

RESOLUTION RE REVISED DRAFT PROCEDURES FOR SEXUAL HARASSMENT OF MARCH 21, 1996

BE IT RESOLVED, that the Senate recommends that the University Faculty Committee transmit to the Provost the following suggestions for amending the Revised Draft Procedures for Sexual Harassment of March 21, 1996:

I. Footnote 3 on page 3 should be deleted, and in its stead, the following wording inserted as a separate paragraph following numbered paragraph (3) in "Prohibited Conduct: Sexual Harassment Defined" on page 2.

Speech occurring in an academic or research context which otherwise might be considered sexual harassment is generally protected by the principle of academic freedom, even if some listeners find it objectionable. Such speech will not be considered to constitute "hostile environment" discrimination unless it is directed at a specific person and is abusive, severely humiliating, or persists despite the objection of the person(s) targeted by the speech.

II. a. In the "Faculty Co-Investigator" paragraph on page 11, the words "Office of Equal Opportunity" should be replaced with "Dean of the Faculty" in line 5.

b. The words "elected pool of faculty members with experience in conducting administrative investigations and hearings" shall be replaced with "a pool of faculty members chosen by procedures to be established by the Faculty Senate".

III. In the "No-cause finding" paragraph on page 13, in line 7, the words "may include, if appropriate" should be replaced with "will include".

IV. In the "Cause Finding - Contested" paragraph on page 14, the following concluding sentence should be added. "In situations resulting in disciplinary sanctions, the standard of proof shall be clear and convincing evidence that sexual harassment has taken place."

V. In the "Faculty Grievance Procedure" paragraph, the words "severe sanction such as" in lines 8-9 should be deleted in the interests of specificity.

Adopted as amended by the Faculty Senate, April 10, 1996.