Regent Policy Document 14-2 (formerly Regent Policy Document 81-2)

Sexual Harassment Policy Statement and Implementation

I. Policy Statement

It is the policy of the Board of Regents of the University of Wisconsin System, consistent with its efforts to foster an environment of respect for the dignity and worth of all students and staff of the University of Wisconsin System, that sexual harassment of students and employees of the University of Wisconsin System is unacceptable and impermissible conduct that will not be tolerated. Sexual harassment is a form of sex discrimination. It occurs in a variety of situations that share a common element: the inappropriate introduction of sexual activities or comments into the work or learning situation. Often, sexual harassment involves relationships of unequal power and contains elements of coercion—as when compliance with requests for sexual favors becomes a criterion for granting work, study, or grading benefits. However, sexual harassment may also involve relationships among equals, as when repeated sexual advances or demeaning verbal behavior have a harmful effect on a person’s ability to study or work in the academic setting.

For general policy purposes, sexual harassment may be described as unwelcome sexual advances, requests for sexual favors, and other physical conduct and expressive behavior of a sexual nature where: (1) Submission to such conduct is made either explicitly or implicitly a term or condition of an individual’s employment or education; (2) Submission to or rejection of such conduct by an individual is used as the basis for academic or employment decisions affecting that individual; or (3) such conduct has the purpose or effect of substantially interfering with an individual’s academic or professional performance or creating an intimidating, hostile or demeaning employment or educational environment.

In keeping with this policy, a concerted effort must be made to protect employees and students from sexual harassment as defined, and to rid the University of Wisconsin System of such conduct.

II. Implementation:

Procedures for prompt corrective action and discipline consistent with due process are an essential part of the effort to eliminate sexual harassment. Equally important, however, is the establishment of programs to educate members of the University community on the subject of sexual harassment, and to make them more sensitive to its forms and damaging consequences. Development of the necessary programs and procedures is most appropriately and effectively undertaken at the institutional level. Therefore, the Board directs as follows:

1. Each institution within the System shall have or develop a disciplinary process to address allegations of sexual harassment. This process shall include: a definition of those forms of sexual harassment that will be grounds for disciplinary action; formal hearing procedures in accordance with due process requirements; and procedures allowing for resolution by mutual consent. In developing these definitions and
procedures, institutions should be mindful of First Amendment rights and academic freedom, particularly as they relate to sexual harassment in the instructional setting. Institutions should also recognize that this policy does not address consensual sexual relations, which do not involve harassment or discrimination. Institutions should also be aware of and sensitive to the fact that disciplinary action is not the only means of dealing with the problem of sexual harassment; there may be some kinds of conduct that are more appropriately addressed by an educational process or through other informal means. All institutional definitions and procedures are subject to approval by the Board and shall be presented to the Board not later than February, 1982, for purposes of review leading to approval.

2. Each institution within the System shall establish educational programs designed to inform employees and students of the nature of sexual harassment, to increase their sensitivity to it, and to publicize the procedures, sanctions and remedies available against it. Each institution will make a yearly report to the President of the University of Wisconsin System, which will then be reported to the Board of Regents, summarizing the results of educational efforts and corrective and disciplinary procedures. This report will be made in conjunction with the institution’s yearly report on Equal Opportunities in Education (Regent Policy Document 14-3, Formerly 83-5).

3. System Administration staff shall, upon request, assist the institutions in their efforts to implement this policy and shall make available information and materials on the subject of sexual harassment, which would be useful in the drafting of definitions or procedures or in preparing education programs.

*History: Res. 2361 adopted 5/8/81; replaces 80-8; amended by Res. 3758, 4/10/87.*