

HARASSMENT POLICIES

Bullying

Bullying and cyberbullying are repeated and/or severe aggressive behaviors that the student knew or should have known would intimidate, intentionally harm or control another person physically or emotionally, and are not protected by freedom of expression. Bullying is disruptive to the educational process, and is not acceptable behavior at Washburn Tech.

Racial Harassment

Racial harassment is unlawful discrimination on the basis of race, color or national origin under Title VI and VII of the Civil Rights Act of 1964, and the Kansas Acts Against Discrimination, and shall not be tolerated. Racial harassment may result from verbal or physical conduct or written/graphic material that is racially motivated, and which:

- affords a student different treatment, solely on the basis of race, color or national origin, in a manner which interferes with or limits the ability of the student to participate in or benefit from the services, activities or programs of the school,
- is sufficiently severe, pervasive or persistent so as to have the purpose or effect of creating a hostile academic environment or is sufficiently severe, pervasive or persistent so as to have the purpose or effect of interfering with a student's academic performance or ability to participate in or benefit from the services, activities or programs of the school.

Harassment

2.1.1 Responsibility. All individuals must be allowed to pursue their activities at the University free from sexual harassment, unwelcome sexual advances and sexual violence. Such conduct will not be tolerated. The responsibility for maintaining a sexual harassment-free campus environment rests with all Employees.

2.1.2 Sexual harassment is defined as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

- Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment;
- Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual;
- Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment;
- Such conduct emphasizes the sexuality of an individual in a manner which prevents or impairs that individual's full enjoyment of work and/or educational benefits, environment, or opportunities, or,
- Such conduct is in the form of sexual violence.

2.1.3 Unwelcome sexual advances, request for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when:

- The conduct has the purpose or effect of interfering with the individual's work or academic performance, or of creating an intimidating, hostile, or offensive working or educational environment;

- Imposed by an Employee or agent of the University and denies, limits, conditions, or provides different aid, benefits, services, or treatment, or
- Imposed by a third party upon an Employee or Student who is engaged in a University-related activity.

2.1.4 Sexual Violence is defined as physical sexual acts perpetrated against an individual's will or where the individual is incapable of giving consent due to the victim's use of drugs or alcohol or an intellectual or other disability. Examples include, but are not limited to, rape, sexual assault, sexual battery and sexual coercion.

2.2 Employee Harassment. Section 703 of Title VII of the Civil Rights Act of 1964 defines harassment on the basis of sex.

2.3 Student Harassment. Sexual harassment of students is a violation of Title IX of the Education Amendments of 1972, which prohibits sex discrimination in education.

2.4 Complaints. Complaints of sexual harassment are to be made to the:

Equal Opportunity Director

Morgan Hall Room 200K, Washburn University

Phone: 785-670-1509

Email: eodirector@washburn.edu

Online: <https://www.washburn.edu/statements-disclosures/equal-opportunity/index.html> (<https://www.washburn.edu/statements-disclosures/equal-opportunity/>)

3. Harassment—General

3.1 Responsibility. All individuals must be allowed to pursue activities at the University free from harassment based on race, color, religion, age, national origin, ancestry, disability, sex, sexual orientation, gender identity, genetic information or marital or parental status. Responsibility for maintaining a harassment free campus environment rests with all Employees and Students, and others while on the University campus or involved in University-sponsored activities.

3.1.1 Harassment is defined to have occurred when, on the basis of race, color, religion, age, national origin, ancestry, disability, sex, sexual orientation, gender identity, genetic information or marital or parental status a hostile or intimidating environment is created in which verbal or physical conduct, because of its severity and/or persistence, is likely to interfere significantly with an individual's work or education, or affect adversely an individual's living conditions.

3.2.1 Legal Implications.

3.2.1 Harassment of an Employee is a violation of Section 703 of Title VII of the Civil Rights Act of 1964 which defines harassment on the basis of sex.

3.2.2 Sexual harassment of a Student is a violation of Title IX of the Education Amendments of 1972 which prohibits sex discrimination in education.

3.2.3 Complaints. Complaints of harassment (as defined in this section) are to be made to the:

Equal Opportunity Director

Morgan Hall Room 200K, Washburn University

Phone: 785-670-1509

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Complaints must be filed within 180 days of the latest alleged incident.

3.3 Harassment—Complaint Procedures. Individuals who believe they may be or are victims of harassment in violation of the University's equal opportunity/harassment policies, should promptly take one or more of the steps outlined in the complaint procedure. It is not necessary for all steps to be taken or to be taken in order. Nothing in these procedures shall be construed as preventing any individual from pursuing any other legal action.

Any retaliation against an individual who files a complaint of discrimination/harassment or against individuals who participate in the proceedings is strictly prohibited.