

May 15, 1985

Dear Staff and Faculty Members at Evergreen:

The purpose of this letter is to communicate the progress of the DTF on Sexual Harassment and to invite your comment on some initial drafts included below. While the work of the DTF is far from complete, we wanted to get at least this much material to you before the end of this academic year. The DTF would like to emphasize that this work represents a first draft. A revised and/or final draft will be presented to all of you in the fall quarter.

The DTF has become more and more convinced of the wisdom of the EEOC's "Guidelines on Discrimination Because of Sex," when it says:

"Prevention is the best tool for the elimination of sexual harassment. An employer should take all steps necessary to prevent sexual harassment from occurring, such as affirmatively raising the subject, expressing strong disapproval, developing appropriate sanctions, informing employees of their right to raise and how to raise the issue of harassment under Title VII, and developing methods to sensitize all concerned." (Equal Employment Opportunity Commission)

The Policy Statement below reflects the EEOC guidelines on sex discrimination. This wording represents the interpretation of the law. Evergreen, and all employers, must have a policy statement or be out of compliance with federal regulations. We do not have a choice in the matter. The Affirmative Action Policy, adopted in June of last year, had a one line policy in one section and a definition of sexual harassment in another section of the Social Contract (See Faculty Handbook, 3.100, p. 6 and 3.300, p. 4) We have put both policy and definition into one statement which more closely reflects the EEOC guidelines.

The section on Sanctions represents a clarification of the Affirmative Action Policy contained in the section on "Monitoring, Evaluation, and Improvement." (Faculty Handbook, 3.300, p. 16) We are recommending that this new language appear in the Faculty and Employee Handbooks, as well as in the Social Contract for all members of the Evergreen community.

The DTF likewise recommends that the Grievance Procedures of the Affirmative Action Policy be used to handle all formal and informal complaints of sexual harassment. If someone fills the position of the Affirmative Action Officer on a permanent basis, we recommend that this be a woman. If a man fills the position, then we recommend that a woman (ombudsperson or some other arrangement) be appointed by the President to handle all informal complaints of sexual harassment. Formal complaints could still be handled by the Affirmative Action Officer in this latter case. The DTF also recommends that the grievance procedures allow for a hearing on the findings for cause in the case of faculty and exempt staff, as is already the case by HEPB rules for classified staff.

Finally, the DTF strongly recommends the implementation of ongoing and regular (at least annual) Educational Efforts for all members of the community. We are currently investigating the possibility of the Education and Training Committees of the Affirmative Action Office assuming this educative and sensitizing role. This kind of effort would include, but not be limited to, the following types of educational efforts surrounding sexual harassment: the legal aspects of sexual discrimination; procedures for handling grievances; resources on campus for dealing with sexual harassment; the place of covenants in the academic and working environments at Evergreen; the nature of the student and teacher relationship; and the sensitizing of all members of the Evergreen community to the varying perceptions regarding sexual harassment.

Please forward all your comments to Art Mulka, Chair of the DTF on Sexual Harassment (Lab II).

THE EVERGREEN STATE COLLEGE POLICY ON SEXUAL HARASSMENT (draft only)

Sexual discrimination in the form of sexual harassment, defined as the use of one's authority or power (either explicitly or implicitly), to coerce another into unwanted sexual relations or to punish another for his or her refusal, or as the creation of an intimidating, hostile, or offensive working or education environment by a member of the College community through verbal or physical conduct of a sexual nature, shall be a violation of the College's Affirmative Action Policy. Third parties may file a complaint of sexual harassment under the law.

SANCTIONS FOR VIOLATION OF THE COLLEGE'S POLICY ON SEXUAL HARASSMENT (draft only)

Violations of the College's policy on sexual harassment are considered violations of the laws applying to discrimination, that is, Title VII of the 1964 Civil Rights Act as amended and Title IX of the Federal Education Amendments of 1972.

Employees held in violation may be met with appropriate sanctions according to the gravity of the case, namely, warning, reprimand, suspension without pay for a specified length of time, or reassignment of teaching or employment responsibilities. Acts of sexual harassment of a very serious nature may warrant a recommendation of removal for cause or may warrant criminal action.

Students held in violation may face a warning, conditional re-enrollment, or disenrollment depending on the seriousness of the case.

Sincerely,

DTF on Sexual Harassment