

Chapter II**Faculty Legislation****Article I. HARRASSMENT POLICY (Revised Nov. 1, 2006)**

Whitman College is committed to providing the best possible environment for carrying out its educational mission. An essential component of this environment is an atmosphere in which all members of the college community have an equal opportunity to work, to learn, and to grow; the College therefore condemns any conduct, overt or covert, which interferes with the ability of any individual or group to pursue these tasks. In particular, the College condemns any conduct by members of the college community which results in the abuse, harassment, or intimidation of other members of this community on the basis of race, color, sex, gender, religion, age, marital status, national origin, disability, veteran's status, sexual orientation, gender identity, or any other basis prohibited by applicable federal, state, or local laws.

Article II. STATEMENT ON CONSENSUAL RELATIONSHIPS (05/20/2011)

Faculty are entrusted with advising students, judging their work, assigning grades, and making recommendations for further study and/or employment. One's ability to perform these duties is seriously jeopardized by questions about intent, fairness, or favoritism. It is therefore unacceptable for faculty to have romantic or sexual relationships with students, except when the relationship pre-dates either the student's initial enrollment in courses at Whitman College or the faculty member's initial appointment and the faculty member holds no supervisory or evaluative role over the student. Relationships that may appear consensual, even those that do not involve a supervisory or evaluative role, may in fact constitute or develop into a violation of the College's Grievance Policy (Faculty Code, Chapter 2, Article VII).

The possible harm of such relationships can extend beyond the immediately involved parties, as they may generate a perception of unfair treatment and interfere with the ability of other students to work comfortably and effectively. Therefore, faculty are expected to remove themselves from any activity or evaluative role that could reward or punish individuals because of a prior or current romantic relationship. In such cases, the faculty member must work either with the relevant Division Chair or with the Provost and Dean of Faculty to devise an alternative evaluation mechanism. Failure to do so is inconsistent with the AAUP's evaluation mechanism. Failure to do so is inconsistent with the AAUP's (2009) statement on professional ethics. Such a violation could reasonably constitute cause for dismissal under Chapter 1, Article III, Section 4 of the Faculty Code. Faculty should be aware, moreover, that the power differential involved in faculty/student relations is complex, that students also evaluate faculty: students' formal evaluations of faculty members are taken seriously by the college as a factor in assessing teaching, and students can also approach the Provost and Dean of the Faculty, the Dean of Students, or the Board of Review with complaints or concerns about a faculty member's professional conduct.

Similar power differentials may also render it inappropriate for faculty to have romantic or sexual relationships with staff over whom they have supervisory authority. Relationships that may appear consensual, even those that do not involve a supervisory role, may in fact constitute or develop into a violation of the College's Grievance Policy (Faculty Code, Chapter 2, Article VII). In any of these situations, faculty may find it difficult to argue that a relationship was fully consensual.

**Article III. ENVIRONMENTAL PRINCIPLES FOR WHITMAN COLLEGE
(Feb. 23 2000)**

Recognizing the impact Whitman College has on the environment and the leadership role Whitman College plays as an institution of higher learning, the College affirms the following environmental principles and standards, which shall be consulted to explore the practical ways Whitman College can promote an environmentally conscious campus.

To reduce the amount of non-recyclable materials used; to reuse whatever materials may be reused; and, to utilize recycled materials whenever possible.

To consider the eco-friendliest science and technology available to decrease our environmental impact.

To continue to build an energy-efficient campus in the 21st century.

To utilize companies, where possible, that are active in their defense of the environment from further degradation.

To encourage individuals' environmental accountability through programs of environmental education.

To consider environmentally friendly options when they exist and are practical in decisions regarding developmental projects.

To further the use of reused materials, recyclable materials, and the Internet in campus communications.

To encourage and request food service to make environmentally friendly decisions, where reasonable, in purchasing food and supplies, reducing waste, and reusing materials.

To maintain campus grounds through the employment of bio-friendly substances and services.

To strive to improve upon current practices so we may harmonize the trends of the industrial world with the natural environment.

**Article IV. FIREARMS, EXPLOSIVES, AND OTHER DANGEROUS WEAPONS
POLICY (May 10, 2000)**

No firearms or ammunition are permitted in outdoor areas of the campus or in any college-owned student-occupied buildings, including all fraternities and rentals or in conjunction with any college-sponsored activity.

For the purpose of this policy, “bb” guns, illegal knives, blowguns, swords, slingshots, bows and arrows, crossbows, and similar devices are considered “dangerous weapons” whose possession and use are prohibited.

Explosives of any type, including “fireworks,” “firecrackers,” “cherry bombs,” “bottle rockets” and the like, are prohibited at all times.

The only three exceptions to this policy are: 1) law enforcement officers in the course of their duty; 2) firearms, explosives and other dangerous weapons used by faculty for educational purposes; 3) students using firearms, explosives and other dangerous weapons for educational purposes who have received prior permission from the Dean of Students.

Items such as paint guns, paint balls, darts, knives, mace, and pepper spray used inappropriately or in contexts for which they are not intended will be treated as dangerous weapons. All firearms, explosives, and dangerous weapons will be confiscated.

Article V. INFORMATION TECHNOLOGY POLICY (May 19, 2000)**Section 1. Account Policy**

- A. The computer and networking resources are the property of Whitman College. Every student, faculty, and staff is entitled to an account to access those resources. The account is for the exclusive use of the user who is assigned the account and password. Lending of an account to another person is not permitted, and is considered to be a violation of College policy and may result in disciplinary action. The College does not sell, share or rent account information in ways different than are described in this policy.
- B. The Whitman College "Privacy Policy" describes the user's right to privacy.
1. **Limitation**
The Whitman College "Acceptable Use Policy" describes limitations on the usage of accounts.
 2. **Suspension of Accounts**
The Whitman College "Acceptable Use Policy" describes those actions that may lead to suspension of accounts.
 3. **Upon Leaving the College**
 - a. Graduating students have access to their accounts for one year after graduation. Extensions beyond the one-year period will not customarily be granted. After one year, students have an option to participate in the life-long e-mail forwarding service through the Office of Alumni Relations.
 - b. Students who leave the institution without graduating (e.g., transfer, dismissal, etc.) will have access to their accounts for one month following the termination of their relationship with the College. Students on leave of absence (including study abroad) will have their accounts retained.
 - c. Faculty or staff who permanently retire may keep their account for life.
 - d. Faculty who leave the College for other reasons will have access to their accounts for six months following the termination of their relationship with the College. If a longer period is desired, contact the Chief Information Officer.
 - e. Staff who leave the College for other reasons will be evaluated on an individual basis. Generally, staff accounts will terminate immediately.

Section 2. Privacy Policy

- A. This policy addresses the College's commitment to protecting the privacy of authorized users of its Information Technology (IT) systems, and other systems that are capable of recording information about the user. Hereinafter these

- authorized users are referred to as "The Whitman Community." Despite the College's adherence to these policies it cannot assure the Whitman Community protection from the sorts of activities broadly referred to as "hacking" whose consequence might be a loss of electronic privacy.
- B. The Chief Information Officer reminds the Whitman Community of the inherent insecurity of electronic information particularly on the Internet, and of their responsibility in ensuring the privacy of their account (e.g. users should use a secure password, not share their passwords or access to their accounts, etc.).
1. The College is committed to protecting the privacy of the Whitman Community as it concerns materials stored on College computers or transmitted electronically on College networks or Information Technology (IT) infrastructure. In the event of court cases, it will make every reasonable effort to defend users' privacy. Whitman College will not access or monitor computer accounts, usage of IT services, or other electronic records except when:
 - a. authorized by the user(s)
 - b. performing maintenance necessary for the operation of the relevant systems, in which case the user(s) shall be notified of such access
 - c. necessary for billing purposes (e.g. long distance) or legally required to do so, after the College has mounted a reasonable effort to defend the privacy of the user(s).
 - d. Routine maintenance and upkeep that do not involve examination of account or network traffic content or information content in general, such as backups, are exempt from the notification requirement.
- C. While it is necessary to store some information about users and individual use of electronic services, neither this information nor knowledge derived from this information will be accessed unless:
- a. it is fundamentally necessary for the functioning of the College's IT or electronic infrastructure or
 - b. there is clear evidence suggesting that the security and/or the integrity of the system is being compromised.

In either of these cases only the Chief Information Officer or his or her designees will make use of this information or its derivatives and then only in their efforts to assure the smooth functioning of the College's IT resource and other electronic systems.

- D. Whitman College is committed to the free flow of ideas, and the freedom of electronic speech shall be fully protected. The College will actively protect the Whitman Community's freedom of expression. The content of electronic communication is not censored; this includes, but is not limited to, personal web pages, postings to listservs and newsgroups, and e-mail. However, in accordance with the principles of this policy, the following limitations apply:

1. The volume of information may be limited without regard to content because of the technical constraints of the system (e.g., the number of news groups available at any one time may be limited).
2. The College retains the right to protect itself from liabilities posed by the electronic behavior of members of the College, if these behaviors are patently illegal. Otherwise the College will make every reasonable effort to defend users whose rights for freedom of expression are being challenged.
3. Users are expected to abide by the laws of the State of Washington and the United States and by the policies of the College.

Section 3. Acceptable Use Policy

A. Introduction

The Whitman Campus Network is provided as a service to students, faculty, staff, and other members of the Whitman community. Maintained by Whitman College Technology Services (WCTS), the Network supports the instruction, research, and service mission of the College. This document outlines the policy of acceptable use of Whitman Campus Network resources, the effective protection of individual users, equitable access, and proper management of those resources.

B. Individual Responsibilities

1. Whitman College strives to provide fair and distributed access to computing and network facilities for the entire community of users. It is the intent of Whitman College to make available unfiltered information on the Internet for the College community. Members are responsible for selecting, viewing, and utilizing resources. If it is necessary to filter or block any information to enhance security or performance, and if this filtering or blocking occurs regularly or more often than occasionally, a description of and rationale for the action will be posted with other WCTS online information.
2. To foster trust and intellectual freedom, it is necessary to practice courtesy, common sense, and restraint in the use of shared resources. Improper use of Whitman facilities may prevent others from gaining fair access to those facilities.
3. Furthermore, users must keep in mind that networks or systems outside of Whitman College (including those in other countries) may have their own distinctive policies and procedures. Users are advised to learn and abide by the policies and procedures of these external networks.
4. Insofar as a secure and reliable computer system is necessary to the academic mission of the College, all members of the College community should contribute to the security of the system by conscientiously protecting their access privileges, for example: users need to select a secure password and, furthermore, should change their passwords frequently. Likewise, the computer system administrators will act promptly when evidence of serious compromises to the security of the system is detected.

5. The Whitman College computing network must work within finite limitations of bandwidth and disk space. Users are reminded that electronic mail exists on a space shared by other members of the community, and users are responsible for maintenance of their electronic mailbox. Therefore users are encouraged to keep only pertinent materials in their mailbox accounts. The user should:
 - a. Conserve disk space: delete unwanted e-mail messages as soon as possible and arrange for forwarding of e-mail when appropriate (e.g. breaks, overseas study).
 - b. Be aware that e-mail cannot be guaranteed to be perfectly private: others may intentionally or unintentionally forward or print your message, making it publicly available.
 - c. Like electronic mail the maintenance of a user's own storage area is the user's responsibility. The user should:
 - i. Conserve server disk space
 - ii. Routinely and frequently check for viruses.
 - iii. Not maintain anything that the user considers to be private in the network storage area. (Files in network storage may be accessible by persons with system privileges.)

C. Conduct

Activities that violate the Acceptable Use Policy include, but are not limited to, those in the following list:

1. Using a computer account that does not rightfully belong to you.
2. Violating copyright laws and their fair use provisions through inappropriate reproduction or distribution of copyrighted files (including movies, music, computer software, text, and images).
3. Using the Campus Information Technology (IT) infrastructure to gain unauthorized access to other computer systems.
4. Unauthorized connecting of equipment to the campus network (this includes personal hubs in rooms).
5. Attempting to break into the system by circumventing data protection schemes or uncovering security loopholes. This includes the wrongful use of programs that are designed to identify security loopholes and/or decrypt intentionally secure data.
6. Knowingly or negligently performing an act that will interfere with the normal operation of computers, terminals, peripherals, or networks.
7. Attempting to damage or to place excessive load on a computer system or network by using programs, such as (but not limited to) computer viruses, Trojan Horses, and worms.

8. Deliberately wasting or overloading computing or printing resources, or deliberately using excessive bandwidth on the network.
9. Violating terms of software licensing agreements.
10. Using College resources for non-academic commercial activity such as creating products or services for sale, without express College approval.
11. Using electronic mail or other Information Technology resources to abuse, harass, or intimidate members of the College community on any basis including race, ethnic origin, creed, gender or sexual orientation. Users are reminded that sexually suggestive materials displayed inappropriately in public places, the classroom, or the workplace may constitute sexual harassment.
12. Propagating mass mailings with the intent of flooding ("spamming" or "bombing") the accounts of others.
13. Forging the identity of a user or machine in an electronic communication.
14. Transmitting or reproducing materials that are slanderous or defamatory, or that otherwise violate existing laws or College regulations.
15. Attempting to wrongfully monitor or tamper with another user's use of the College's Information Technology infrastructure (such as reading, copying, changing, or deleting another user's files or software) without the knowledge and agreement of the owner.

D. Authorization

1. Personal use of Whitman College computing resources by staff employees during working hours is an issue that will be determined by the employee's supervisor.
2. Use of College computing and network facilities for non-academic commercial monetary gain requires the approval of the College and may require a written contract that gives full details of any financial obligation and/or charge for use, if any.
3. Connecting network devices, such as "network hubs" to the campus system will require authorization from the Chief Information Officer or his/her designee.
4. Setting up a new domain on a computer located on the Whitman College network will require authorization from the Chief Information Officer or his/her designee.
5. Authorization decisions may be appealed to the appropriate Dean or supervisor.

E. Enforcement of Policies

1. Failure to comply with any of the above policies may result in termination of network privileges, College disciplinary action, and/or criminal prosecution.
2. It is understood that users may unwittingly create problems for others by, for example, employing programs that monopolize the network bandwidth. In such cases the Chief Information Officer (or his or her designate) will contact the user and explain why and how the user needs to modify his or her electronic behavior. A policy clarification letter may be written. In cases of repeated problematic behavior, the CTO may recommend to the appropriate Dean or supervisor that a formal warning be placed in the user's College record. If so, the user will be notified of this recommendation and will be allowed the opportunity to provide a response to the recommendation in advance of the Dean's/supervisor's decision.
3. Access to computing resources may be suspended temporarily at any time by the Chief Information Officer (or his or her designate), if there is clear evidence to suggest that the resource(s) are being used in a manner that seriously compromises the security and/or integrity of the resource(s). In such a case, the owner of the account will be sent notification of this action within twelve hours and assisted in extracting such files as are immediately needed (e.g., for class assignments) and/or establishing a new, secure account, as appropriate.
4. Upon suspension, a user shall discuss the issue with the Chief Information Officer (or his or her designate) in order to reestablish an account. The account shall be reestablished within one business day of a satisfactory conclusion to this meeting. If the account is not reestablished to the user's satisfaction, he or she may appeal to the appropriate office of the College. The Chief Information Officer (or his or her designate) may also choose to refer the case for disciplinary action in accordance with established procedures. For students, it is as described in Part 5, Section 2 of the Whitman College Student Handbook. For faculty, see Faculty Code, Chapter 1; for staff, see Staff Handbook.

Article VI. PROCEDURES FOR WHITMAN FACULTY/STAFF-LED TRIPS ABROAD (April 11, 2002)

Section 1. Approval of Trip

The approval process for any Whitman-affiliated or Whitman-supported course or field trip in foreign countries for Whitman students that are organized by Whitman faculty/staff is described below.

The Provost and Dean of the Faculty must approve of the activity, with the assistance of the Off-Campus Studies Committee, in terms of the risk and liability of taking students to a given destination. It is the responsibility of the faculty/staff member organizing the trip to provide as much information as possible to the Provost and Dean of the Faculty about the following:

- A. Approval for the trip in writing from the appropriate academic department if credit is involved.
- B. Summary of the trip, including itinerary, course descriptions and housing information
- C. Description of the budget and program fees charged to students
- D. Generally known risks in the destination
- E. Names and qualifications of Whitman and non-Whitman staff for the trip
- F. Information about the vendors for trip such as tour operators and bus companies

Faculty/staff members who propose potential trips should allow three months for the Provost and Dean of Faculty to reach a decision about the proposed trip. Approval for such trips may be withdrawn if conditions in the destination country(ies) deteriorates prior to departure.

Section 2. Required Predeparture Documents

The faculty/staff member(s) leading the group is responsible for distributing and collecting the following required predeparture documents. The forms are available from the Off-Campus Study Office. (These requirements are consistent with what are required for study abroad students.)

It is the faculty/staff leader's responsibility to leave a copy of these forms with the Division Secretary for his/her building. These forms are all available in the Study Abroad Office.

- A. *Health Statement and Liability Waiver* with the following attachments:
 - 1. Center for Disease Control immunization recommendations for region
 - 2. U.S. State Department Travel Advisories for countries to be visited
- B. *Proof of Medical Insurance Form* (demonstrates student is covered while abroad)

- C. *International Student Identity Card Application* (benefits include medical evacuation insurance)
- D. *Dean of Students Clearance* (There is no form for this, but the organizer should send the names of the participants to the Dean of Students Office to make sure that participants have no history of discipline or other non-academic problems that the organizer should be aware of.)

Section 3. Predeparture Orientation Information

To help the students have realistic expectation for their foreign experience, Whitman faculty/staff taking students abroad should provide students with appropriate predeparture information. Guidelines for predeparture information are described below. While it is the faculty/staff leader's responsibility to organize the predeparture information, the Study Abroad Office can provide suggestions for sources of information.

- A. Description of course/activity including details about credit, prerequisites and academic expectations
- B. Description of physical abilities necessary for activity (e.g., strenuous hiking)
- C. Calendar and itinerary
- D. Program cost, availability of financial aid, and billing procedures
- E. Information on how to obtain a passport and visa(s) if required
- F. Description of housing and living conditions
- G. Banking and money matters (ATM, Travelers Checks, etc.)
- H. Description of local conditions including access to medical facilities, road safety, health risks, crime, attitudes towards Americans
- I. Cultural norms and taboos
- J. Appropriate clothing, luggage and other items to bring
- K. Emergency contact information for families such as e-mail address, fax, telephone

Section 4. Information for Parents

The faculty/staff leader will inform the parents or guardians of the participants of the risks of the activity and the cost/billing procedures, unless the student is no longer a dependent of their parents.

Section 5. Predeparture and In-Country Procedures

The faculty/staff leader is responsible for taking the following precautions prior to departure and upon arrival in-country.

- A. Leave a list of participants and contact information for the group with the Provost and Dean of Faculty's Office prior to departure.

- B. Register all group participants by fax or telephone with the nearest U.S. consulate or embassy in the countries that you will be in so that U.S. officials can contact and assist the group in the event of an emergency in that country. (Embassy may be notified prior to departure from the U.S.) The U.S. consulate/embassy needs the following information: names and passport numbers of group members; name and phone number of the place where the group is staying. Contact information for U.S. consulates/embassies abroad can be found at <http://travel.state.gov>.
- C. Provide participants with local emergency contact information such as how to reach the faculty director after hours and where to go for medical attention in the event of an emergency.
- D. Remind students of local health and safety risks upon arrival at each new destination.

Article VII. WHITMAN COLLEGE GRIEVANCE POLICY (May 8, 2013)**1. PURPOSE AND SCOPE OF THIS POLICY****1.1 Introduction**

Whitman College is committed to providing a learning and working environment characterized by mutual respect and fair treatment among all its constituents. An essential component of this environment is a strong ethic and practice of equality, acceptance and nondiscriminatory interactions. Harassment and discrimination on the basis of race, color, sex, gender, gender identity, sexual orientation, religion, age, marital status, national origin, and disability, veteran's status, or any other basis prohibited by College policy or by state or federal laws is unacceptable and will not be tolerated.

- Whitman College recognizes that problems, complaints, or grievances might arise in the daily relationships between faculty, staff, and students.
- Individuals at odds with one another are encouraged to first attempt to resolve their differences. The grievance procedure outlined in this policy is primarily for cases where this approach has not been successful or is not appropriate.

1.2 Purpose

- To establish procedures for filing complaints from students and employees¹ both formally and informally.
- To outline procedures for addressing and resolving grievances involving conduct prohibited by Whitman College policy as well as federal and state laws pertaining to higher education and employment.
- To affirm the College's commitment to investigate all allegations of harassment and/or discrimination, act to end the violation, prevent its recurrence, and remedy its effect on individuals and the community.

1.3 Scope

- A grievance is a complaint alleging conduct or actions by a member of the Whitman College community, which harms another employee or student's ability to take full advantage of the College's educational or employment opportunities, or impedes the complainant's ability to study, learn or work.
- The Grievance Policy applies principally to students, faculty, and staff, but also applies to those who interact with the Whitman community or Whitman affiliated programs.
- Any member of the College community, including but not limited to students, employees and alumni, has a right to express a grievance.

1.4 Education and Prevention

Whitman College provides education and training to students and employees on a periodic basis addressing its policies regarding harassment and discrimination.

- All employees must complete an on-line training on harassment and other prohibited conduct.
- All new students are required to attend sexual misconduct prevention programs. In addition to "Green Dot," a nationally recognized program effective in

¹ Faculty is defined in Chapter 1, Article I of the Faculty Code. Faculty and staff are referred to as "employees." Students are defined as those who are enrolled in at least one credit.

preventing sexual misconduct, students must attend a program designed to educate them regarding their obligation to obtain consent prior to engaging in sexual activity and the detrimental role alcohol plays in sexual misconduct.

1.5 **Title IX**

Title IX is a federal law that states: “No Person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any educational program or activity receiving Federal financial assistance.”

1.6 **Reporting Obligations under Title IX**

Whitman College employees, other than licensed counselors and health professionals working with clients, are expected to promptly notify the Dean of Students Office, the Human Resources Office, or the Title IX Administrator if they are aware of instances of sexual harassment or misconduct. The College has an affirmative obligation to investigate and to act to resolve such complaints.

Whitman College has a Title IX Administrator who will oversee an investigation of any allegations of sex or gender-based discrimination. For more information, contact Juli Dunn, Associate Dean of Students and Title IX Administrator, Memorial Building 325, Whitman College, (509) 527-5158, dunnjl@whitman.edu.

1.7 **Academic Freedom and Free Speech**

Whitman College recognizes that the educational process can be disturbing and unsettling, particularly when one’s ideas or values are being challenged. The learning, working, and living environments might not always be comfortable for all members of the College community. The College does not censure speech simply because it is offensive. In determining whether an act constitutes discrimination or harassment, the context must be carefully reviewed and full consideration must be given to protection of individual rights, freedom of speech and academic freedom.

2. **DEFINITIONS**

The following are definitions of terms relating to this policy and the grievance process. They reference conduct prohibited by federal and state laws, conduct prohibited by Whitman College policies, and conduct that may place the learning and working environment at risk. This list is not meant to be all-inclusive.

2.1 **Discrimination**

Discrimination is any distinction, preference, advantage for or detriment to an individual compared to others that is based upon an individual’s actual or perceived race, color, sex, gender, religion, age, marital status, national origin, disability, veteran’s status, sexual orientation, gender identity or other basis prohibited by state and federal laws. Actions or policies that result in unequal opportunity in education or employment or adversely affect the terms and conditions of a person’s employment or education at the College, which are motivated or based, in whole or part, on the protected categories can be considered discrimination.

2.2 **Discriminatory Harassment**

Discriminatory Harassment is a detrimental action based on an individual’s actual or perceived race, color, sex, gender, religion, age, marital status, national origin,

disability, veteran's status, sexual orientation, gender identity or any other basis prohibited by state or federal laws that is so severe, persistent or pervasive that it unreasonably interferes with or limits a person's ability to work, participate in or benefit from the College's educational program or activities.

2.3 **Retaliatory Harassment**

Retaliatory Harassment is any intentional action taken by an accused individual or allied third party to seek revenge, reprisal, or injury to an individual or group who has exercised the right to file a grievance or make an oral or written report of prohibited harassment or discrimination, or participate in a related grievance proceeding.

2.4 **Sexual Harassment**

Sexual Harassment is defined as unwelcome verbal or physical conduct of a sexual nature that is sufficiently severe, persistent or pervasive such that it unreasonably interferes with, limits or deprives someone of the ability to participate in or benefit from the College's educational programs or employment opportunities. The unwelcome behavior may be based on power differentials (*quid pro quo*), the creation of a hostile environment or retaliation. Examples² include:

- Unwelcome statements, jokes, gestures, pictures, intentional nonconsensual touching of an intimate body area, gender-based bullying, stereotyping, or other conduct that demeans, harasses, or intimidates
- An attempt to coerce an unwilling person into a sexual relationship repeatedly subjecting a person to egregious, unwanted, sexual attention
- Conditioning a benefit on submitting to sexual advances (*quid pro quo*).
Examples include:
 - Seeking sexual favors or relationships in return for the promise of a favorable grade or other academic opportunity
 - Basing an employment-related action (hiring, salary increase, performance appraisal rating, promotion, etc.) on a sexual favor or relationship
- Punishing a refusal to comply with sexual advances
- Sexual violence, intimate partner violence
- Nonconsensual, intentional sexual contact, penetration, or intercourse
- Stalking, repetitive and/or menacing pursuit, following, harassment

Sexual harassment is particularly damaging when it exploits the educational dependence and trust between students and faculty/staff. When the authority and power inherent in faculty/staff relationships with students is abused in any way, there is potentially great damage to the individual student, to the accused individual, and to the climate of the institution.³

2.5 **Consensual Relationships**

² For definitions or clarifications, see Sexual Misconduct Policy in the *Student Handbook*

³ *NCHERM: The 2011 NCHERM Campus Title IX Coordinator and Certification and Training Course Materials*. Used with permission

A Consensual Relationship, for the purpose of this policy, is defined as a relationship developed between two individuals within the Whitman community that is consensual, romantic and/or sexual in nature. Such relationships can prove particularly problematic when there is an unequal power relationship, that is, one of the individuals has actual or perceived power, authority, and advantage over the other. For example, a staff member who has authority to control salary decisions, conduct performance appraisals, and promote employment opportunities, enters into a relationship with a subordinate.

It should be noted that negative consequences, including claims of conflict of interest, coercion and exploitation, sexual harassment, hostile work environment, and retaliation, could arise from a less than amicable ending of a consensual relationship where there is a power difference between individuals. Moreover, under the law, co-workers may assert claims of harassment when a fellow worker is perceived to be receiving favorable treatment, due to a consensual relationship with a supervisor.

Faculty Code states in part, “It is therefore unacceptable for faculty to have romantic or sexual relationships with students, except when the relationship pre-dates either the student’s initial enrollment in courses at Whitman College or the faculty member’s initial appointment and the faculty member holds no supervisory or evaluative role over the student.” And also, “Similar power differentials may also render it inappropriate for faculty to have romantic or sexual relationships with staff over whom they have supervisory authority.” (*For the complete faculty statement on consensual relationships, see Faculty Code, Chapter 2, Article III*)

3. GRIEVANCE PROCEDURE

Faculty, staff, and students should feel free to bring unresolved problems and complaints to the attention of the appropriate College officials outlined below. Some harassment complaints and incidents of interpersonal conflict can be resolved informally, whereas others may need to undergo a formal resolution process.

3.1 Where to Start with a Complaint

Members of the Whitman Community who know about an incident or believe they have been subjected to a civil rights violation such as harassment or discrimination, or who have a grievance concerning a serious interpersonal conflict should meet with individuals in the following offices:

- **Students** who have a complaint or who would like information about the grievance process should come to Dean of Students Office (Memorial 325) or the Title IX Administrator
- **Employees** who have a complaint or would like information about the grievance process should come to the Human Resources Office (Memorial 104), the Title IX Administrator, or the Provost and Dean of the Faculty.

3.2 Protection from Retaliation

This policy prohibits retaliation against anyone who reports or is believed to have reported harassment, discrimination, or other prohibited behavior, or who is a witness or otherwise involved in a related investigatory proceeding. Such retaliation will be considered a serious violation of this policy, regardless of whether an informal or formal complaint is upheld. Encouraging others to retaliate is also prohibited and will be subject to disciplinary action.

3.3 **Prompt Reporting**

Prompt reporting of a complaint is strongly encouraged, as it allows rapid response to and resolution of prohibited or objectionable behavior. The passage of significant time between an incident and an investigation can result in memory lapses, the departure of key witnesses or other time-sensitive factors that can impair the investigation.

3.4 **Privacy**

College officials who are involved in informal or formal complaint resolution procedures or investigation, as a result of being consulted by the complainant, the accused, and/or College officials conducting investigations, are obliged to respect the privacy of the individuals involved. The Family Educational Rights and Privacy Act (FERPA) protects students' privacy. College officials may not disclose information from a student grievance complaint to anyone other than those involved in the hearing process or those who have a legitimate education interest.

3.5 **Dishonest Reports**

Persons who submit intentionally dishonest reports could be subject disciplinary action.

3.6 **Complaint Withdrawal**

At any time during the informal or formal resolution processes (see below), the complainant may withdraw the complaint. However, even if the complainant decides to withdraw the complaint, the College reserves the right to investigate and take appropriate measures, if necessary, to protect the interests and safety of the community. If the complainant withdraws the complaint and refuses to cooperate, the likelihood of a meaningful conclusion is severely diminished.

3.7 **Uncooperative Respondent**

If the respondent leaves the college or refuses to cooperate with the investigation, the investigation may proceed in his/her absence and may result in an appropriate finding based on the evidence available.

4. COMPLAINT AND RESOLUTION

4.1 **Informal Dispute Resolution**

To resolve a dispute informally, a student or employee may first seek advice from the supervisor, department head, or the budget officer. For employees, the Director of Human Resources and for students, the Dean of Students, are other good sources of advice. An informal resolution can involve a directed conversation, mediation and/or advice about how to resolve the problem.

- Mediation is clearly inappropriate for certain serious behaviors and incidents, such as sexual assault, sexual misconduct, sexual harassment, and discrimination. The College must take decisive action, including a thorough investigation, immediately when it becomes aware of such complaints.
- If a complainant chooses to forego the informal process or if the informal resolution process proves unsuccessful or if the complainant is dissatisfied with the informal process, he or she may file a formal complaint with the Director of Human Resources, the Dean of Students or the Title IX Administrator as appropriate.

4.2 **Formal Complaints**

Complaints can be submitted in oral or written form. This grievance statement should describe the alleged incident, where and when it occurred, and include any supporting materials. Unless this is a case where an informal resolution was not appropriate, the grievant will be asked about the details of the informal efforts they have made to resolve the issue(s). Please note that when the College has received notice of an incident of sexual harassment, misconduct or discrimination, the Title IX Administrator may initiate an investigation without a formal complaint.

- If the formal complaint involves a member of the faculty, the Director of Human Resources, the Dean of Students or the Title IX Administrator shall inform the Provost of the complaint.

4.3 **Investigation Procedure**

- The Title IX Administrator will receive all sex or gender-based grievances and will oversee the investigation process and assign investigators as appropriate.
- The Director of Human Resources or the Dean of Students Office will oversee an investigation and resolve all other complaints. Ordinarily, complaints against an employee will be overseen by the Director of Human Resources and complaints against students will be overseen by the Dean of Students.
- A complaint against the President or a member of the Governing Boards will be referred to the Executive Committee of the Board of Trustees for investigation and resolution.

For sex or gender-based allegations, the Title IX Administrator in consultation with members from the Title IX team⁴ will:

- Conduct a prompt and effective response, not to exceed 60 days from notice to resolution.
- Determine the identities and contact information of the complainant and accused person (respondent).
- Review the information related to the grievance allegation in order to initiate appropriate response.
- Identify alleged policy violations, key issues, and the scope of investigation.
- Develop the investigation strategy and outline a proposed timeline.
- Recommend necessary remedial short-term actions and accommodations for the complainant⁵.
- Conduct an immediate preliminary investigation to determine if there is reasonable cause to charge the respondent, and what policy violations should be alleged as part of the complaint.
- If there is not enough evidence to charge the respondent, proceed no further and both parties will be notified.
- If there is evidence to support the allegation, meet with the complainant to gather relevant information.
- Notify the respondent of the charge.
- Commence a thorough, reliable and impartial investigation.

⁴ The Title IX Team consists of individuals who have attended Title IX certification or investigation training.

⁵ Examples of remedial short-term actions and accommodations might include no contact orders, a change in housing, work shifts, or academic adjustments.

- Prepare a report summarizing the information. The Title IX Administrator will make a recommendation for a finding using a preponderance of evidence standard.

All other grievances based on a protected class such as race, color, religion, age, sexual orientation, marital status, national origin, disability, veteran's status, or any other basis prohibited by state or federal laws against an employee will mirror the investigation protocol outlined above for sex or gender-based grievances.

4.4 Post-Investigation Procedures

- The respondent will meet with the Title IX Administrator and/or the appropriate budget officer to receive the report and recommended finding(s).
- The respondent will have an opportunity to read a copy of the report and a second meeting will be scheduled within a timely manner agreeable to both parties, ideally within two working days.
- If the respondent chooses to accept the recommended findings, then the case will be referred to the appropriate budget officer for the sanctioning phase.
- If the respondent chooses not to accept the recommended findings, the case will be referred to an appropriate grievance council as outlined below.
- The complainant will meet with the Title IX Administrator and/or investigator(s) and have an opportunity to read a copy of the report following the meeting with the respondent.
- Although individuals may consult an attorney, the College's investigations, hearings and appeal processes are not legal proceedings and attorneys may not be present or participate.

In some cases, including but not limited to those when the respondent takes responsibility for the violation, the appropriate resolution may be achieved without a grievance council. This decision will be made in consultation with the appropriate Budget Officer and the Title IX Administrator.

4.5 Councils, Panels, Sanctions, and Appeal

The grievance panels will review a statement from the respondent explaining why he or she is contesting the finding(s) and review the investigation report to confirm that it was conducted in a thorough and impartial manner.

- **Grievance Panel for Students.** The College convenes either the Council on Sexual Misconduct or the Council on Student Affairs as appropriate to address complaints against students. See the Student Handbook, available as a booklet or online, for complete description of the council and the hearing process for students.
- **Grievance Panel for Non-Faculty Employees.** The grievance panel for non-faculty employees consists of three members (at least 2 staff) chosen from the Employee Relations Council⁶ trained to review cases involving sex or gender based allegations.

⁶ The entire Employee Relations council (ERC) consists of the Director of Human Resources, two staff members with supervisory authority, two non-supervisory staff members, two tenured faculty members, and two non-tenured faculty members. The hearing panel consists of the Director of Human Resources (Chair) and three council members (at least two from the faculty if the respondent is a faculty member and at least

- **Grievance Panel for Faculty**⁷. The grievance panel for faculty consists of three members (at least 2 faculty) of the Employee Relations Council trained to review cases involving sex or gender based allegations.
 - Process for Faculty Dismissal. If the Grievance Panel for Faculty upholds the recommended finding, and the range of potential sanctions includes dismissal for adequate cause, the procedures specified in the Faculty Code (Chapter 1, Article III, Section 5), shall be followed.
- **Sanctions.**
 - **Students:** Sanctions may include, conduct probation, suspended conduct probation or other actions including verbal warnings, written warnings, prohibition of participation in commencement activities, dismissal, suspension, restitution or other actions appropriate to the offense. (See current Student Handbook.)
 - **Employees:** Sanctions may include: oral or written reprimand, transfer to a different area or other work restrictions, required training, probation, suspension, demotion, reduction in pay, dismissal, restitution or other actions appropriate to the offense.
 - Sanctions related to behavior that violate Title IX must act to end the behavior, prevent its recurrence and remedy its effect on the community.
- **Appeal Process**
 - In the event that an accused individual accepts the findings of the investigation, those finding cannot be appealed.
 - The grounds for appeal may only be:
 1. New evidence not available at the time of the investigation that may substantially alter the outcome, or;
 2. Substantial procedural error(s) that may alter the outcome.
 - All sanctions imposed will be in effect during the appeal process.
 - Either the complainant or the respondent may appeal the decision of the appropriate grievance panel to the Chair of the Faculty. All appeals must be made in writing within three weekdays after being informed of the outcome.
 - The Chair of the Faculty, to whom the appeal is made, will act on the petition in one of three ways: he/she may decide to hear the appeal and then rule; may form a panel to hear the appeal; may reject the appeal.

5. RIGHTS OF THE COMPLAINANT AND RESPONDENT

Whitman College supports the following rights of complainants and respondents:

- Persons involved in a grievance process have the right to a prompt investigation and resolution of the complaint

two from the staff if the respondent is a staff member). The hearing panel shall be gender balanced and receive training in Title IX and other college policies. The Employee Relations Council replaces the CCIR.

⁷ The Faculty shall consist of the President of the College and the members of the instructional staff who hold the title of Dean, Professor, Associate Professor, Assistant Professor, or Non -tenured Senior Lecturer and Senior Adjunct Assistant Professor. Any administrative officers shall also be deemed members of the Faculty. (See Faculty Code, Article 1, Section 1, and 1-A)

- Individuals involved in a hearing have the right to an adviser to help prepare for the hearing. The adviser must be a member of the Whitman community (current students, or employees of the College only)
- Individuals have a right to file a complaint with the police or other agencies- the College will help a complainant find appropriate resources if they wish to take legal action off campus.
- Individuals have a right to a safe environment—the College will take whatever measures it deems reasonable and feasible to protect the safety of the campus community
- Persons involved in a grievance process will be treated with dignity, respect and fairness
- The College will treat all complaints seriously and will investigate allegations of misconduct or policy violation
- Employees and students involved in a complaint will have full access to campus services designed to assist in such cases
- The College respects the privacy of complainants and respondents. Information gathered in an investigation will not be disclosed to others who do not have a legitimate need to know
- Individuals may consult an attorney; however, the College's investigations, hearings and appeal processes are not legal proceedings and attorneys may not be present or participate
- The College will not tolerate any form of harassment, retaliation, and/or intimidation of the complainant or the respondent, or of those supporting either party.

Students or Employees who believe their complaint of harassment or discrimination has not been adequately addressed through the College's grievance process may submit a grievance to either the Washington State Department of Labor and Industries, the Equal Employment Opportunity Commission or the Office for Civil Rights.

Washington State Department of Labor and Industries
P.O. Box 44000
Olympia, WA 98504-4000
(866) 219-7321

Equal Employment Opportunity Commission
Federal Office Building
909 First Avenue
Suite 400
Seattle, WA 98104-1061
(800) 669-4000

The Office for Civil Rights
Seattle Office
915 Second Avenue Room 3310
Seattle, WA 98174-1099
(206) 607-1600
OCR.Seattle@ed.gov

Article VIII. SMOKING POLICY (Effective February 26, 2014)

It is the policy of Whitman College that students, faculty, staff, and visitors to the campus are entitled to live, study, and work in areas that are free of smoke. In accordance with this policy and Washington State law, smoking in any form, including tobacco or electronic cigarettes, is prohibited inside any building on the Whitman College campus and is prohibited within 25 feet of any entrance, exit, window, or ventilation intake of any Whitman College campus building.