not required to report a client's harassment problem to the university without the client's consent and will not assume an advocacy role. Confidential counseling for faculty and staff is available through the university's Employee Assistance Program (EAP).</p> <p>2. University Chaplain</p> <p>The University Chaplain is available to provide confidential counseling to any student, faculty or staff member who has a concern with respect to discriminatory harassment. The University Chaplain may refer a faculty or staff member to the university's Employee Assistance Program (EAP) or work with a student to arrange a more formal counseling resource on or off campus. The only role of the University Chaplain with respect to any party to a harassment complaint will be to provide confidential counseling. Unless otherwise required by law, the University Chaplain is not required to report a client's harassment problem to the university without the client's consent and will not assume an advocacy role.</p> <p>3. <u>Associate Dean of Students/Director of Sexual Assault Prevention Education</u></p>
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provide confidential counseling. Unless otherwise required by law, the University Chaplain is not required to report a client's sexual misconduct or harassment problem to the university without the client's consent and will not assume an advocacy role.

3. Sexual Assault Center of Pierce County

The Sexual Assault Center of Pierce County provides services to any victim of sexual assault or abuse, recent or past. They also assist family members and friends of those who have been sexually assaulted or abused. In addition, they provide prevention education, community education, and professional training.

4. **Personal Support for Parties to Complaint**

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

The Associate Dean of Students is available to provide confidential support for any student who has a concern with respect to sexual harassment. The Associate Dean of Students/Director of Sexual Assault Prevention assumes an advocacy role and may refer a student to the Office of Student Conduct or arrange a more formal counseling resource on or off campus.

4. **Personal Support for Parties to Complaint**

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

IV. Complaint Procedure

A. General

Anyone who perceives himself or herself to be a victim of discriminatory harassment, in any form, is strongly encouraged to use this complaint procedure.

the proceeding.

IV. Complaint Procedure

A. General

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

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

B. Confidentiality

The university will make every reasonable effort possible to preserve an individual's privacy and protect the confidentiality of information. Complaints will be treated confidentially to the extent permitted by this

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, the Student Integrity Code, and/or the Policy Prohibiting Sexual Misconduct, depending on whether the alleged person is a member of the faculty, staff, or student body, respectively. See Appendix B for additional information relating to the application of this policy.

B. Confidentiality

The university will make every reasonable effort possible to preserve an individual's privacy and protect the confidentiality of information. Complaints will be treated confidentially to the extent permitted by this policy's reporting requirements and the university's need to investigate and resolve the reported problem. If at all possible, especially during the investigation of the complaint, the complainant's identity will not be disclosed without the complainant's consent. However, disciplinary action cannot be taken without informing the respondent

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

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

Information shared with individuals who are not in legally protected roles may be

of the complainant's identity, unless the charges could be effectively rebutted without knowing who made them. The university may need to initiate a disciplinary action, even if the complainant does not request it, because the university has an obligation to resolve any reported discriminatory harassment problem.

The degree to which confidentiality can be protected, however, depends upon the professional role of the person being consulted. An individual can speak confidentially with certain persons in legally protected roles. They include counselors and medical providers at Counseling, Health, and Wellness Services, the University Chaplain and sexual assault counselors.

Information shared with individuals who are not in legally protected roles may be disclosed. For example, the Dean of Students, a Resident Director or a Resident Advisor may need to inform other individuals to protect their safety or rights, in fairness to the persons involved, or in response to legal requirements.

disclosed. For example, the Dean of Students, a Resident Director or a Resident Advisor may need to inform other individuals to protect their safety or rights, in fairness to the persons involved, or in response to legal requirements. Additionally, the university is required by law to disclose all reports of on-campus sexual misconduct for statistical purposes to Security Services, without personal identifying information. In compliance with federal law, these statistics and other mandated crime statistics are reported annually.

C. Resource Persons

1. Officers Who Receive Harassment Complaints

The university officials currently designated by the President to receive harassment complaints are the Academic Vice President, Associate Academic Dean, the Dean of Students, the Chief Diversity Officer and Dean of Diversity and Inclusion/Title IX Compliance Officer/Affirmative Action Officer, the Assistant Dean of Students, the Associate Vice President for Human Resources/Career and Employment Services, the Director of Multicultural Student Services, and the Employment and People Development Director. See the Harassment Reporting Officers page for more information.

C. Resource Persons

1. Officers Who Receive Harassment Complaints

The university officials currently designated by the President to receive harassment complaints are the Academic Vice President, Associate Academic Dean, the Dean of Students, the Chief Diversity Officer/Title IX Officer, the Deputy Title IX Officer, the faculty harassment complaint Ombudsperson, the Assistant Dean of Students, the Associate Vice President for Human Resources, the Director of Intercultural Engagement, the Director of Residence Life, the Director of Student Employment Services, the Human Resources Director, and the Director of International Programs. See the Harassment Reporting Officers page for more information.

2. Support Persons

Sources of support for parties involved with a harassment process include the Dean of Students Office, Residence Life staff, Counseling, Health and Wellness Services, University Chaplain, trained faculty and staff Sound Advocates,

<p>2. Support Persons Sources of support for parties involved with a harassment and/or sexual misconduct process include the Dean of Students Office, Residence Life staff, Counseling, Health and Wellness Services, University Chaplain, faculty members, Academic Vice President's Office, Human Resources, Chief Diversity Officer, and Faculty Ombudsperson. Puget Sound has a number of resources available to assist in developing appropriate educational programs and informational materials related to harassment issues. In addition to the aforementioned parties, other educational resources include members of diversity committees and response team, multicultural student services staff, and student diversity organizations. The contact information for the referenced resources and designated officials who receive harassment complaints are normally provided in The Logger and can be obtained from the Dean of Students Office, the Academic Vice President's Office, Human Resources, the President's Office, or Security Services. See the Harassment Reporting Officers Web page for more information.</p>		<p>Academic Vice President's Office, Human Resources, Chief Diversity Officer, and the faculty harassment complaint ombudsperson. Puget Sound has a number of resources available to assist in developing appropriate educational programs and informational materials related to discriminatory harassment issues. In addition to the aforementioned parties, other educational resources include members of diversity committees and response team, intercultural engagement professional and student staff, and student diversity organizations. The contact information for the referenced resources and designated officials who receive harassment complaints are normally provided in <i>The Logger</i> and can be obtained from the Dean of Students Office, the Academic Vice President's Office, <u>the Office for Diversity and Inclusion</u>, Human Resources, the President's Office, or Security Services. See the <u>Harassment Reporting Officers</u> Web page for more information.</p> <p>D. Initiation of Complaint Procedure A faculty, staff, or student complaint may be brought to any of the university officials designated by the President.</p> <p>The university's general practice for handling complaints is as follows, recognizing that</p>
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D. Initiation of Complaint Procedure

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

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

Complaints may also be brought to the head of the complainant's academic or administrative department, to the department head of the person behaving objectionably, or to a discriminatory harassment complaint ombudsperson who

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 the harassment complaint ombudsperson who shall be a tenured member of the faculty appointed by the President in consultation with the Chairs of the Professional Standards and Student Life Committees of the Faculty Senate.

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

shall be a tenured member of the faculty appointed by the President in consultation with the Chairs of the Professional Standards and Student Life Committees of the Faculty Senate.

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

E. Informal Resolution Procedure

1. General

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

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

E. Informal Resolution Procedure

1. General

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

2. Informal Resolution Alternatives

A range of alternatives as outlined below may be available to resolve a discriminatory harassment problem

terminate an informal process once it is begun and then seek a formal resolution.

2. Informal Resolution Alternatives

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

- (1) A variety of interpersonal approaches may assist a complainant in resolving a problem informally on his or her own. See Appendix D for examples of some of these informal methods. Alternatively, a complainant might request the university to designate a person of the complainant's choice to initiate a confidential discussion with the person whose conduct is objectionable, with or without disclosing the complainant's identity.
- (2) Any of the immediate parties to the complaint may request the designation of a mutually acceptable representative of the university to arrange and supervise an informal resolution conference. The representative's role would be to

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.

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(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

assist the parties to talk about the problem, either in person or by communicating through the representative, and to seek a mutually satisfactory resolution which shall be summarized in writing and signed by the parties and by the representative. Any party may at any time refuse to continue the informal process. The representative may also reject or terminate the informal process or reject any proposed resolution if the university determines that the process or resolution may be unfair to either party or contrary to law or university policy.

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

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 problem. Even after a formal procedure is initiated, any party to the complaint may propose an informal resolution process at any time during the formal process. A proposed resolution should not be rejected solely because it is not specifically referenced by this policy, as long as the policy is applied fairly, impartially, and consistently with the best interests of the parties and the campus community in resolving a harassment problem.

F. Formal Resolution Procedure

1. Initiation of Formal Procedure

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

2. Complaint Investigation

F. Formal Resolution Procedure

1. Initiation of Formal Procedure

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

2. Complaint Investigation

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

The investigating officer will endeavor to promptly 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 officers and will also receive a copy of this policy and the appropriate faculty, staff, or student procedures. In meeting with the respondent, the investigating officers 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 officers 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

<p>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.</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 found if the respondent fails to answer or appear at the scheduled proceeding.</p>		<p>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 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 or their answer. A violation may be found if the respondent fails to answer or appear 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>
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<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 Any person formally charged with a violation of this policy will be afforded an opportunity for a fair and impartial hearing. The applicable procedure will be as provided under the Faculty Code, the Staff Policies and Procedures, or the Student Integrity Code depending on whether the respondent is a member of the faculty, staff, or student body, respectively. Following are references to the applicable provisions of those documents:</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 must be formally adjudicated pursuant to the grievance procedures of Chapter VI or the dismissal procedures of Chapter V of the Faculty Code.</p>		<p>3. Formal Hearing Procedure The applicable procedure will be as provided under the Faculty Code, the Staff Policies and Procedures, or the <u>Student Integrity Code</u> 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 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.</p> <p>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</p>
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Because the conduct prohibited by this policy, and possibly by applicable civil or criminal law, is inconsistent with the university's purpose to provide a nondiscriminatory and safe working and learning environment, such conduct is neither condoned nor protected by the principles of academic freedom, and this policy, therefore, does not in any way alter or qualify the protections of academic freedom as provided by the Faculty Code.

b. Complaint Against a Staff Member

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

c. Complaint Against a Student

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

Faculty Code.

b. Complaint Against a Staff Member

A staff member's violation of this policy constitutes a violation of the conditions of employment. A staff member found to have violated this policy will be sanctioned through the corrective action policy of the Staff Policies and Procedures.

c. Complaint Against a Student

A violation of this policy by a student constitutes a violation of Standard One and Standard Six of the Student Integrity Code and may also violate one or more other substantive code provisions. A complaint against a student must be formally adjudicated pursuant to the procedural provisions of the student code.

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 Applicability

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

<p>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:</p> <ol style="list-style-type: none"> 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 		<p>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.</p> <ol style="list-style-type: none"> 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. <i>Burden of Proof</i> 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.
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may be found based solely on the statements of the person by or on whose behalf the complaint is brought.

4. Consent as Defense - Consent is not a defense in a sexual harassment or sexual misconduct complaint if the complaint concerns a student with respect to whom a faculty or staff respondent was in a position of professional responsibility at the time of the alleged misconduct. Consent may be available as an affirmative defense in some, but not necessarily all, other circumstances. Where the defense is available, the respondent will bear the burden of proving that the alleged conduct was of a consensual nature or that he or she in good faith reasonably believed that the complainant consented to the conduct.
5. Character Evidence - Evidence of a party's character is generally not admissible to prove conduct in conformity with that character on the occasion in question, except that either party may submit evidence of his or her good character. Evidence of the complainant's past sexual conduct is specifically inadmissible to prove consent on the occasion in question, unless the evidence concerns prior sexual conduct with

4. *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. Prior conduct or other evidence of character is admissible for any relevant purpose and as fairness may require.

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

<p>the respondent. Prior conduct or other evidence of character is otherwise admissible for any relevant purpose and as fairness may require.</p> <p>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.</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>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, her, or their presence cannot be obtained.</p> <p>6. <i>Confidentiality</i> 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 The applicable decision maker may impose any one or more sanctions as appropriate in the circumstances. In imposing sanctions, the decision maker will consider the nature, frequency, and severity of the offending conduct, the resulting harm to other persons or to the campus community, the respondent's past disciplinary record at the university, and the likelihood of future harm to other persons or to the campus community. Sanctions should be imposed to serve a</p>
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4. Sanctions

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

a. Student Sanctions

Sanctions that may be imposed upon a student include but are not limited to:

1. official reprimand, including a warning of the possible consequences of further violations;
2. conduct probation, during which period of time the student may not participate in cocurricular activities;
3. permanent eviction from university housing;
4. conduct suspension, consisting of a temporary separation of the student from the university;
5. any one or more other corrective sanctions as appropriate, such as an apology to persons harmed, or participation in an appropriately

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,

<p>designed educational or other appropriate counseling program;</p> <p>6. permanent expulsion from the university.</p> <p>b. Faculty or Staff Sanctions Sanctions that may be imposed upon a faculty or staff member include but are not limited to:</p> <ol style="list-style-type: none"> 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 <p>G. Records Retention and Disclosure The university will retain a confidential record of any discriminatory harassment or sexual misconduct including sexual harassment complaint and its final disposition. The existence and contents of</p>		<p>honor, leadership position, or other privilege enjoyed by virtue of the person's membership of 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, participation in an appropriately designed educational or counseling program; 6. termination of employment <p>G. Records Retention and Disclosure The university will retain a confidential record of any discriminatory 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.</p> <p>V. Policy Approval and Amendments This Campus Policy Prohibiting Discriminatory</p>
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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 Sexual Misconduct 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 discriminatory harassment or sexual misconduct including sexual harassment. Appendices to the Campus Policy Prohibiting Harassment and Sexual Misconduct 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; 5/13/05; 1/26/08;

Most Recent Review: 8/14/14

Owner: President's Cabinet; Contact: Assistant to the President/Secretary of the Corporation

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 discriminatory harassment. Appendices to the Campus Policy Prohibiting Discriminatory 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; 5/13/05; 1/26/08; New Date

Most Recent Review: 8/14/14

Owner: President's Cabinet

Contact: Assistant to the President/Secretary of the Corporation

Rationale for alterations to the spring semester schedule Faculty Senate 2017

Faculty are considering shortening the spring term in order to address the imbalance between the lengths of the spring and fall terms and because the spring term is longer (72 days) than any of the NW5C colleges. This initial rationale focused on equalizing the semesters to provide students equal access to course materials and allow faculty to normalize lab and course schedules.

Three models have emerged that open the door for achieving other goals as well. There are competing curricular and scholastic benefits among the different models, as well as other implications that should be considered.

Model I: the spring semester ends a week earlier

Model II: the spring semester ends at the same time, but spring break is two weeks long

Model III: five non-teaching days are interspersed throughout the semester:

- the spring semester begins on the Thursday after MLK, Jr Day;
- President's Day (the third Monday in February);
- a 2-day research workshop on a Thursday-Friday (the last week of March or the first week of April)

Opportunities and challenges of the models

Pedagogical:

- students may reach a 'saturation point' at the end of the term; a longer semester does not necessarily translate to better comprehension or more effective coverage of material (Model I)
- a shorter semester may expand opportunities for extracurricular modes of teaching (including internships and short-term study abroad) (Models I, II)
- curricular activities outside the classroom can inspire different kinds of learning and engagement (including, but not limited to, experiential learning) (Models I, II, III)
- coursework requires a certain amount of consistency, which could be undermined by too many interruptions to the course schedule (Models I, II)
- programming for service or other group-focused experiential education before the semester begins (Model III)

Scholarly:

- faculty desire more solitary time to focus on their scholarly work (Models I, II)
- faculty desire more time to think with other faculty about scholarly questions (for example, in faculty seminars or reading groups) (Models I, II)

Cultural--creation of sites and times for intellectual engagement outside of the classroom could:

- foster a broader campus intellectual community across disciplines, courses, or statuses (Model III)
- support a culture of reflection in line with experiential learning objectives (Model III)
- normalize community intellectual endeavors by creating particular spaces for sustained focus in research symposia, national conferences (such as the quadrennial Race and Pedagogy national conference), speakers, and workshops (Model III)
- foster a community of 'slow thinking' in which faculty, staff, and students have focused time to work on major projects, revision, and presentations (Models I, II)
- reaffirm the specific value of faculty scholarship as an essential part of the job (Models I, II)
- create additional opportunities for professional development for faculty and staff (Models I, II, III)

Arguments against shortening the spring semester:

- students entering the university may need more—not less—instruction than they once did, in order to get them ‘up to speed’ and able to complete college-level work

Ideally, an alteration to the spring semester schedule would:

- consider what structure is most beneficial to supporting the academic pursuits of faculty and students
- enable faculty, staff, and students to engage in both solitary and collective work *in support of their own intellectual endeavors*
- consider how changes affect lab schedules, performance calendars, end-of-year projects, and deadlines
- consider how changes affect co-curricular activities (such as athletics)

Additional considerations (beyond the curricular and scholastic focus):

- .75 exempt staff might lose a week of work, depending on the change implemented
- staff who are not guaranteed summer hours might lose hours (e.g. Dining and Conference Services)
- staff who work with external deadlines might have difficulties (e.g. Student Financial Services)
- some colleagues might prefer alignment with Tacoma Public School holidays