SEXUAL HARASSMENT POLICY STATEMENT
(approved in Student HB 1/26/96; Revised 1999; May 2001)

Due to the purposes of WNMU and in recognition of the fact that sexual harassment is a form of discrimination Western New Mexico University is committed to maintaining an environment free of sexual discrimination for students, faculty, and staff of Western New Mexico University.

I. Definitions

A. Conduct of Sexual Nature

Conduct of a sexual nature may include, but is not limited to, verbal or physical sexual advances, including subtle pressure for sexual activity; touching, pinching, patting, or brushing against; comments regarding physical or personality characteristics of a sexual nature; sexually-oriented "kidding," "teasing," double entendres, and jokes, and any harassing conduct to which an employee or student would not be subjected but for such employee's or student's sex.

B. Unwelcome Conduct of a Sexual Nature

1. Verbal or physical conduct of a sexual nature may constitute sexual harassment when the allegedly harassed employee or student has indicated, by his or her conduct, that it is unwelcome.

2. An employee or student who has initially welcomed such conduct by active participation must give specific notice to the alleged harasser that such conduct is no longer welcome in order for any such subsequent conduct to be deemed unwelcome.

II. Sexual Harassment Prohibited

A. For the purposes of this policy, unwelcome sexual advances or requests for sexual favors, and other unwelcome conduct of a sexual nature constitute prohibited sexual harassment if:

1. submission to the conduct is made either an explicit condition of employment, or in the case of a student, academic advancement;

2. submission to or rejection to the conduct is used as a basis for an employment decision affecting the harassed employee; or

3. the conduct substantially interferes with an individual's work/academic performance, or creates an intimidating, hostile, or offensive work/academic environment.

B. Specific Prohibitions

1. Administrators and Supervisors

a. It is sexual harassment for an administrator or supervisor to use his or her authority to solicit sexual favors or attention from subordinates when the subordinate's failure to submit will result in preferential treatment.

b. Administrators and supervisors who either engage in sexual harassment or tolerate such conduct

by other employees shall be subject to sanctions, as described below.

2. Faculty and University Staff

a. It is a sexual harassment for a faculty member or university staff to use his or her status to solicit sexual favors or attention from students when the student's failure to submit will result in adverse treatment, or when the student's acquiescence will result in preferential treatment.

b. Faculty and university staff who either engage in sexual harassment or tolerate conduct shall be subject to sanctions as described below.

3. Non-administrative and Non-supervisory Employees

a. It is sexual harassment for a non-administrative and non-supervisory employee to subject another such employee to any conduct of a sexual nature. Employees who engage in such conduct shall be subject to sanctions as described below.

C. Reporting, Investigation, and Sanctions

1. It is the duty of the University to attempt to eliminate all sexual harassment and therefore all persons with knowledge of sexual harassment are required to report incidents of sexual harassment. You may report sexual harassment using the Affirmative Action Grievance Procedure or by reporting to the President's Office, or to the office of the appropriate Vice President.

a. Employees who feel that administrators, supervisors, or faculty are conditioning promotions, increases in wages, continuation of employment, or other terms or conditions of employment or academic advancement upon agreement to unwelcome conduct shall report these conditions to the appropriate administrator.

If the employee's direct administrator or supervisor is the offending person, the report shall be made to the next higher level of administration or supervision. In the case of students, the report shall be made to the department chair or the Vice President for Academic Affairs.

b. Individuals are also urged to report any unwelcome conduct of a sexual nature by supervisors, fellow employees or students if such conduct interferes with the individual's work/academic performance, or creates a hostile or offensive environment.

c. Confidentiality will be maintained and no reprisals or retaliation will be allowed to occur as a result of the good faith reporting of charges of sexual harassment.

2. In determining whether alleged conduct constitutes sexual harassment, the totality of the circumstances, the nature of the conduct and context in which the alleged conduct occurred will be investigated. The Affirmative Action Officer has the responsibility of investigating and resolving complaints of sexual harassment.

3. Any employee found to have engaged in sexual harassment shall be subject to sanctions, including, but not limited to, warning or reprimand, suspension, or termination, subject to applicable procedural requirements.