Section Three
IMPORTANT UNIVERSITY POLICIES

[Section Three PDF file]

POLICY ON SEXUAL HARASSMENT

Full text of the policy [pdf file] will open in separate browser window

This discussion includes:

- Excerpts from the Policy on Sexual Harassment
  - What is sexual harassment?
  - What to do about sexual harassment?
    - Consultation
    - Direct Communication
    - Third-Party Intervention
    - Formal Grievance and Disciplinary Process
    - Note on Consensual Relationships
- What Can Be Done to Stop Sexual Harassment
- What Not To Do

Sexual Harassment Policy Office
Main Quad, Building 310
723-1583
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http://sexharass.stanford.edu

Stanford's current policy on sexual harassment is excerpted and described below. The full policy, along with the text of *Understanding Stanford's Sexual Harassment Policy* - a brochure containing a list of current sexual harassment advisers, confidential resources, and other helpful information - is available on the website above, and in printed form from the Sexual Harassment Policy Office. Please consult the website for a current list of advisers and for the latest information about Stanford's sexual harassment policy, which is being reviewed for possible modification during academic year 2001-2002. Copies of the University policy on sexual assault, which complements this sexual harassment policy, as well as all other documents mentioned in this section, are also available on the website and at the Sexual Harassment Policy Office.

All faculty, staff, and students who have questions regarding Stanford's sexual harassment policy and its enforcement can consult a Sexual Harassment Adviser or can be directed to the local Personnel Officer or Regional Human Resources Manager. Faculty members should contact their dean or department chair, and students should contact the Vice Provost and Dean of Student Affairs.

back to Top of this page

Excerpts from the Policy on Sexual Harassment

Stanford University strives to provide a place of work and study free of sexual harassment, intimidation, or exploitation. It is expected that students, faculty, and staff will treat one another with respect.

All students, faculty, and staff are subject to this policy. Individuals who violate this policy are subject to discipline up to and including discharge, expulsion, or other appropriate sanction.

Reports of sexual harassment are taken seriously and will be dealt with promptly. The specific action taken in any particular case depends on the nature and gravity of the conduct reported. . . Where sexual harassment is found to have occurred, the University will act to stop the harassment, act to prevent its recurrence, and discipline those responsible.

The University recognizes that confidentiality is important. Sexual harassment advisers and others responsible for implementing this policy will respect the confidentiality and privacy of individuals reporting or accused of sexual harassment to the extent reasonably possible. Examples of situations where confidentiality cannot be maintained include circumstances when the University is required by law to disclose information (such as in response to legal process) and when disclosure is required by the University's outweighing interest in protecting the rights of others.

Reprisals against an individual who in good faith reports or provides information in an

investigation about behavior that may violate this policy are against the law and will not be tolerated. Intentionally providing false information, however, is grounds for discipline.

Stanford is committed to the principles of free inquiry and free expression. Vigorous discussion and debate are fundamental to the University, and this policy is not intended to stifle teaching methods or freedom of expression generally, nor will it be permitted to do so. Sexual harassment, however, is neither legally protected expression nor the proper exercise of academic freedom; it compromises the integrity of the University, its tradition of intellectual freedom and the trust placed in its members.

back to Top of this page

What is Sexual Harassment?

Unwelcome sexual advances, requests for sexual favors, and other visual, verbal, or physical conduct of a sexual nature constitute sexual harassment when:

1. It is implicitly or explicitly suggested that submission to or rejection of the conduct will be a factor in academic or employment decisions or evaluations, or permission to participate in a University activity; *or*
2. The conduct has the purpose or effect of unreasonably interfering with an individual's academic or work performance, or creating an intimidating or hostile academic, work, or student living environment.

Determining what constitutes sexual harassment depends upon the specific facts and the context in which the conduct occurs. Sexual harassment may take many forms - subtle and indirect, or blatant and overt. For example:

- It may be conduct toward an individual of the opposite sex or the same sex.
- It may occur between peers or between individuals in a hierarchical relationship.
- It may be aimed at coercing an individual to participate in an unwanted sexual relationship or it may have the effect of causing an individual to change behavior or work performance.
- It may consist of repeated actions or may even arise from a single incident if sufficiently egregious.

The University's Policy on Sexual Assault (see Stanford Administrative Guide Memo 23.3 [pdf file]) may also apply when sexual harassment involves physical contact.

back to Top of this page

What To Do About Sexual Harassment

The following are the primary methods for dealing with sexual harassment at Stanford. They are not required to be followed in any specific order. However, early informal methods are often effective in correcting questionable behavior.

Consultation

Consultation about sexual harassment is available from the Sexual Harassment Adviser (including residence deans), human resources personnel, counselors at Counseling and Psychological Services (CAPS) or the Help Center, chaplains at Memorial Church, ombudspersons, and others. A list of Sexual Harassment Advisers is available in the brochure *Understanding Stanford's Sexual Harassment Policy*, referenced above. Consultation is available for anyone who wants to discuss issues related to sexual harassment, whether or not "harassment" actually has occurred, and whether the person seeking information is a complainant, a person who believes his or her own actions may be the subject of criticism (even if unwarranted), or a third party.

Often there is a desire that a consultation be confidential or "off the record." This can usually be achieved when individuals discuss concerns about sexual harassment without identifying the other persons involved, and sometimes even without identifying themselves. Confidential consultations about sexual harassment also may be available from persons who, by law, have special professional status, such as counselors at Counseling and Psychological Services (CAPS) or the Help Center, chaplains at Memorial Church, and University and Medical Center ombudspersons. In these latter cases, the level of confidentiality depends on what legal protections are held by specific persons receiving the information and should be addressed with them before specific facts are disclosed.

Direct Communication

An individual may act on concerns about sexual harassment directly, by addressing the other party in person, or by writing a letter describing the unwelcome behavior and its effect, and stating that the behavior must stop. A Sexual Harassment Adviser can help the individual plan what to say or write, and likewise can counsel persons who receive such communications. Reprisals against an individual, who in good faith initiates such a communication, violate this policy.

Third-Party Intervention

Depending on the circumstances, third-party intervention in the workplace, student residence, or academic setting may be attempted. Third-party

interveners may be the Sexual Harassment Advisers, human resources professionals, the ombudspersons, other faculty or staff, or sometimes mediators unrelated to the University.

When third-party intervention is used, typically the third party will meet privately with each of the persons involved, try to clarify their perceptions, and attempt to develop a mutually acceptable understanding that can insure that the parties are comfortable with their future interactions. Other processes, such as a mediated discussion among the parties or with a supervisor, may also be explored in appropriate cases.

Possible outcomes of third-party intervention include explicit agreements about future conduct, changes in workplace assignments, substitution of one class for another, or other relief, where appropriate.

Formal Grievance and Disciplinary Process

Grievance, appeal, or disciplinary processes may be pursued as applicable.

The applicable procedure depends on the circumstances and the status of the person bringing the charge and the person against whom the charge is brought. Generally, the process consists of the individual's submission of a written statement, a process of fact-finding or investigation by a University representative, followed by a decision and, in some cases, the possibility of one or more appeals, usually to Stanford administrative officers at higher levels. The relevant procedure should be read carefully, since the procedures vary considerably.

If the identified University fact-finder or grievance officer has a conflict of interest, an alternate will be arranged, and the Sexual Harassment Policy Office can help assure that this occurs.

In most cases, grievances and appeals must be brought within a specified time after the action complained of. While informal resolution efforts will not automatically extend the time limits for filing a grievance or appeal, in appropriate circumstances the complainant and the other relevant parties may mutually agree in writing to extend the time for filing a grievance or appeal.

The University has a set of established grievance policies and appeal procedures. Current information about these is available online on the Sexual Harassment Policy Office website (http://sexharass.stanford.edu).

Note on Consensual Relationships

There are special risks in any sexual or romantic relationship between

individuals in inherently unequal positions (such as teacher and student, supervisor and employee, or student resident and the individual who supervises the day-to-day student living environment). Parties in such a relationship assume those risks. Such relationships may undermine the real or perceived integrity of the supervision and evaluation provided, and the trust inherent particularly in the student-faculty relationship. They may, moreover, be less consensual than the individual whose position confers power believes. The relationship is likely to be perceived in different ways by each of the parties to it, especially in retrospect.

Moreover, such relationships may harm or injure others in the academic or work environment. Relationships in which one party is in a position to review the work or influence the career of the other may provide grounds for complaint when that relationship gives undue access or advantage, restricts opportunities, or creates a hostile environment for others. Furthermore, circumstances may change, and conduct that was previously welcome may become unwelcome. Even when both parties have consented at the outset to a romantic involvement, this past consent does not remove grounds for a charge based upon subsequent unwelcome conduct.

back to Top of this page

What Can Be Done to Stop Sexual Harassment

If you feel you have been sexually harassed, do not remain silent. Ignoring sexual harassment does not make it go away. Indeed, it may make it worse, as the harasser may misinterpret a lack of response as approval of the behavior. There are several things that can be done to stop sexual harassment:

Know your rights. Sexual harassment is illegal. Stanford University has a specific policy prohibiting sexual harassment. Familiarize yourself with this policy.

Speak up. If you can, tell the person to stop. State clearly and firmly that you want a particular behavior to cease. This is not a time to be polite or vague. There is a chance that the harasser does not realize that a particular behavior is offensive. If you feel you cannot speak up, talk with one of the resource persons listed on the sexual harassment policy website for further help and guidance.

Get information and support. Sexual harassment advisers can provide support and advice about Stanford's policy and procedures. An adviser can help you understand your options and explore ways of resolving your particular situation. They will review with you the informal and formal steps available for dealing with issues of sexual harassment. If you choose to file a formal complaint, it will be investigated by the appropriate University officer. Sexual harassment advisers can assist in informal

resolutions which might include any of the following:

- Writing a letter: In some instances, people have successfully stopped sexual harassment by writing a letter to the harasser. The letter includes a factual account of the offending behavior, a description of how the behavior was experienced by the writer, and a simple statement that the writer wants that particular behavior to stop. The letter should be polite, low-key, and factual. A copy should be kept by the writer. In the unlikely event that the letter fails to achieve its purpose, it could be used as evidence in support of a formal complaint or lawsuit. Copies should be sent to no one else. If the letter is to work, it must be a private communication between the persons involved. The recipient of the letter rarely writes back and usually the sexual harassment stops immediately.
- A moderated discussion: If you request this (and the other party agrees) a moderated discussion can be set up to assist in resolving the situation. A more structured mediation is also possible, if both parties agree.
- Direct intervention on your behalf: If you wish, a University officer and/or an adviser could speak to the other party in order to assist in resolving the situation.

Keep records or a journal. Save any letters, e-mail, or notes received as they can be helpful if the harassment persists. Record dates, places, times, witnesses and the nature of the harassment - what was said, when, and how you responded.

back to Top of this page

What Not To Do

Do not blame yourself. Sexual harassment is not something one brings on oneself.

Do not delay. Delay in action in cases of sexual harassment only increases the probability that the harassing behavior will continue.

Do not hesitate to seek help. Being quiet about sexual harassment enables it to continue. Chances are very good that you are not the only one who has been harassed. Speaking up may prevent others from being harmed.

back to Top of this page

back to Top of Section Three

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