What is discrimination?

Discrimination is the unfair or unequal treatment of an individual or group of people based upon certain protected characteristics. Discrimination in the workplace occurs when an individual experiences an adverse employment action based on a protected characteristic or category.

What are protected characteristics or categories?

The following characteristics and categories are protected by law and University policy, i.e. discrimination on the basis of these characteristics is prohibited: age (over 40), ancestry, citizenship, color, disability (physical or mental), gender/gender-identity, marital status, medical condition/genetic information, national origin, pregnancy, race, religion, sexual orientation and veteran status.

What are bias incidents?

Bias incidents are acts of conduct, speech, or expression that target individuals and groups based on their real or perceived membership in a protected category or protected characteristic. Examples of bias incidents include:

✓ A public speaker who makes homophobic comments about members of the LGBT community
✓ Anti-Semitic or Islamaphobic flyers posted on campus
✓ Verbal insults directed toward a person of color

Some bias incidents may violate University Nondiscrimination policies, the Student Conduct Code or other University policies. Other acts of bias may not violate law or policy or may, in fact, be protected expressions of speech. Protecting freedom of expression, including controversial speech, and sometimes even offensive or hurtful words, is vital to our commitment to teaching and learning. Nevertheless, we encourage
reporting bias incidents so the University can determine if policies have been violated and support persons who feel victimized.

Additional information, including instructions on how to report a bias incident, can be found at

http://reporthateandbias.ucdavis.edu

What is harassment?

Harassment is a specific type of discrimination, and is defined as 
unwelcome conduct which unreasonably interferes with or adversely impacts the educational or work environment. Again, the unwelcome conduct must be based on a legally protected characteristic or category. Some examples of this type of behavior include:

✓ Telling jokes that target specific groups of people
✓ Getting left out of information-sharing or social gatherings at work, which are organized by people of the same group (same gender, same race, etc.)

Because the University strives to prevent harassment and discrimination from occurring, HDAPP often responds to problematic behavior even if the behavior might not constitute harassment or discrimination under the law or University policy.

What is sexual harassment?

Sexual harassment can be defined as unwanted sexual attention or behavior which negatively affects the work or learning environment. In some cases, this occurs when a person in a position of power uses that power to coerce a subordinate into providing sexual favors. The imbalance of power creates a situation in which the subordinate does not feel free to say “no.” Some examples of this type of behavior include:

✓ unwanted, repeated requests for dates
✓ offering employment or educational benefits in exchange for personal attention
✓ repeated attempts to turn a professional relationship into a personal one
In some instances of sexual harassment, there is behavior of a sexual nature in the workplace or learning environment which creates an intimidating, offensive or hostile environment that disrupts people’s ability to do their job or learn. This behavior may occur between peers or between people with unequal power. Some examples of this type of behavior include:

✓ sexual jokes and innuendo, including in email, texting and social media
✓ unwanted, repeated requests for dates
✓ suggestive looks, gestures and sounds
✓ sexual touching
✓ posters, screen savers, or other visuals

What is sexual violence?

Sexual violence includes sexual assault, domestic violence, dating violence and stalking. Along with sexual harassment, all of these are prohibited by law and university policy.

Sexual assault is any unwanted, non-consensual sexual act in which a person is threatened, coerced or forced to comply against their will, or where a person is unable to give consent because they are a minor, unconscious, asleep or incapacitated due to drugs or alcohol. Sexual assault can include unwanted, non-consensual oral, anal or vaginal sexual intercourse, penetration with a foreign object (i.e. fingers, sex toys, etc.) or sexual battery (non-consensual touching of the breasts, buttocks or genitalia).

Perpetrators of sexual assault may be known or unknown to the victim; they might be a date, partner, spouse, acquaintance, family member or stranger.

In California, consent is defined as positive cooperation; it must be freely and voluntarily given, and all participants must have knowledge and understanding of the act. Consent cannot be given where:

✓ Force, threat of force, coercion or fraud is used to gain compliance
✓ Someone is incapacitated due to alcohol or other drug use
✓ Someone is asleep or unconscious
✓ Someone is under the legal age of consent (18 years old in California)

Consent can also be revoked, even in the middle of a sex act. If someone physically or verbally communicates to the other person that they do not wish to continue with the sexual act or encounter, that other person must immediately stop. If they do not stop when asked, any sex act after consent has been revoked is considered assault.

**Domestic violence** is defined as abuse committed against an adult or a minor who is a spouse or former spouse, cohabitant or former cohabitant, or someone with whom the abuser has a child, and has an existing dating or engagement relationship, or has had a former dating or engagement relationship.

**Dating violence** is defined as abuse committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim.

**Stalking** is behavior in which a person repeatedly engages in conduct directed at a specific person that places that person in reasonable fear of his or her safety or the safety of others.

Additional information about sexual violence, including resources and options for reporting, can be found at:


### Beyond the definitions

In some programs and departments, the work and learning environments spread far beyond the classroom, lab or office. Internships, field trips, conferences, and many other **off-site activities** may be seen as extensions of these environments.

Harassment and discrimination produce a far-reaching “ripple effect,” wherever they occur. Of course, the individuals directly involved are affected by the emotional, physical and often financial repercussions of harassment and discrimination. The ripple effect extends to others, too; co-workers, classmates, friends and family members can also be hurt.
Because of the ripple effect created by harassment and discrimination, sometimes complaints are made by a **third party**. This is someone who is not the direct recipient of inappropriate behavior, but who feels that this behavior has created an offensive or intimidating environment for them.

At times, our words and actions are perceived differently from how we intend them. It is important to note that it is the **impact** of the behavior, not the **intent**, which is used to determine whether the behavior constitutes harassment or discrimination.

Harassment and discrimination may occur in other scenarios as well; the examples listed above are just some of the forms they may take. In any form, they are **prohibited**. They violate Title VII of the Federal Civil Rights Act, Title IX of the Education Code, California state law and University of California policy. **Retaliating** against someone for complaining about harassment or discrimination is also illegal and against University policy.

Remember, everyone at UC Davis is entitled to an environment free of harassment and discrimination.

**Who can help?**

UC Davis offers numerous resources for everyone concerned about harassment and discrimination. Some are completely confidential, some offer complaint processes, and some are available just to talk. If you need assistance or would like more information, the following resources are available:

**Harassment & Discrimination Assistance and Prevention Program**

*(530) 752-9255*

The Harassment & Discrimination Assistance and Prevention Program (HDAPP) provides assistance to any UC Davis community member concerned about harassment, discrimination, bias, and sexual violence. Please call HDAPP to consult, make a report, schedule an educational program, or request materials.
Anonymous call line
A-CALL (530) 752-2255
Use this resource to discuss concerns without providing identifying information.

Sexual harassment advisors
The advisors are specially trained staff and faculty who have expertise in the UC Davis sexual harassment policy and complaint resolution. They can assist with early resolution and make referrals to other campus and community resources. They also have expertise and sensitivity in issues of gender, ethnicity and sexual orientation. Please call HDAPP for a referral, or check the list at:

http://hdapp.ucdavis.edu

Title IX, Lead Discrimination and Chief Compliance Officer
Wendi Delmendo: (530) 752-9466, wjdelmendo@ucdavis.edu
Individuals may also report harassment, discrimination, bias, and sexual violence to the Chief Compliance Officer, who also serves as the UC Davis Title IX Officer and Lead Discrimination Officer.

Confidential Resources
Conversations with staff in certain units are not considered official reports of harassment or discrimination. You can speak openly without giving up any control over your situation. These units will not report your concerns to anyone else, and they will not take action toward resolving your concerns without your consent.

Academic and Staff Assistance Program (staff/faculty)
(530) 752-2727
Counseling and Psychological Services (students)
(530) 752-0871
Campus Violence Prevention Program (regarding sexual violence concerns)
(530) 752-3299
Additional Confidential Resources can be found at the HDAPP website, http://hdapp.ucdavis.edu.

What can you do?

If you feel that you may be experiencing harassment or discrimination:

✓ Don’t blame yourself. You have not asked for this unwelcome behavior.

✓ Get personal support. Don’t let feelings of self-doubt or confusion stop you from seeking help or speaking out. Consider talking to any of the resources listed here.

✓ Act quickly. The behavior will not go away. Often the behavior escalates rather than diminishes. Also, some options for remedy expire after thirty days.

✓ Keep a record. Note dates, places, times and witnesses, as well as the nature of the unwanted conduct.

✓ Learn your rights and resources. Call any of the resources listed in this booklet for assistance.

If you are concerned about being accused of harassment or discrimination:

✓ Examine your own behavior. Could it be interpreted as harassment or discrimination, even if that’s not your intent?

✓ Ask yourself how you would feel if someone acted this way toward your family member or friend.

✓ Learn your rights and resources. Call any of the resources listed in this booklet for assistance.
If you are a supervisor, faculty member or other designated official:

You have special responsibilities at UC Davis, including preventing harassment and discrimination, receiving reports of harassment and discrimination, and consulting with HDAPP when you receive a report.

You are also required by state law and UC Davis policy to take Sexual Harassment Prevention training to be sure you are able to fulfill your responsibilities.

Here is a brief checklist to help you respond appropriately to a report of sexual harassment or discrimination.

✓ Consult with a specialist at HDAPP, (530) 752-9255. This consultation can include the reporting individual, if desired.
✓ Explain the availability of relevant campus resources, including those which are completely confidential.
✓ Provide a copy of this brochure and refer the individual to the relevant policy section(s).
✓ Avoid promising anonymity or complete confidentiality.
✓ Avoid starting your own investigation or fact-finding until you’ve consulted with HDAPP.
✓ Take reasonable steps to ensure an appropriate work or learning environment while additional consulting occurs.
✓ Refrain from discussing the situation with people who have no right or need to know about it.

About Consensual Relationships

Consensual relationships between faculty members and certain other members of the UC Davis community are violations of APM 015, the Faculty Code of Conduct. Also, some romantic relationships may begin as consensual, but later evolve into situations that lead to accusations of sexual harassment. When in doubt, feel free to call any of the resources listed in this brochure.
Training and educational opportunities:

HDAPP is available to provide training to your unit or department upon request. Additionally, HDAPP provides regularly scheduled training for staff and supervisors through Staff Development & Professional Services. Information on HDAPP’s current training and educational opportunities is available on our website: http://hdapp.ucdavis.edu. You can also find helpful links to online training courses and current promotions and events.

The Campus Violence Prevention Program (CVPP) at (530) 752-3299 provides a wide variety of programs to inform the UC Davis community about the resources available for dealing with sexual assault, domestic/dating violence, stalking and their aftermath.

The Diversity Education Program at (530) 752-2071 provides customized workshops that foster better understanding of the multicultural nature of our campus community.

“Living the Principles of Community” is an on-line course designed to promote inclusiveness and respect in the work and learning environment at UC Davis. It can be helpful for individuals, or for departments to take as a group and then engage in a facilitated discussion afterwards. Contact the Diversity Education Program for more information.

About Confidentiality

When you talk with a university official about a situation that may be harassment and/or discrimination, this person will probably have to call HDAPP to report and consult. If you wish to discuss your situation openly and NOT have it officially reported, please contact one of the Confidential Resources listed above. When you call HDAPP or any University resource, you have the option to remain anonymous as long as you do not reveal your identity or the identities of others involved in your particular situation.
UC Davis policies prohibit any form of harassment and discrimination as well as retaliation for bringing a complaint forward. UC Davis is committed to providing an environment which is free of harassment and discrimination for everyone who participates in University programs and activities. This commitment is in accordance with the spirit of the UC Davis Principles of Community.

Please call (530) 752-9255 to request a copy of this booklet.

**HDAPP**

[http://hdapp.ucdavis.edu](http://hdapp.ucdavis.edu)