1.7.1 Sexual Harassment

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Stanford University strives to provide a place of work and study free of sexual harassment, intimidation or exploitation. Where sexual harassment has occurred, the University will act to stop the harassment, prevent its recurrence, and discipline and/or take other appropriate action against those responsible. See also: Sexual Harassment Policy Office [1] website.

Authority:
Approved by the President.

Applicability:
Applies to all students, faculty, staff and others who participate in Stanford programs and activities.

1. In General

a. Applicability and Sanctions for Policy Violations
This policy applies to all students, faculty and staff of Stanford University, as well as others who participate in Stanford programs and activities. Its application includes Stanford programs and activities both on and off-campus, including overseas programs. Individuals who violate this policy are subject to discipline up to and including discharge, expulsion and/or other appropriate sanction or action.

b. Respect for Each Other
Stanford University strives to provide a place of work and study free of sexual harassment, intimidation or exploitation. It is expected that students, faculty, staff and other individuals covered by this policy will treat one another with respect.

c. Prompt Attention
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 and may include intervention, mediation, investigation and the initiation of grievance and disciplinary processes. Where sexual harassment has occurred, the University will act to stop the harassment,
prevent its recurrence, and discipline and/or take other appropriate action against those responsible.

d. Confidentiality
The University recognizes the importance of confidentiality. 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 law requires disclosure of information and when disclosure required by the University outweighs protecting the rights of others.

e. Protection Against Retaliation
Retaliation and/or reprisals against an individual who in good faith reports or provides information about behavior that may violate this policy are against the law and will not be tolerated. However, intentionally making a false report or providing false information is grounds for discipline.

f. Relationship to Freedom of Expression
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. However, sexual harassment 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.

g. Required Training
In compliance with California Government Code Section 12950.1, all supervisors who are employed by Stanford are required to participate in a minimum 2-hour sexual harassment training at least every two years. Details on who is included and how this requirement can be met are located on the Sexual Harassment Policy Office website [2]. Further, Stanford may require sexual harassment training of non-supervisory employees in appropriate circumstances. All new employees who are not faculty and who do not supervise other workers will be provided Harassment Prevention Training for New Non-Supervisory Staff generally within six months of hire. Participants will learn how to recognize sexual harassment in the workplace and about campus resources. Registration is through Axess on the STARS /Training Tab: https://axess.stanford.edu [3].

2. 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:

a. 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

b. 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
Determining what constitutes sexual harassment depends on the specific facts and 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.
- Occur between peers or between individuals in a hierarchical relationship.
- 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.
- Consist of repeated actions or may even arise from a single incident if sufficiently egregious.

The University’s Policy on Sexual Misconduct and Sexual Assault (see Guide Memo 1.7.3 [4]), may also apply when sexual harassment involves unwanted physical contact. Under Title IX, sexual violence (sexual misconduct and sexual assault) is a severe form of sexual harassment.

3. What to Do About Sexual Harassment

Use these resources for additional information:

- For information, consultation, advice or to lodge a complaint, contact the Sexual Harassment Policy Office at 556 O’Connor Lane, Griffin Drell Residence, Room 101 Stanford, CA 94305-8210, (650) 724-2120; email to harass@stanford.edu [5]. Note: Anonymous inquiries can be made to the SHPO by phone during business hours.
- Any designated Sexual Harassment Adviser or resource person listed in Sections 3.a or 5.a.
- For incidents involving students, Mark Zunich, Acting Title IX Coordinator at (650) 497-4955, titleix@stanford.edu [6], Non-discrimination Resources [7].

The following are the primary methods for dealing with sexual harassment at Stanford. There is no requirement to follow these options in any specific order. However, early informal methods are often effective in correcting questionable behavior.

a. Consultation

Consultation about sexual harassment is available from the Sexual Harassment Policy Office, Sexual Harassment Advisers including residence deans, human resources managers, employee relations specialists, counselors at Counseling and Psychological Services (CAPS) or the Faculty & Staff Help Center, deans at the Office for Religious Life at Memorial Church, the Ombuds and others. A current list of Sexual Harassment Advisers is available from the Sexual Harassment Policy Office and at Sexual Harassment Advisers [8]. Consultation is available for anyone who wants to discuss issues related to sexual harassment, whether or not “harassment” actually has occurred or the person seeking information is a complainant, a person who believes his/ 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) [9],
- Counselors at the Faculty & Staff Help Center [10],
- Deans at the Office for Religious Life at Memorial Church
- The University Ombuds [11],
- The Medical Center Ombuds [12]

In these cases, the level of confidentiality depends on what legal protections are held by the individual receiving the information and should be addressed with them before specific facts are disclosed. For more information see http://harass.stanford.edu/help/resources [13]. For further information on confidentiality, see Section 1(d).

b. Student Processes

(1) Administrative Review
Students who believe they are the target of sexual harassment and who would like administrative remedies to end the unwanted conduct, should bring forward a concern to the Title IX Coordinator. The Title IX Coordinator will review the concern under the Title IX Student Sexual Harassment, Sexual Assault, Sexual Misconduct, Relationship (Dating) Violence and Stalking Policy and Procedures [14].

Mediation between parties is generally not available in cases of sexual harassment involving students.

Students may confer with, Mark Zunich, Acting Title IX Coordinator at (650) 497-4955, titleix@stanford.edu [6].

(2) Disciplinary Process
Students who believe they are the target of sexual harassment may file a disciplinary complaint against another student in the Office of Community Standards, which will be reviewed under the Alternate Review Process [15].

Students are subject to the Fundamental Standard. Sanctions, for students found responsible for such a violation, range from a formal warning to expulsion from the University.

Students may confer with, Jamie Hogan, Associate Director, Office of Community Standards, jphogan@stanford.edu [16].

c. Faculty & Staff Processes
(1) Direct Communication
An individual may act on concerns about sexual harassment directly, by addressing the other party in person, or 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.

(2) Third Party Intervention
Depending on the circumstances, third party intervention in the workplace or academic setting may be attempted. Third party may be the Sexual Harassment Advisers, human resources professionals, the Ombuds, other faculty or staff, or sometimes a mediator unrelated to the University. When third party intervention is used, typically the third party(ies) meets privately with each person involved, tries to clarify their perceptions and attempts to develop a mutually acceptable understanding that can insure 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 or other relief, where appropriate.

(3) Formal Grievance, Appeal and Disciplinary Processes
Grievance, appeal or disciplinary processes may be pursued as applicable.

(4) Grievances and Appeals
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, of fact-finding process 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 (see below) 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. The Director of the Sexual Harassment Policy Office or the Directors of Employee & Management Services can help assure that this occurs.

In most cases, grievances and appeals must be brought within a specified time after the action in question. 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.

A list of the grievance and appeal procedures are located online or from the Sexual Harassment Policy Office.

- For staff, refer to Guide Memo 2.1.11 [17]: Grievance Policy, or Frequently Asked Questions [18] on the grievance process.
- For Academic Staff-Librarians and Academic Staff-Research Associates, refer to the Research Policy Handbook at Grievance Procedure: Academic Staff [19].

(5) Disciplinary Procedures
In appropriate cases, disciplinary procedures may be initiated. The applicable disciplinary procedure depends on the status of the individual whose conduct is in question. Faculty members are subject to the Statement on Faculty Discipline [20].

4. Procedural Matters

a. Investigations
If significant facts are contested, an investigation may be undertaken. The investigation will be conducted in a way that respects, to the reasonable extent possible bearing in mind the safety of the campus community, the privacy of all of persons involved. In appropriate cases, professional investigators may be asked to assist in the investigation. The results of the investigation may be used in the third party intervention process or in a grievance or disciplinary action.

b. Record keeping
The Sexual Harassment Policy Office will track reports of sexual harassment for statistical purposes and report at least annually concerning their number, nature and disposition to the University President through the Dean of Research.

The Sexual Harassment Policy Office may keep confidential records of reports of sexual harassment and the actions taken in response to those reports, and use them for purposes such as to identify individuals or departments likely to benefit from training so that training priorities can be established. No identifying information will be retained in cases where the individual accused was not informed that there was a complaint.

c. Indemnification and Costs
The question sometimes arises as to whether the University will defend and indemnify a Stanford employee accused of sexual harassment. California law provides, in part, “An employer shall indemnify [its] employee for all that the employee necessarily expends or loses in direct consequence of the discharge of his/her duties as such...” The issue of indemnification depends on the facts and circumstances of each situation. Individuals who violate this policy, however, should be aware that they and/or their schools, institutes, or other units may be required to pay or contribute to any judgments, costs and expenses incurred as a result of behavior that is wrongful and/or contrary to the discharge of the employee’s duties. In general, see Admin Guide Memo 2.4. [21]

5. Resources for Dealing with Sexual Harassment

a. Advice
Persons who have concerns about sexual harassment should contact the Sexual Harassment Policy Office, any Sexual Harassment Adviser [22] or one of the other individuals listed below. Reports should be made as soon as possible. The earlier the report, the easier it is to investigate and take appropriate remedial action. When reports are delayed for a long period, the University
will try to act to the extent it is reasonable to do so, but it may be impossible to achieve a satisfactory result after much time has passed.

Likewise, anyone who receives a report or a grievance involving sexual harassment should promptly consult with the Sexual Harassment Policy Office or with a Sexual Harassment Adviser.

There are a number of individuals specially trained and charged with specific responsibilities in the area of sexual harassment. In brief, they are:

- **Sexual Harassment Advisers** [22], serve as resources to individuals who wish to discuss issues of sexual harassment, whether because they have been harassed or because they want information about the University's policy and procedures. There is usually at least one Adviser assigned to each of the schools at the University and to each large work unit. Most of the residence deans also have been appointed as Sexual Harassment Advisers. Advisers are also authorized to receive complaints.

- **The Director of the Sexual Harassment Policy Office** is responsible for the implementation of this policy. The Director's Office also provides advice and consultation to individuals when requested; receives complaints and coordinates their handling; supervises the other Advisers; encourages and assists prevention education for students, faculty and staff; keeps records showing the disposition of complaints; and generally coordinates matters arising under this policy. Because education and awareness are the best ways to prevent sexual harassment, developing awareness, education and training programs and publishing informational material are among the most important functions of the Sexual Harassment Policy Office [1].

- As stated previously, individuals with concerns about sexual harassment may also discuss their concerns informally with psychological counselors (for example through CAPS or the Faculty & Staff Help Center), chaplains (through the Memorial Chapel), or the University or Medical School Ombudsperson. For more information, go to http://www.stanford.edu/dept/shpo/resources.html [23].

- **Title IX Coordinator**: Students may confer with Mark Zunich, Acting Title IX Coordinator, at (650) 497-4955, titleix@stanford.edu.

**b. External Reporting**

Sexual harassment is prohibited by state and federal law. In addition to the internal resources just described, individuals may pursue complaints directly with the government agencies that deal with unlawful harassment and discrimination claims, e.g., the U.S. Equal Employment Opportunity Commission (EEOC), the Office for Civil Rights (OCR) of the U.S. Department of Education, and the State of California Department of Fair Employment and Housing (DFEH). These agencies are listed in the Government section of the telephone book. A violation of this policy may exist even where the conduct in question does not violate the law.

**6. Policy Review and Evaluation**

This policy went into effect on October 6, 1993, and amended November 30, 1995, May 30, 2002, August 30, 2012, June 11, 2013 and December 6, 2013. It is subject to periodic review, and any comments or suggestions should be forwarded to the Director of the Sexual Harassment Policy
Guidelines on requesting a memo change can be found at https://adminguide.stanford.edu/change-request-guidelines

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Links
[5] mailto:harass@stanford.edu
[6] mailto:titleix@stanford.edu
[16] mailto:jphogan@stanford.edu
[18] https://stanford.box.com/s/pgxewjnphz5s5x17i2pk39it5tieht60
[21] https://adminguide.stanford.edu/2-4-6

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