Motion

The University Committee recommends endorsement of Division I of the UWM Policy on Sexual Harassment (see attached).

Rationale

Inasmuch as UWM has not had a well-defined policy on sexual harassment, the University Committee with assistance of appropriate parties, has drafted the attached policy statement. The request for endorsement is made to strengthen the significance of the policy.

Division II of the document, which deals with procedures, is presented to the Senate for information only. It will be codified and included in UWM Selected Administrative and Academic Policies.

The University Committee
Barbara Borowiecki, Chairperson
Robert Greenstreet
Robert Ingle
Noises Levy
Erika Sander
Jack Waldheim
Kenneth Watters
UWM POLICY ON SEXUAL HARASSMENT

This policy is consistent with the following existing policies:

1. UWS Board of Regents Policy Document 81-2, Resolution #2384, dated 5/8/81 and,
2. UWM Selected Academic and Administrative Policies, Policy #S-36.1, dated January 1982, approved by UWM Administration and the Board of Regents on 3/5/82.

DIVISION I - SEXUAL HARASSMENT POLICY

Section 1. RATIONALE

(a) Sexual harassment is reprehensible and will not be tolerated by the University. It subverts the mission of the University and threatens the careers, educational experience, and well-being of students, faculty, and staff. Relationships involving sexual harassment are destructive to individual students, faculty, staff and the academic community as a whole. When through fear of reprisal a student, staff member, or faculty member submits, or is pressured to submit, to unwanted sexual attention, the University's ability to carry out its mission is undermined.

(b) Sexual harassment is especially serious when it threatens relationships between teacher and student or supervisor and subordinate. In such situations, sexual harassment exploits unfairly the power inherent in a faculty member's or supervisor's position. Through grades, wage increases, recommendations for graduate study, promotion, and the like, a teacher or supervisor can have a decisive influence on a student's, staff member's or faculty member's career at the University and beyond.

(c) While sexual harassment most often takes place in situations of a power differential between the persons involved, the University also recognizes that sexual harassment may occur between persons of the same University status. The University will not tolerate behavior between or among members of the University community which creates an unacceptable working or educational environment. Sexual harassment of any member of the University community by outsiders, such as vendors or contractors, will not be tolerated.

Section 2. PROHIBITED ACTS

No member of the University community shall engage in sexual harassment.

For the purposes of this policy, sexual harassment is defined as unwelcome advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature when:

(a) Submission to such conduct is made explicitly or implicitly a term or condition of an individual's employment or status in a course, program, or activity:
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(b) Submission to or rejection of such conduct is used as a basis for an employment or educational decision affecting an individual; or

(c) Such conduct has the purpose or effect of substantially interfering with an individual's work or educational performance, or of creating an intimidating, hostile, or offensive environment for work or learning.

Section 3. EXAMPLES OF SEXUAL HARASSMENT

Sexual harassment encompasses any sexual attention that is unwanted. Examples of the verbal or physical conduct prohibited by Section 2 above include, but are not limited to:

(a) Physical assault;

(b) Direct or implied threats that submission to sexual advances will be a condition of employment, work status, promotion, grades, or letters of recommendation;

(c) Direct propositions of a sexual nature;

(d) A pattern of conduct or remarks, not legitimately related to the subject matter of a course if one is involved, that would discomfort or humiliate, or both, a reasonable person. This conduct may include one or more of the following: (i) unwelcome repeated requests for social dates; (ii) unnecessary touching, patting, hugging, or brushing against a person's body; (iii) remarks of a sexual nature about a person's clothing or body; (iv) remarks, jokes, or anecdotes about sexual activity or speculations about previous sexual experience; and (v) degrading gender-related remarks.

Section 4. CONSENSUAL RELATIONSHIPS WITHIN THE INSTRUCTIONAL CONTEXT

Codes of professional ethics, generally accepted in our society and reflected in the UW System's nepotism policy (UWS Chapter 8.03 [3], January 1986), dictate that one avoids situations in which one makes evaluations of family members, relatives, or other persons with whom one has an intimate relationship. Such a relationship, combined with a responsibility for evaluation, creates a "conflict of interest" situation.

In this context, an amorous, romantic, or sexual consensual relationship in which both parties appear to have consented but where there is a definite power differential between the parties (such as between instructor and student, or supervisor and employee) not only fits the category of "conflict of interest" situation but also has potential for additional serious consequences.

In the case of instructor and student, the respect and trust accorded the instructor in giving grades, thesis advice, evaluations, recommendations for further study, and future employment greatly diminish the student's choice concerning an amorous or sexual relationship. Thus, one of the things that
can happen is a transition from a consensual relationship to a case of sexual harassment based on the power differential between the instructor and the student.

Inasmuch as UWM is committed to fostering the development of an environment based on professionally ethical behavior and free of discriminatory attitudes, consenting amorous or sexual relationships between instructor and student or employee and supervisor are unacceptable.