UNDERSTANDING & PREVENTING SEXUAL HARASSMENT & DISCRIMINATION IN THE WORKPLACE

SUPERVISOR’S HANDBOOK

YOUR GUIDE TO PREVENTION

By

Sexual Harassment Education Program

University of California, Davis

Revised
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UNDERSTANDING & PREVENTING SEXUAL HARASSMENT & DISCRIMINATION IN THE WORKPLACE

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INTRODUCTION

Being a supervisor is difficult. You figure out systems and strategies for handling so many different responsibilities and then along comes a new policy, procedure or problem to wrestle with.

Sexual harassment and discrimination aren’t new problems, but many of the supervisors we work with have expressed their frustrations in dealing with these issues. We developed this handbook with two purposes in mind. First, we wanted to provide concise, accurate information to increase your own understanding of sexual harassment and discrimination. Second, since you may handle only a handful of cases in these areas during your career at UCD, we wanted to give you some guidance in a format you could literally reach for when you need it.

This handbook is based on several principles. Understanding that framework will make it even easier for you to use this handbook successfully.

 предостережение This handbook supplements other educational opportunities offered at UCD -- it doesn’t replace them. We continue to recommend that all supervisors take relevant classes through Staff Development and Professional Services, attend seminars and workshops sponsored by our units, and avail themselves of as many resources as possible to continue improving their abilities to address these problems.

 предостережение The specific strategies and techniques described here may be helpful in other situations, too. While our primary focus is to help you resolve sexual harassment and discrimination problems, we hope you will be able to apply these ideas to other types of conflicts, at work and in other facets of your lives.

 предостережение Some behaviors, while not violations of the law or University policy, still violate the Principles of Community and do not promote diversity. Whether or not you become fluent in the language of the laws on discrimination, it’s crucial for you as a supervisor to understand UCD’s commitment to creating and maintaining an atmosphere free of all forms of discrimination and harassment.

We wish there were no need for a handbook like this. Perhaps the issues of discrimination and sexual harassment will be eradicated from institutions like ours in the not-too-distant future. Until then, we hope you find this book a useful resource as you fulfill your supervisory responsibilities. Good luck!
The University of California, Davis, is first and foremost an institution of learning and teaching, committed to serving the needs of society. Our campus community reflects and is a part of a society comprising all races, creeds, and social circumstances. The successful conduct of the University’s affairs requires that every member of the university community acknowledges and practices the following basic principles:

We affirm the dignity inherent in all of us, and we strive to maintain a climate of justice marked by respect for each other. We acknowledge that our society carries within it historical and deep-rooted misunderstandings and biases, and therefore we will endeavor to foster mutual understanding among the many parts of our whole.

We affirm the right of freedom of expression within our community and also affirm our commitment to the highest standards of civility and decency towards all. We recognize the right of every individual to think and speak as dictated by personal belief, to express any idea, and to disagree with or counter another's point of view, limited only by the University regulations governing time, place, and manner. We promote open expression of our individuality and our diversity within the bounds of courtesy, sensitivity, and respect.

We confront and reject all manifestations of discrimination, including those based on race, ethnicity, gender, age, disability, sexual orientation, religious or political beliefs, status within or outside the University, or any of the other differences among people which have been excuses for misunderstanding, dissension, or hatred. We recognize and cherish the richness contributed to our lives by our diversity. We take pride in our various achievements, and we celebrate our differences.

We recognize that each of us has an obligation to the community of which we have chosen to be a part. We will strive to build a true community of spirit and purpose based on mutual respect and caring.

Created April 1990
Reaffirmed 1996, 2001 and 2010
I.

UNIVERSITY OF CALIFORNIA NONDISCRIMINATION POLICY REGARDING ACADEMIC AND STAFF EMPLOYMENT

It is the policy of the University not to engage in discrimination against or harassment of any person employed or seeking employment with the University of California on the basis of race, color, national origin, religion, sex, physical or mental disability, medical condition (cancer related), ancestry, marital status, age, sexual orientation, citizenship, or status as a Vietnam-era veteran or special disabled veteran. This policy applies to all employment practices, including recruitment, selection, promotion, transfer, merit increase, salary, training and development, demotion, and separation. This policy is intended to be consistent with the provisions of applicable State and Federal law and University policies.

II.

SEXUAL HARASSMENT
Section 380-12

The University of California is committed to creating and maintaining a community in which all persons who participate in University programs and activities can work together in an atmosphere free of all forms of harassment, exploitation, or intimidation, including sexual. The University is strongly opposed to sexual harassment. Such behavior is prohibited both by law and by University policy. It is the intention of the University to take whatever action may be needed to prevent, correct, and, if necessary, discipline behavior that violates this policy.

The law and UC Davis policy prohibit retaliation against an individual who has brought a complaint of sexual harassment or taken part in an investigation or hearing.

III.

STAFF COMPLAINTS CHARGING DISCRIMINATION
Section 380-15

Discriminatory actions by any employee are prohibited by University policy and will not be tolerated in any form. Complaints may be brought under this policy for alleged discriminatory action or harassment based upon race, color, national origin, ancestry, religious creed, gender, sexual orientation, marital status, medical condition, disability, Vietnam-era veteran status, special disabled veteran, or, within the limits imposed by law or University regulations, because of age or citizenship.

Retaliation toward an individual on the basis of her/his bringing a complaint of alleged discriminatory action is also prohibited.
Sexual Harassment and Discrimination are illegal and are covered by the following legislation and by governmental agency regulation.

1. **Federal Executive Order 11246** dictates that all federal contractors must be in compliance with the legislation below, and must make good faith efforts to eliminate any racial, ethnic or gender underrepresentation in employment. The federal government can invoke penalties and fines on a day-by-day basis for non-compliance in rectifying a situation of discrimination or sexual harassment, and must make good faith efforts to eliminate any racial, ethnic or gender underrepresentation in employment. For such processes, a civil law suit must be filed within one year.

2. Sexual Harassment and Discrimination violate Title VII of the Federal Civil Rights Law. Complaints may be filed directly with the **Equal Employment Opportunity Commission**. Such complaints must be made within 300 days of the last incident.

3. Sexual Harassment and Discrimination are also prohibited by **Title VI and Title IX** of federal education law. Complaints may be filed with the **U.S. Department of Education** within 180 days from the last incident or from the date of the outcome of a grievance.

4. Sexual Harassment and Discrimination are illegal under **California State Law** and complaints may be made to the **California Department of Fair Employment and Housing** within 365 days from the last incident.

5. Civil lawsuits must be filed within one year.

These regulations are rigorous and subject employers to substantial liability if it fails to take positive action to prevent and resolve such behavior. The EEOC Title VII regulations state that “an employer is responsible for its acts and those of its agents regardless of whether the specific acts complained of were authorized or even forbidden by the employer and regardless of whether the employer knew or should have known of their occurrence.” The regulations also state that “an employer is responsible for acts of Sexual Harassment in the work place where the employer (or its agents or supervisory employees) knows or should have known of the conduct, unless it can show that it took immediate and appropriate administrative action.”
DEFINITIONS

I. What Is Sexual Harassment?

Sexual Harassment can be defined as *unwelcome conduct of a sexual nature* in the work or learning environment.

**Quid Pro Quo**

Sexual harassment 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 a subordinate does not feel free to say “no.”

For example:
- Demanding sexual favors in exchange for a promotion or a raise
- Disciplining or firing a subordinate who ends a romantic relationship
- Changing performance expectations after a subordinate refuses repeated requests for a date

**Hostile Environment**

Behavior of a sexual nature in the workplace or learning environment can create an intimidating, offensive or hostile environment that affects people’s ability to do their job or to learn. This behavior may occur between peers or between people with unequal power.

For example:
- **VERBAL:** sexual jokes, suggestive emails, repeated requests for dates
- **PHYSICAL:** touching, fondling, sexual assault
- **VISUAL:** suggestive pictures, screensavers, cartoons

**Third Party Complaints**

Someone who is not the direct recipient of the unwanted sexual attention, but who feels that this behavior has created an offensive or intimidating environment for them, may legitimately make a complaint.

II. What Is Discrimination?

Discrimination is the act, practice, or an instance of treating a person(s) differently than others because of that person’s race, gender, ethnicity, age, or other protected characteristic.
DEFINITIONS (continued)

**Intentional Behavior**

Discrimination claims require proof that the decision maker was actually motivated by the complainant’s race, gender, etc.

**Disparate Treatment**

The employer treats one or more persons less favorably than others because of their race, gender, etc. This is the most common type of discrimination case.

**Hostile Environment**

A work or learning environment which becomes offensive or intimidating to someone because of discriminatory behavior.

For example:
- **VERBAL**: jokes, comments or epithets
- **VISUAL**: cartoons, posters, written comments/symbols

**III. What Is Retaliation?**

The right to file a complaint is a protected activity. Employees and students must feel confident that making such a complaint will not result in any punitive or discriminatory behavior towards them by others: the accused party, a supervisor, or any other individual.

**IV. What Is A Designated Official?**

These are UCD employees with responsibility for receiving, responding to and reporting sexual harassment complaints.

Generally, designated officials have supervisory or authoritative roles, including faculty.

If your position involves supervising, evaluating, hiring, or any other activity which may affect someone’s terms or conditions of employment or academic status, you are probably a designated official.

**V. What are the Responsibilities of a Designated Official?**

Designated officials must immediately consult with the SHO following notice of alleged sexual harassment. In consultation with the SHO, they implement appropriate interim protections. They work proactively to maintain a work or educational environment free from all forms of harassment or discrimination. Finally, designated officials must attend training as specified in law or policy.
What about free speech? Doesn’t the constitution guarantee my right to say whatever I want, hang up the posters I want, etc.? Also, isn’t my office my own personal space?

Supervisors can have a very hard time finding the balance between protecting everyone’s First Amendment rights, and encouraging everyone to respect the UCD Principles of Community. We recommend taking proactive steps to help your own unit develop and maintain an atmosphere in which people treat each other respectfully. Many questions of this type need to be answered on a case-by-case basis.

As for “personal space” — Our offices, labs, lockers, classrooms, etc. are all property of the University of California. We all want to feel “at home” in our work or study area, but supervisors sometimes need to remind individuals that the area in which they work (or study) is NOT personal space.

Aren’t these issues just an example of some people taking things too far? Can’t everybody just lighten up?

A sense of humor is important, but discrimination and sexual harassment are serious issues. The laws which now exist were created in response to real practices which had detrimental effects on real people. These laws protect people’s right to a workplace and academic environment free from discrimination, including sexual harassment. Supervisors should encourage people to take these issues seriously, and refrain from minimizing or making light of concerns brought to their attention.

What kind of obligation is there for the “victim” to tell the other person that their behavior is offensive or unwelcome?

Most of us would probably agree that in the ideal world, we would all resolve conflicts directly. Informing someone that their words or actions are offensive or intimidating is sometimes all that’s needed for the behavior to stop. We all need to do what we can to help create an environment at UC Davis for people to feel comfortable talking openly and directly.

In many cases, however, there are legitimate reasons why the “victim” can’t bring their concern directly to the other person. Often, the power difference between them is too intimidating. Some people are simply less assertive than others. Some of us were brought up with cultural norms that discourage direct confrontation.

Supervisors should discuss all possible options for resolving a conflict which is brought to their attention. This would include the option of the two parties discussing the problem directly; but supervisors should avoid communicating the idea that direct confrontation is required.
Does this mean I can’t pay someone a compliment anymore?

People generally can tell the difference between a genuine compliment meant to flatter someone, and a harassing remark meant to intimidate or belittle them. Be aware of compliments. However, if you always compliment someone’s physical appearance and never their professional or academic abilities, they could easily get the impression that you only appreciate them for their physical attributes, sense of clothing style, etc.

Don’t a lot of these complaints get filed just to get revenge?

No. Theoretically, this certainly could happen; but in reality, very few complaints are false. Most people who experience sexual harassment and discrimination simply want the unwelcome or offensive behavior to stop. Our society, however, frowns on confronting, or “making waves” in general. This makes it very difficult for many people to feel comfortable asking for help to deal with one of these problems.
Everything preceding is general information about Sexual Harassment and Discrimination. How will you apply this information to an actual complaint brought to your attention?

First, prepare yourself by reading the following useful information. Then, follow the suggested "Prevention Checklist."

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**“NOW WHAT?” — HANDLING COMPLAINTS**

**Note:** Per PPM 380-12, designated officials must call the Sexual Harassment Education Program when they receive a report of alleged sexual harassment. (530-752-9255)

1. **Listen.**

   - Let the individual tell in her or his own way what happened and why assistance is being sought. You do not have to judge or conclude: even if the charges are not ultimately proven true, it is likely that the individual is experiencing some kind of difficulty which may require your assistance or support.

   - Be aware of all the barriers and disincentives an individual must overcome in order to express a concern or complaint about sexual harassment or discrimination. It is not at all unusual that the individual will be indirect or reluctant to characterize the incident as sexual harassment or discrimination.

2. **As necessary and appropriate, direct the conversation to the following topics.**

   - Your role: its nature, limitations, and your responsibilities;

   - The campus’ commitment to and constraints on confidentiality in handling information about the incident;

   - Focus on specific details: what happened, where, when, and whether others involved are members of the campus community. As appropriate, ask the individual if it is okay for you to take a few notes;

   - Ask how they are feeling;

   - Ask what they want and need to deal with the incident.
3. **Assess immediate support needs.**

- Give information and referrals.
- Discuss referrals for personal support.
- As appropriate, assist the individual in identifying appropriate next steps for the next few hours and days.
- As appropriate, assist the individual in identifying a personal and institutional support network.

4. **Discuss UCD policy and options for pursuing administrative response.**

- Acknowledge that, when an individual seeks an institutional response, the campus will try to assure but cannot guarantee anonymity of the individual. Direct the individual to the Confidential Resources on campus if they wish to ensure confidentiality.
- Consult the referral chart for suggestions regarding where an individual might seek official response to typical problems.
- Call the Sexual Harassment Education Program (530-752-9255) to consult. You may include the individual in this consultation.
- In some cases, sexual harassment and discrimination complaints involve criminal offenses. If the individual expresses fear or if there is any threat of physical violence, discuss the option of reporting the situation to the UCD Police Department. Offer to escort or arrange for an escort if the individual is reluctant to deal with the police alone.

5. **Discuss the individual’s right to seek outside action on the grievance.**

- Explain briefly pertinent state and federal policies and agencies which are relevant;
- Provide individual with external agencies resource list and additional suggestions for meeting your obligation to address this situation.
NOW WHAT? — HANDLING COMPLAINTS (continued)

6. Requests to take no action.
   - Document the discussion. Avoid making promises that conflict with UCD’s obligation to respond appropriately.
   - Explore with the individual their reluctance to take the complaint further in the context of typical barriers to reporting.
   - Let employee know you are available for further discussion.
   - Contact the Sexual Harassment Education Program (530-752-9255) for additional suggestions for meeting your obligation to address this situation.

7. Invite the individual to return as appropriate.
   - As appropriate, tell individuals to return to report how things went at locations to which you referred them; to discuss decisions made regarding options you discussed; or to offer ongoing support in resolving the incident.

8. After discussion with employee: (Document it)
   - Record as soon as possible.
   - Describe the situation.
     - Be objective
     - Be precise about time, dates, locations.
     - If quoting, be as precise as possible.
     - If agreements are reached, state clearly what they are and when they come into effect.
   - Consult with the Sexual Harassment Officer or other member of the Sexual Harassment Education Program, if you haven’t already done so. (530-752-9255)
CHECKLIST FOR PREVENTION

☐ You are leaders and agents of the University and are charged with the responsibility to take whatever action is necessary to prevent sexual harassment and discrimination, if possible, and correct it when it occurs.

☐ Be a role model for staff, faculty and students by conducting yourself in a respectful and unbiased manner.

☐ Be aware of the impact your choice of words may have on others.

☐ Communicate to employees alternative resources for questions and concerns of sexual harassment and discrimination.

☐ Be aware and sensitive to the possible existence of sexual harassment & discrimination and take disciplinary action when appropriate.

☐ Annually, provide information and educational programs to employees regarding harassment and discrimination.

☐ Address any misconduct, including inappropriate comments, jokes, etc., seriously and quickly. Failure to act communicates the idea that you condone such behavior.

☐ Have a thorough working knowledge of the Sexual Harassment and Discrimination Policies and The Principles of Community.
### SEXUAL HARASSMENT & DISCRIMINATION RESOURCES AND TIME LIMITS FOR FILING COMPLAINTS (OUTSIDE UCD)

<table>
<thead>
<tr>
<th>Resource</th>
<th>Time Limit</th>
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<tbody>
<tr>
<td>Department of Fair Employment and Housing</td>
<td>365 days from last incident</td>
</tr>
<tr>
<td>2000 O Street #120</td>
<td></td>
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<tr>
<td>Sacramento, CA 95814-5212</td>
<td></td>
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<tr>
<td>(800) 884-1684</td>
<td></td>
</tr>
<tr>
<td>Equal Employment Opportunity Commission</td>
<td>300 days (10 months) from last incident</td>
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<tr>
<td>1301 Clay Street, Ste. 1170-N</td>
<td></td>
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<tr>
<td>Oakland, CA 94612-5217</td>
<td></td>
</tr>
<tr>
<td>(510) 637-3230</td>
<td></td>
</tr>
<tr>
<td>U.S. Department of Education</td>
<td>180 days from last incident or outcome of grievance</td>
</tr>
<tr>
<td>Office for Civil Rights, Region IX</td>
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<tr>
<td>50 United Nations Plaza</td>
<td></td>
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<tr>
<td>San Francisco, CA 94102</td>
<td></td>
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<tr>
<td>(415) 556-4275</td>
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### EDUCATION/TRAINING RESOURCES

<table>
<thead>
<tr>
<th>Resource</th>
<th>Contact Information</th>
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<tbody>
<tr>
<td>Sexual Harassment Education Program</td>
<td>(530) 752-9255</td>
</tr>
<tr>
<td>Lesbian, Gay, Transgender &amp; Bisexual Speakers Bureau</td>
<td>(530) 752-4227</td>
</tr>
<tr>
<td>Disability Management Services</td>
<td>(530) 752-6019</td>
</tr>
<tr>
<td>Diversity Awareness Education Program, Office of Campus Community Relations</td>
<td>(530) 752-2071</td>
</tr>
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SEXUAL HARASSMENT/DISCRIMINATION
CAMPUS RESOURCES LIST

In addition to resources below, the Personnel Officer for your college or administrative unit is also available for consultation.

FACULTY

1. **Sexual Harassment Education Office**
   - TB 169
   - General Office
   - (530) 752-9255
   - Anonymous Call Line
   - (530) 752-2255

   Assists in resolving issues relating to sexual harassment. Provides technical assistance and education to all students, faculty, and staff at UCD.

2. **Mediation Services**
   - TB 169
   - General Office
   - (530) 754-4480

   Offers mediation services to resolve concerns through the use of an impartial mediator.

3. **Academic & Staff Assistance Program**
   - (short term counseling)
   - 112 A Street, Davis, CA 95616
   - General Office
   - (530) 752-2727

   Offers assessment, intervention, consultation, and referral services to faculty, staff.

4. **Campus Violence Prevention Program**
   - UCD Police Department
   - General Office
   - (530) 752-3299

   Provides crisis intervention, advocacy services and educational programs on sexual and relationship violence and hate-related activity.

5. **Vice Provost – Academic Personnel**
   - Mrak Hall
   - General Office
   - (530) 752-2072

   Assists in sexual harassment and discrimination complaints involving faculty.

CAMPUS TITLE IX COMPLIANCE OFFICER

Wendi Delmendo, (530) 752-9466
# SEXUAL HARASSMENT/DISCRIMINATION

## CAMPUS RESOURCES LIST

### STAFF

1. **Sexual Harassment Education Office**  
   TB 169  
   General Office (530) 752-9255  
   Anonymous Call Line (530) 752-2255  
   Assists in resolving issues relating to sexual harassment. Provides technical assistance and education to all students, faculty, and staff at UCD.

2. **Employee & Labor Relations Consulting Group**  
   HR Administration Bldg.  
   General Office (530) 752-6660  
   Serves as a resource for managers and employees regarding corrective action, employee relations issues, policies, and concerns and represents University interests through administration of labor relations, grievance, and arbitration processes.

3. **Mediation Services**  
   TB 169  
   General Office (530) 754-4480  
   Offers mediation services to resolve concerns through the use of an impartial mediator.

4. **Academic & Staff Assistance Program**  
   (short term counseling)  
   112 A Street, Davis, CA 95616  
   General Office (530) 752-2727  
   Offers assessment, intervention, consultation, and referral services to faculty, staff, and families.

5. **Campus Violence Prevention Program**  
   UCD Police Department  
   General Office (530) 752-3299  
   Provides crisis intervention, advocacy services and educational programs on sexual and relationship violence and hate-related activity.

### STUDENTS

1. **Sexual Harassment Education Office**  
   TB 169  
   General Office (530) 752-9255  
   Anonymous Call Line (530) 752-2255  
   Assists in resolving issues relating to sexual harassment. Provides technical assistance and education to all students, faculty, and staff at UCD.

2. **Student Judicial Affairs**  
   308 North Hall  
   General Office (530) 752-1128  
   Assists students who have filed sexual harassment information complaints. Serves as Title IX Compliance Officer for students.

3. **Mediation Services (grad students)**  
   TB 169  
   Davis, CA 95616  
   General Office (530) 754-4480  
   Offers mediation services to resolve concerns through the use of an impartial mediator.

4. **Counseling Center**  
   219 North Hall  
   General Office (530) 752-0871  
   Offers assessment, interviews, consultation & referral services to students.

5. **Campus Violence Prevention Program**  
   UCD Police Department  
   General Office (530) 752-3299  
   Provides crisis intervention, advocacy services and educational programs on sexual and relationship violence and hate-related activity.

### CAMPUS TITLE IX COMPLIANCE OFFICER

Wendi Delmendo, (530) 752-9466