
UCLA Policy 630: Sexual Harassment

Issuing Officer: Assistant Vice Chancellor, Campus Human Resources
Responsible Dept: Campus Human Resources
Effective Date: July 1, 1998
Supersedes: UCLA Policy 630, dated 11/1/94

- I. REFERENCES**
- II. STATEMENT**
- III. DEFINITION**
- IV. PROCEDURES**
- V. STANDARDS OF CONDUCT**

I. REFERENCES

1. University of California Policy on Sexual Harassment and Complaint Resolution Procedures, 4/23/92 (copies available upon request from Campus or Medical Center Human Resources);
2. UCLA Procedure 630.1, Sexual Harassment Complaint Resolution.

II. STATEMENT

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 will not tolerate sexual harassment. This behavior is prohibited both by the law and by University policy. The University will take whatever action is necessary to prevent and correct such behavior and, if appropriate, discipline persons whose behavior violates this policy.

III. DEFINITION

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

- A. Submission to such conduct is made either explicitly or implicitly a term or condition of instruction, employment, or participation in other University activity;
- B. Submission to or rejection of such conduct by an individual is used as a basis for evaluation in making academic or personnel decisions affecting an individual; or
- C. Such conduct has the purpose or effect of unreasonably interfering with an individual's performance or creating an intimidating, hostile, or offensive University environment.

In determining whether the alleged conduct constitutes sexual harassment, consideration shall be given to the record of the incident as a whole and to the totality of the circumstances, including the context in which the alleged incidents occurred.

IV. PROCEDURES

A campus complaint resolution procedure to accommodate the special nature of sexual harassment complaints is further described in UCLA Procedure 630.1.

V. STANDARDS OF CONDUCT

The following UCOP policies are applicable to sexual harassment complaints:

- A. The Faculty Code of Conduct, as adopted by the Academic Senate, outlines ethical and professional standards which University faculty are expected to observe. It also identifies various forms of unacceptable behavior which are applicable in cases of sexual harassment and outlines sanctions and disciplinary procedures. Because the forms of unacceptable behavior listed in the Faculty Code of Conduct are interpreted to apply to sexual harassment, a violation of the University policy on sexual harassment constitutes a violation of the Faculty Code of Conduct.
- B. Applicable academic personnel policies and procedures are contained in the following sections of the Academic Personnel Manual: 015 - Conduct and Discipline; 035 - Affirmative Action and Non-discrimination; and 140 - Grievances.
- C. Policies applying to other academic appointees include existing provisions of academic personnel policy or memoranda of understanding which prohibit conduct which violates law and University policy with respect to sexual harassment.
- D. Policies Applying to Campus Activities, Organizations, and Students set forth in Section 100.00 the types of student misconduct that are subject to discipline and the types of disciplinary actions that may be imposed for violation of University policies or campus regulations. A violation of the University policy on sexual harassment is interpreted as a violation of those policies. Section 160.00 includes the University of California Policy on Sexual Harassment and Complaint Resolution Procedures.
- E. Applicable policies and procedures contained in the UCLA Student Code of Conduct.
- F. Existing provisions of Staff Personnel Policy or memoranda of understanding prohibiting conduct which violates law and University policy, including the University policy on sexual harassment, and provide for disciplinary action for inappropriate conduct.
- G. The applicable Personnel Policies for the Executive Management Program, the Management and Professional Program, and Administrative and Professional Staff Program.

Issuing Officer

/s/ Ruie Arnett

Assistant Vice Chancellor, Campus Human
Resources

Questions concerning this policy or procedure should be referred to
the Responsible Department listed at the top of this document.

**RESOLUTION ON FACULTY-STUDENT RELATIONS
ADOPTED BY THE ACADEMIC ASSEMBLY OF THE UNIVERSITY OF CALIFORNIA
ON NOVEMBER 30, 1983**

WHEREAS, in the special case of faculty-student relationships, a single and even mutually welcomed occurrence of certain kinds of behavior of an implied or explicit romantic or sexual nature can be unacceptable from the standpoint of inflicting irreparable or irremediable damage to the immediate or short-run educational environment; and

WHEREAS, even a single advance to a student by an instructor can dramatically harm the environment not merely between the student and the instructor but between the instructor and other students in the class or under the instructor's supervision, whether or not the advance is welcomed, invited, or rebuffed; and

WHEREAS, therefore even a single occurrence must be regarded by the academic community as a serious breach of professional ethics and proper standards of professional behavior;

THEREFORE BE IT RESOLVED that this Assembly adopts as its own the sense of the "Statement of Position" presented in the Annual Report of the University Committee on Privilege and Tenure for 1982/83, Part V;

TO WIT, members of the University faculty have always understood

1. That a faculty member who initiates with a current student a personal relationship with romantic or sexual implications or intentions, or who acquiesces in such a relationship initiated by a current student
 - a. can seriously compromise the student-teacher relationship, to which all faculty members have primary professional responsibilities;
 - b. can, in a course or class environment, seriously impair the educational environment not only for the principals in the relationship but for the faculty member's other students;
 - c. can give rise to charges of unacceptable discrimination by the faculty member's other students in regard to grading, references, access to laboratory equipment or other resources and educational opportunities;
 - d. may prejudice the faculty member's defense in the eventuality that sexual harassment or discrimination charges arise from such a relationship;
2. The "current student" shall be understood to mean
 - a. any student currently enrolled with the particular faculty member in a course offered for credit;
 - b. any student currently engaged in research under the official supervision or direction of the particular faculty member, in pursuit of undergraduate honors, in graduate research/writing projects for credit, in a doctoral dissertation program, in tutorials offered for academic credit, or in field research projects for academic credit;

3. That this Statement of Position does not refer to

- a. relationships existing before the faculty/current-student relationship, or
- b. relationships that become established after the conclusion of the coursework or the period of supervision or direction of research and writing projects undertaken for academic credit.

It is further RESOLVED that this Assembly instruct the University Committee on Privilege and Tenure to consider proposing legislation or an addition to the Faculty Code of Conduct in order to give force to the position expressed herein.

How the Law is Enforced

Employees or job applicants who believe that they have been sexually harassed may, within one year of the harassment, file a complaint of discrimination with the California Department of Fair Employment and Housing.

The Department serves as a neutral fact-finder and attempts to help the parties voluntarily resolve disputes. If the Department finds evidence of sexual harassment and settlement efforts fail, the Department may file a formal accusation against the employer and the harasser. The accusation will lead to either a public hearing before the Fair Employment and Housing Commission or a lawsuit filed on the complainant's behalf by the Department.

If the Commission finds that the harassment occurred, it can order remedies, not to exceed \$150,000 in fines or damages for emotional distress from each employer or harasser charged. In addition, the Commission may order hiring or reinstatement, back pay, promotion and changes in the policies or practices of the involved employer.



State of California

Department of Fair Employment & Housing
2014 T Street, Suite 210
Sacramento, CA 95814

Sexual Harassment Is Forbidden By Law

Sexual harassment in employment violates the provisions of the *Fair Employment and Housing Act*, specifically *Government Code sections 12940(e), (j), and (k)*.

Definition of Sexual Harassment

The *Fair Employment and Housing Act* defines harassment because of sex as including sexual harassment, gender harassment and harassment based on pregnancy, childbirth, or related medical conditions. The Fair Employment and Housing Commission regulations define sexual harassment as unwanted sexual advances or visual, verbal or physical conduct of a sexual nature. This definition includes many forms of offensive behavior and includes harassment of a person of the same sex as the harasser. The following is a partial list:

- ◇ Unwanted sexual advances
- ◇ Offering employment benefits in exchange for sexual favors
- ◇ Making or threatening reprisals after a negative response to sexual advances
- ◇ Visual conduct, e.g., leering, making sexual gestures, displaying of sexually suggestive objects or pictures, cartoons or posters
- ◇ Verbal conduct, e.g., making or using derogatory comments, epithets, slurs and jokes
- ◇ Verbal sexual advances or propositions
- ◇ Verbal abuse of a sexual nature, graphic verbal commentaries about an individual's body, sexually degrading words used to describe an individual, suggestive or obscene letters, notes or invitations

For more information,
contact the Department
toll free at:
(800) 884-1684

Sacramento area & out-of-state
(916) 227-0551

TTY Number
(800) 700-2320

or visit our website at:
www.dfeh.ca.gov

- ◊ Physical conduct, e.g. touching, assault, impeding or blocking movements

Employers' Obligations

All employers have certain obligations under the law. Employers must:

- ◊ Take all reasonable steps to prevent discrimination and harassment from occurring.
- ◊ Develop and implement a sexual harassment prevention policy.
- ◊ Post in the workplace a poster made available by the Department of Fair Employment and Housing.
- ◊ Distribute to all employees an information sheet on sexual harassment. An employer may either distribute this pamphlet (DFEH-185) or develop an equivalent document that meets the requirements of *Government Code section 12950(b)*. This pamphlet may be duplicated in any quantity. **However, this pamphlet is not to be used in place of a sexual harassment prevention policy which all employers are required to have.**

Employer Liability

All employers are covered by the harassment section of the *Fair Employment and Housing Act*. If harassment occurs, an employer may be liable even if management was not aware of the harassment. An employer might avoid liability if the harasser is a rank and file employee and if the employer had no knowledge of the harassment and if there was a program to prevent harassment. If the harasser is a rank and file employee and the employer was aware of the harassment, liability may be avoided if the employer took immediate and appropriate corrective action to stop the harassment.

Employers are strictly liable for harassment by their supervisors or agents. Harassers, including both supervisory and non-supervisory personnel may be held personally liable for harassing an employee or co-worker or for aiding and abetting harassment.

Additionally, *Government Code section 12940(j)* requires an entity to take "all reasonable steps to prevent harassment from occurring." If an employer has failed to take such preventive measures, that employer can be held liable for the harassment.

A victim may be entitled to damages even though no employment opportunity has been denied and there is no actual loss of pay or benefits.

Typical Sexual Harassment Cases

The three most common types of sexual harassment complaints filed with the Department are those in which:

- ◊ An employee is fired or denied a job or an employment benefit because he/she refused to grant sexual favors or because he/she complained about harassment. Retaliation for complaining about harassment is illegal, even if it cannot be demonstrated that the harassment actually occurred.
- ◊ An employee quits because he/she can no longer tolerate an offensive work environment, referred to as a "constructive discharge." If it is proven that a reasonable person in the victim's position, under like conditions, would resign to escape the harassment, the employer may be held responsible for the resignation as if the employee had been discharged.
- ◊ An employee is exposed to an offensive work environment. Exposure to various kinds of behavior or to unwanted sexual advances alone may constitute harassment.

Preventing Sexual Harassment

A program to eliminate sexual harassment from the workplace is not only required by law, but is the most practical way to avoid or limit liability if harassment should occur despite preventive efforts.

Training of All Individuals in the Workplace

All employees should be made aware of the seriousness of violations of the sexual harassment policy. Supervisory personnel should be educated about their specific responsibilities. Rank and file employees must be cautioned against using peer pressure to discourage harassment victims from using the internal grievance procedure.

Complaint Procedure

An employer should take immediate and appropriate action when he/she knows, or should have known, that sexual harassment has occurred. An employer must take effective action to stop any further harassment and to ameliorate any effects of the harassment. To those ends, the employer's policy should include provisions to:

- ◊ Fully inform the complainant of his/her rights and any obligations to secure those rights.
- ◊ Fully and effectively investigate. The investigation must be immediate, thorough, objective and complete. All persons with information regarding the matter should be interviewed. A determination must be made and the results communicated to the complainant, to the alleged harasser, and, as appropriate, to all others directly concerned.
- ◊ If proven, there must be prompt and effective remedial action. First, appropriate action must be taken against the harasser and communicated to the complainant. Second, steps must be taken to prevent any further harassment. Third, appropriate action must be taken to remedy the complainant's loss, if any.

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**A Guide for Faculty, Staff
and Students at UCLA**

What's Happening Here?

Student's Story:

I was excited about my research project. I was flattered when my graduate advisor suggested we discuss it over dinner. At first I felt uncomfortable meeting him in a social setting but, deciding that I was being paranoid, agreed. During dinner, we began to discuss class and my project. As the evening progressed, the conversation shifted to very personal topics, including my present and past boyfriends. I tried to shift the conversation back to something related to class but he kept drifting back to more personal issues. Occasionally he touched my hand and told me he thought I was attractive. As we were getting ready to leave, he stood uncomfortably close to me and patted me on the arm. I felt very self-conscious and nervous about the way my advisor was relating to me but I was afraid to offend him by saying anything. Now I find myself avoiding him even though I respect his opinions and need his guidance to do well in my department.

Professor's Story:

I was interested in her work, especially since her topic has been a special interest of mine. I thought her project had real potential. I invited her to dinner so we could talk over her ideas in a more relaxed atmosphere. I thought this would be helpful since she seems very bright but is nervous and shy in class. I enjoyed getting to know her better and I could tell the feeling was mutual. We had a good time and the discussion was productive. Since our meeting, I haven't seen much of her. I'm surprised that after such a promising start she seems less interested in my help. I guess she changed her mind about the project. It makes me wonder if she's really grad school material.

Collegiality or Sexual Harassment?

Employee's Story:

I am one of the few women who work in my department. Lately I've been having problems with my male co-workers. Some of them have gotten into the habit of calling me "Sweetie" and "Babe" all the time even though I've asked them to stop. They tell me it's their way of treating me like "one of the gang" and that I'm oversensitive. And to top it off, last week I walked into the locker room we all share to find pictures of women in suggestive poses posted on the wall. I'm now thinking of quitting because I'm feeling uncomfortable, intimidated and upset. I'm having a hard time concentrating and getting my work done. I'd talk to my boss but I see all of them hanging out together at lunch and after work and I'm afraid he'd take their side.

Boss's Story:

I'm glad she's joined our department, but, I must admit, it's been hard adjusting to having more women around. I've noticed that the guys joke around a bit with her but she doesn't seem to mind. Besides, everyone seems to be getting along well. I'm sure she'd let me know if there was a problem.

Keep in mind that whether or not someone intends their behavior to be hurtful or intimidating, the determining factor is the impact this behavior has on another person.

What is Sexual Harassment?

The law of sexual harassment is still in a state of flux and development. Some types of conduct can clearly be labeled as sexual harassment. Other categories of conduct may constitute sexual harassment, depending on the circumstances involved in a particular situation and the way in which legal definitions continue to evolve.

Sexual harassment may occur between peers or between people with unequal power. Individuals should know that job or academic-related social interactions of a sexual nature (especially if behavior falls into categories described below) put one at risk of being charged with sexual harassment.

Basically, sexual harassment falls into two broad categories:

- unwelcome advances and requests for sexual favors that are implicitly or explicitly factored into decisions about grades, promotions or raises (otherwise known as "quid pro quo"); and
- a "hostile environment" created by such behavior as sexual jokes or remarks, sexually explicit pictures or unwelcome physical contact.

Because of the ripple effect created by sexual harassment, sometimes complaints are made by a "third party." This is someone who is not the direct recipient of unwanted sexual attention but who feels that this behavior has created an offensive or intimidating environment for them. Remember, everyone at UCLA is entitled to an environment free of sexual harassment.

An important reminder: it is the **IMPACT** of the behavior, not the **INTENT**, which is used to determine whether the behavior constitutes sexual harassment.

Becoming a Part of the Solution

If you are in a position of power, the following suggestions may help you choose options for interacting with others that are respectful and appropriate rather than intimidating and hostile.

- **Be aware of the impact of your behavior.**
You may be sending subtle messages by the words you use, the jokes you tell, your body language, etc. A word about compliments: Compliments or comments about someone's appearance may be well-meaning but can send the wrong message. It is more appropriate to focus instead on someone's job/academic skills, abilities and accomplishments.
- **Develop a sensitivity to other people's discomfort.**
Some may be able to communicate their discomfort directly; others may try indirectly to let you know they are uncomfortable or offended by your actions, for instance, looking or moving away, nervous laughter, fidgeting, redirecting conversation. Sharpen your listening and observation skills to pick up these cues.
- **Be aware of the impact of your role on a person's ability to speak out about discomfort.**
If you are in a position of authority, your perceived or actual power to make decisions affecting others can be intimidating or threatening. When individuals are concerned that their grade, status or access to job/academic opportunities is at stake, they can have a lot to lose by speaking out. To minimize the risk, individuals may often choose to communicate indirectly, put up with the behavior or leave the situation. For this reason, it is essential that non-threatening opportunities are available so individuals who are uncomfortable can provide you with feedback.

- **Understand cultural differences.**

Behavior and speech that may seem innocuous to you may be offensive or uncomfortable to someone else. Sensitivity to others' different tolerance levels, comfort zones and style of communication (e.g., personal space, eye contact, joking, interacting in a casual manner) is critical, especially if you and the other individual are from different cultures or backgrounds.

- **Find alternative ways to mentor.**

Create opportunities for providing support in ways that reduce discomfort and increase confidence. Some examples include pairing with a faculty or staff member when you are working on or supervising individual projects, closely monitoring projects in which individuals work in pairs, leaving your door open for one-on-one meetings and explicitly stating norms for non-discriminatory behavior openly in class or at staff meetings.

- **Be aware of your potential to bring about positive change.**

Speak up when you come across inappropriate, offensive behavior. Recognize your influence as a role model by establishing appropriate, respectful relationships and creating an environment in which discrimination of any form is not tolerated.

Reducing Your Risk of Being Harassed

How do you know when you're at risk of being sexually harassed? Trust your feelings and instincts. If an interaction feels uncomfortable, you have a right to say so. It is important to remember that, regardless of the ways an individual has chosen to respond to harassing behavior, no one asks for or deserves to have their personal freedom violated. If you or someone you know is being harassed, the following are some options for dealing with the behavior as well as gaining control over the situation.

- Clearly communicate your disapproval of behavior that makes you feel uncomfortable. It is especially helpful to be specific and definitive. Some assertive responses include:

I'm not comfortable with that behavior. Please stop.

I'm not interested in getting together socially –

I'd prefer our relationship remain professional.

My name is _____, not Babe.

That joke wasn't funny.

- Adopt a confident stance to underscore your verbal message.

Look at someone directly rather than looking away.

Communicate in a firm, professional tone of voice rather than smiling or giggling (common nervous responses).

Protect your personal space and move if someone gets too close.

Choose not to answer questions that are inappropriate, overly personal or probing.

Believe you have a right to put your own safety first rather than worrying about offending someone or hurting their feelings.

- Avoid the natural inclination to become victimized by the situation, which may include:

AT SCHOOL: missing class, coming in late, leaving early, turning in assignments late, accepting special favors from the harasser ("I'll let you turn the paper in late").

AT WORK: calling in sick, coming in late, leaving early, taking extended breaks, giving up your territory ("Why don't you let Mary take over that assignment for you").

- Talk to others to share your feelings, gather support and gain information.
- Document all incidents and conversations that involve harassment, including date, time, place, people involved and what was said and done.
- Consider writing a letter that conveys your disapproval of the harasser's behavior, your feelings and reactions and what you would like to happen. (For more specific details on this approach, contact a Sexual Harassment Information Center.)
- Tell someone who has the authority to take action, e.g., a Department Chair, supervisor, boss.
- You may decide that formal options are more appropriate for your particular situation. (See opposite page for more information.)
- Consult a Sexual Harassment Information Center for more information on the range of options that might be available for your particular situation. (See opposite page for more information.)

When Sexual Harassment Doesn't Stop

If you're unsure about a possible sexual harassment situation, or if efforts to stop a problem haven't worked, there are people who will listen and provide support and assistance. They can also provide information about formal and informal procedures for resolution. Call any of the following campus offices for more information:

Campus Human Resources/Employee and Labor Relations Office
2126 PVUB
825-0661

Campus Ombuds Office
1172 PCPC
825-7627

Center for Student Programming
337 Plaza Building
825-7041

Medical Center Human Resources/Employee and Labor Relations Office
200 Westwood Plaza
794-0500

Office of International Students and Scholars
105 Men's Gym
825-1681

Office of Residential Life
Residential Life Building
825-3401

Office of Vice Chancellor-Academic Personnel
2147 Murphy Hall
206-9345

Office of Vice Chancellor-Student Affairs
2221 Murphy Hall
825-3753

Staff Affirmative Action Office
1103 PVUB
825-0751

Student Psychological Services
A3-062 CHS (825-7985) and
4223 MSB (825-0768)

University Extension Dean's Office
770 UNEX
825-2362

Women's Resource Center
2 Dodd Hall
825-3945

For individuals with specialized needs, services are available upon request with advance notice. You may call one of the numbers listed above or the following TDD numbers for assistance: (310) 206-6083 (students), (310) 206-2947 (staff and faculty). Consult the Campus Directory for a complete listing of TDD numbers.

ALL INQUIRIES ARE CONFIDENTIAL

And Remember...

Sexual Harassment is Against the Law

Sexual harassment is a form of sex discrimination. It can occur between men and women, men and other men, or between women and other women. Sexual harassment violates Title VII of the Federal Civil Rights Act of 1964, as amended; Title IX of the Education Amendments of 1972; California state law; and University of California policies and procedures. If you believe you have been harassed, you may use the UCLA Sexual Harassment Procedures; or you may file a formal complaint within 365 days from the date of the alleged unlawful conduct with the California Department of Fair Employment and Housing (DFEH). The Los Angeles office of DFEH is at 322 West First Street, No. 2126, Los Angeles, CA, 90012, (213) 897-1997. Charges of sexual harassment may also be filed at any field office of the U.S. Equal Employment Opportunity Commission. Field offices are listed in your local telephone directory under U.S. Government. Information about all EEOC-enforced laws may be obtained by calling toll free to 800-669-EEOC.

Deans, Chairs, Department Heads, Managers and Supervisors are Responsible for Providing Harassment-Free Environments

Deans, chairs, department heads, managers and supervisors are responsible for ensuring that the working and learning environment is free of all forms of sexual harassment. They are also responsible for immediately responding to any incident of sexual harassment that comes to their attention. University liability is significantly increased when deans, chairs, department heads, managers and supervisors are aware of sexual harassment but fail to take appropriate action.

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Examples of Sexual Harassment

The following behaviors, when unwelcome constitute sexual harassment:

Verbal:

Referring to an adult as a girl, hunk, doll, babe or honey, etc. (an object or child)
Whistling at someone, cat calling
Making sexual comments about someone's body
Making sexual innuendoes or comments
Turning work discussions into sexual discussions
Telling sexual jokes or stories
Asking personal questions about social life or sexual life
Making kissing sounds, howling and smacking lips
Telling lies or spreading rumors about a person's personal sex life
Making participation in social events/sexual relationship a condition of a grade/job

Non Verbal:

Looking a person up and down, "elevator eyes"
Staring at someone, or at part of his/her anatomy
Blocking a person's path
Following a person around
Displaying sexually suggestive visuals
Making facial expressions such as winking, throwing kisses
Making sexual gestures with hands or body movements

Physical:

Giving a massage around the neck or shoulders
Touching the person's clothing, hair or body
Hugging, kissing, patting or stroking
Touching or rubbing oneself sexually around another person
Standing close or brushing up against a person

How to determine if your behavior is UNWELCOME:

Ask yourself the following:

1. Would I want any of the things I'm doing/saying to be on the evening news?
2. Would I behave in the same way if my significant other were standing next to me?
3. Would I want someone to treat my significant other in this way?
4. Is there equal initiation and participation between me and the other person?
5. Is there an academic purpose that was furthered by making that comment or by touching this person?

Adapted from Tina Watman's exercises on sexual harassment; Human Relations Office, UCLA, 1991

Saying "No" To Sexual Harassment
Informal Approaches to Dealing With the Problem
(Prepared by the UCLA Women's Resource Center)

Sexual harassment continues to be a concern on this and other campuses throughout the country. This concern is, in part, generated by the fact that many do not recognize the behavior for what it is: a violation of an individual's personal freedom.

A question often arises – how do I know if what I've encountered is sexual harassment? Unwelcome sexual advances, requests for sexual favors, or other verbal and physical conduct of a sexual nature constitute sexual harassment when: 1) submission to such conduct is made either explicitly or implicitly a term or condition of instruction, employment, or participation in other University activities, or, 2) submission to and rejection of such conduct by an individual is used as a basis for evaluation of an individual, or, 3) such conduct has the purpose or effect of unreasonably interfering with an individual's performance or creating an intimidating or hostile University environment. Sexual harassment may include: demeaning remarks about one's clothing, body or sexual activities based on gender; jokes, teasing, and remarks based on gender, verbal harassment or abuse; subtle pressure for sexual activity; unnecessary touching, patting, or pinching; leering at or ogling one's body; demanding sexual favors accompanied by implied threats relating to job or school performance and evaluation; and physical assault.

Students who have experienced sexual harassment often feel guilty, angry, powerless, and fearful. But it is important to remember that nobody deserves to have their personal freedom violated. If you or someone you know is being harassed, the following are some options for dealing with the harassment as well as gaining a sense of control over the situation.

Informal Approaches

Speaking with the Harasser

A harasser may not be aware of how his/her behavior is affecting you. A clear, verbal expression of your disapproval may stop the behavior from continuing:

"I don't want you to touch me – I'd prefer our relationship to be strictly professional."

"I'm not interested in becoming involved with you, and I expect that this won't affect my grade in your class."

Writing a Letter

A letter can be an effective and relatively non-threatening way of communicating your disapproval of the harasser's behavior, especially if previous methods have not been successful. This approach, discussed by Rowe¹ and Sandler², consists of three parts and is polite, low-keyed, and detailed in tone and format.

¹"Dealing With Sexual Harassment," Harvard Business Review, May-June 1981, p. 43.

²"Writing a Letter to the Sexual Harasser: Another Way of Dealing With the Problem," Project on the Status and Education of Women, 1983.

Part I tells the facts of what has happened, without evaluation, from your perspective. It should be detailed and as precise as possible, with dates, places and a description of the incident:

“On December 15, 1990, when I met you for a conference about my work, you asked me to come to your house that evening and said that it would ‘help’ my grades.”

“Several times this quarter when I have talked to you after class, you put your arm around me and rubbed my back. Once you also tried to fondle my breast.”

“Last week at the department party you asked me to go to bed with you.”

Part II describes how you feel about the events described in Part I and includes thoughts or opinions about what happened:

“I am embarrassed when I see you.”

“My stomach turns to knots when I come to class.”

“That is why I dropped your class.”

“It’s hard for me to sleep at night. I’ve lost 10 pounds.”

“You have made me think about transferring from the field of my choice.”

“It’s become difficult for me to concentrate on my work.”

Part III consists of what you want to happen next. This part may be very short, since most writers usually just want the behavior to stop:

“I want our relationship to be purely professional from now on.”

“I don’t want you to touch me again or make remarks about my sexuality.”

NOTE: If you believe a remedy is necessary, it would be included in this section:

“Please withdraw my last evaluation until we can work out a fair one.”

“I would like another professor to review my paper to ensure I will get a fair grade.”

The letter should be delivered either in person or by registered or certified mail; at least one copy should be kept. If the letter should fail to achieve its purpose, the letter can then be used in support of a formal complaint.

Some advantages of letter writing: it keeps the incident quiet, it avoids formal charges and a public confrontation, it provides the harasser with a new perspective on his/her behavior, and it may minimize or prevent retaliation against you.

Sexual Harassment



A Workshop for Teaching Assistants

What is it?

sex-u-al ha-rass-ment \`sek-sh(e-)wel he-`ras-ment\ *n* (1975):

- According to Merriam-Webster's Collegiate Dictionary (3rd Ed.), it is: uninvited and unwelcome verbal or physical conduct directed at an employee because of his or her sex.

A Legal Definition

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

Quid Pro Quo

- Submission to the conduct is made either explicitly or implicitly a term or condition of instruction, employment, or participation in other University activity,
- Submission to or rejection of such conduct by an individual is used as a basis for evaluation in making academic or personnel decisions, or



Hostile Environment

Such conduct has the purpose or effect of unreasonably interfering with an individual's performance or creating an intimidating, hostile, or offensive University environment.



Necessary Showings

- The conduct must be severe or pervasive
- "Mere offensive utterances" do not constitute sexual harassment.
- Courts look at all of the circumstances to determine whether a reasonable person would consider the conduct to be severe or pervasive from the victim's viewpoint.
- Frequency and severity are balanced.

Social Context

Oncala v. Sundowner Offshore Services

Determining whether a reasonable person would consider behavior to be severe requires "careful consideration of the social context in which the particular behavior occurs and is experienced by its target."

"The real social impact of workplace behavior often depends on a constellation of surrounding circumstance, expectations, and relationships which are not fully captured by a simple recitation of the words used or the physical acts performed."

Example

- Is a football player's environment severely or pervasively abusive if the coach smacks him on the buttocks as he heads onto the field?
- Would the same behavior reasonably be experienced as abusive by the coach's secretary back at the office?



Is this sexual harassment?



A role play exercise

Student's Story

I was excited about my research project. I was flustered when my graduate advisor suggested we discuss it over dinner. At first I felt uncomfortable about meeting him in a social setting but, deciding that I was being paranoid, agreed. During dinner, we began to discuss class and my project. As the evening progressed, the conversation shifted to very personal topics, including my present and past boyfriends. I tried to shift the conversation back to something related to class but he kept drifting back to personal issues. Occasionally he touched my hand and told me he thought I was attractive. As we were getting ready to leave, he stood uncomfortably close to me and patted me on the arm. I felt nervous about the way he was relating to me but I was afraid to offend him by saying anything. Now I find myself avoiding him even though I respect his opinions and need need his guidance to do well in my department.

Instructor's Story

I was interested in her work, especially since her topic has been a special interest of mine. I thought her project had real potential. I invited her to dinner so we could talk over her ideas in a more relaxed atmosphere. I thought this would be helpful since she seems very bright but is nervous and shy in class. I enjoyed getting to know her better and I could tell the feeling was mutual. We had a good time and the discussion was productive. Since our meeting, I haven't seen much of her. I'm surprised that after such a promising start she seems less interested in my help. I guess she changed her mind about the project. It makes me wonder if she's really grad school material.

The Case of the Lonely TA



Office Hours



- William moved to UCLA from the East Coast to pursue a master's degree in drama. Basically broke, he got a job as a TA of a popular course on film. While at first he felt too young (24 years old) to exert authority it turned out that his youth helped him to communicate with students and his classes were filled with discussion and philosophical debate. He developed a kind of friendship with some students.
- The only part he hated was office hours. He spent that time alone in an underground cubicle waiting for people who never came. That is, until Lisa showed up.

Is this sexual harassment?

- Lisa was one of the best students in class and she started popping by. They talked about movies, sexy actors, and the Lakers. William began looking forward to office hours.
- Lisa began putting her telephone number on assignments and one afternoon she showed up in a wet suit and said, "Surf's up. Wanna come?"



Is this?

- William did not go because he could not surf but he kicked himself for not going. That night, he started to dial Lisa's number several times but never placed the call.
- Later, he thought: All tests are numbered so the TA cannot know the identity of the student and cannot be biased in grading.
- He asked Lisa out for drinks.



How about now?

- After having a few too many drinks, William and Lisa end up in bed in William's apartment. Neither is very sure about how they got there.
- Lisa stopped dropping by for office hours and stopped coming to class. Her message machine came on every time William called.
- William saw Lisa on the street but she turned and walked the other way before he could speak to her.
- He heard that she left the University.



The Risks of Romance



Can I date a fellow Bruin?

It's a bad idea

- No UCLA rule or policy forbids dating a fellow Bruin except that faculty, including TAs, may not date a student currently enrolled in his or her class.
- Consensual relationships between a teacher and a student or between a supervisor and a subordinate are suspect given the power difference.
- Claims of harassment may also be made by other students or employees who believe they are treated unfairly because of the relationship.
- What if the relationship sours?



Power imbalances and changing circumstances

- Everyone interprets events based upon their own background, experiences, hopes and wishes.
- You cannot be sure that someone who depends on your good favor will view a pass as innocent or believe that rejection would be free of consequences.
- Current events will be interpreted in light of subsequent events.



What do you see?



- A fashionable young woman from a bygone era?
- An ugly woman with exotic taste in hats?
- Which one is the truth?

Date at your own risk

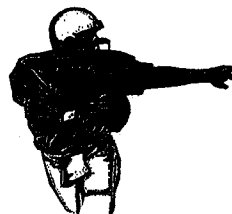
- If you date and your former love object alleges that the whole thing was sexual harassment, you are on your own.
- The University will not defend you and its obligations under the *Randi W.* case could lead to a refusal to provide recommendations.
- Oh yes, and your job could also be at stake because, while dating is not against the rules, harassment is.

What can you do about offensive conduct that is not yet severe or pervasive?

- Say you do not like it and ask the person to stop.
- If the conduct is repeated it can become a violation and the offender can be advised of this.
- The victim could begin to keep a log or diary of the conduct, including dates, times, witnesses, direct quotes, and any documents or photographs.

Report all inappropriate conduct

- The University can be held to know what you know.
- Your failure to report will be judged using 20-20 hindsight.
- When in doubt, shout.



Resources for assistance in making a direct response and beyond

- Information centers can assist in figuring out how to approach a harasser and what to say.
- The Ombuds Office offers confidential assistance and can help mediate an issue or dispute.
- Emotional distress is one of the human costs of harassment. Help is available at Student Psychological Services
- If someone fears harm—call the police



Filing a complaint

Why is it important?



- A complaint can protect the victim and others.
- Only by confronting a social problem can it be corrected.
 - In one survey, approximately 20% of graduate students reported being harassed.
 - Research shows that some harassers simply do not see anything wrong with their behavior.
- Laws or policies and their enforcement really do make a difference.

How do you do it?

- The status of the alleged harasser determines the applicable procedure.
- Three basic status choices
 - Student
 - Staff
 - Faculty



Who is the alleged harasser?

- | | |
|---------------------|--|
| • A staff member? | • Linda Avila
- Staff Affirmative Action,
x50751 |
| • A student? | • Kathleen McMahon
- Dean of Student's Office,
x53871 |
| • A faculty member? | • Eliza Vorenberg
- Office of the Vice
Chancellor, Academic
Personnel, x44217 |

Summary of options for addressing sexual harassment

- Speak directly to the harasser.
- Speak to the dean or department chair.
- Initiate an investigation by filing a complaint.
- Contact the Ombuds Office.
- File a complaint with a law enforcement agency.

Pamela J. Thomason, Sexual Harassment Coordinator//Title IX Officer (x63417)

DO YOU HAVE QUESTIONS ABOUT SEXUAL HARASSMENT? PLEASE CALL OR VISIT A UCLA INFORMATION CENTER:

Lynne Thompson
Employee & Labor Relations Mgr.
Campus Human Resources
UCLA Wilshire Center, Suite 200
(310) 794-0860

Campus Ombuds Office
Strathmore Building, Room 105
(310) 825-7627

Susan Townsley
Office Manager
Graduate Division
1237 Murphy Hall
(310) 825-4383

Elizabeth Kemper
Director, Student Legal
Services
70 Dodd Hall
(310) 825-9894

Dr. Joan Brown
Associate Director
Center for Student Programming
105 Kerckhoff Hall
(310) 825-5941

Eliza Vorenberg
Assistant to the Vice Chancellor
Academic Personnel
Chancellor's Office
3109 Murphy Hall
(310) 794-4217

Harold Pruett
Director
Student Psychological Ser-
vices
4223 Math Sciences Building
(310) 825-0768

Dr. Amy Gershon
Judicial Coordinator
Office of Residential Life
Residential Life Building
(310) 825-3401

Fred Churchill
Director, Student Services
University Extension
214 UNEX Building
(310) 825-2656

Dr. Kathleen McMahon
Assistant Dean of Students
Dean of Student's Office
1206 Murphy Hall
(310) 825-3871

Joan Kollar
Director, Human Resources
University Extension
629 UNEX Building
(310) 825-4287

Tina Oakland
Director, The Center for
Women & Men
2 Dodd Hall
(310) 825-3945

Dr. Ronni Sanlo
Director, LGBT Center
220 Kinsey Hall
(310) 206-3628

DO YOU WANT TO FILE A COMPLAINT OR SEXUAL HARASSMENT WITH A COMPLAINT RESOLUTION OFFICER ("CRO")?

If the alleged harasser is a:

Member of the Faculty

You need to file your complaint with:

Eliza Vorenberg
Assistant to the Vice Chancellor
Academic Personnel
Chancellor's Office
3109 Murphy Hall
(310) 794-4217

Staff Employee

Linda Avila
Interim Staff Affirmative Action Officer
Staff Affirmation Action Office
1103 PVUB
(310) 825-0751

Student

Dr. Kathleen McMahon
Assistant Dean of Students
Dean of Student's Office
1206 Murphy Hall
(310) 825-3871

University Extension
Student or Instructor

Fred Churchill
Director, Student Services
University Extension
214 UNEX Building
(310) 825-2656