

WAC 504-26-220 Discriminatory harassment. (1) Unwelcome, intentional conduct on the basis of sex (other than Title IX sexual harassment); sexual orientation; gender identity; race; religion; age; color; creed; national or ethnic origin; marital status; genetic information; status as an honorably discharged veteran, protected veteran, or member of the military; physical, mental, or sensory disability (including disability requiring the use of a trained service animal); or immigration or citizenship status, except as authorized by federal or state law, regulation, or government contract, which is so severe or pervasive, and objectively offensive, that it substantially and unreasonably:

(a) Interferes with, or has the potential to interfere with, an individual's ability to participate in university employment, education, programs, or activities;

(b) Adversely alters the condition of an individual's university employment, education, or participation status;

(c) Creates an objectively abusive employment, program, or educational environment; or

(d) Results in a material or substantial disruption of the university's operations or the rights of students, staff, faculty, visitors, or program participants.

(2) In determining if conduct is harassing, the totality of the circumstances are assessed including, but not limited to, the following factors:

(a) Severity;

(b) Frequency of the discrimination;

(c) Status of the complainant and respondent parties and their relationship to each other;

(d) Physicality, threats, or endangerment; and

(e) Whether or not the conduct could be reasonably considered protected speech or serving some other lawful purpose.

[Statutory Authority: RCW 28B.30.150. WSR 25-20-053, s 504-26-220, filed 9/25/25, effective 10/26/25; WSR 24-23-093, s 504-26-220, filed 11/19/24, effective 12/20/24; WSR 22-23-142, § 504-26-220, filed 11/21/22, effective 1/1/23; WSR 21-07-057, § 504-26-220, filed 3/15/21, effective 4/15/21; WSR 18-23-083, § 504-26-220, filed 11/19/18, effective 12/20/18; WSR 14-11-025, § 504-26-220, filed 5/12/14, effective 6/12/14; WSR 06-23-159, § 504-26-220, filed 11/22/06, effective 12/23/06.]