



## UCEAP Sexual Harassment Policy

**This policy must be disseminated during student orientation**

### Introduction

*“The University of California is committed to creating and maintaining a community where all persons who participate in University programs and activities can work and learn together in an atmosphere free of all forms of harassment, exploitation, or intimidation. Every member of the University community should be aware that the University is strongly opposed to sexual harassment, and that such behavior is prohibited both by law and by University policy. The University will respond promptly and effectively to reports of sexual harassment, and will take appropriate action to prevent, to correct, and if necessary, to discipline behavior that violates this policy.”*

University of California, Office of the President, February 10, 2006

## Scope

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The University of California Policy on Sexual Harassment covers all members of the University community, including faculty and other academic personnel, staff employees, students, and non-student or non-employee participants in University programs. The Policy includes a definition of sexual harassment, clarification of the University's obligation to respond promptly and effectively to reports of sexual harassment, provisions for training employees and educating the University community regarding sexual harassment, and a statement that the policy shall be implemented in a manner that recognizes principles of free speech and academic freedom.

All persons who participate in UCEAP programs and activities are covered by this policy and are strongly urged to use the options and resources listed below to seek help and resolve complaints. Every effort will be made to maintain the privacy of all parties involved in the process.

This policy statement and procedures do not apply to students, faculty, and staff of host institutions abroad.

## Retaliation

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An individual who is subjected to retaliation (e.g., threats, intimidation, reprisals, or adverse employment or educational actions) for having made a report of sexual harassment in good faith, who assisted someone with a report of sexual harassment, or who participated in any manner in an investigation or resolution of a report of sexual harassment, may make a report of retaliation under these procedures. The report of retaliation shall be treated as a report of sexual harassment and will be subject to the same procedures.

## University of California Definition of Sexual Harassment

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Sexual harassment is unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature, when submission to or rejection of this conduct explicitly or implicitly affects a person's employment or education, unreasonably interferes with a person's work or educational performance, or creates an intimidating, hostile or offensive working or learning environment. In the interest of preventing sexual harassment, the University will respond to reports of any such conduct.

Sexual harassment may include incidents between any members of the University community, including faculty and other academic appointees, staff, coaches, house staff, students, and non-student or non-employee participants in University programs, such as vendors, contractors, visitors, and patients. Sexual harassment may occur in hierarchical relationships or between peers, or between persons of the same sex or opposite sex.

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

Harassment that is not sexual in nature but is based on gender, sex-stereotyping, or sexual orientation also is prohibited by the University's nondiscrimination policies if it is sufficiently severe to deny or limit a person's ability to participate in or benefit from University educational programs, employment, or services. While discrimination based on these factors may be distinguished from sexual harassment, these types of discrimination may contribute to the creation of a hostile work or academic environment. Thus, in determining whether a hostile environment due to sexual harassment exists, the University may take into account acts of discrimination based on gender, sex-stereotyping, or sexual orientation.

A definition of sexual harassment abroad must take into account the norms of the given culture. Cultural norms abroad are often different from those in the U.S.; therefore, harassment issues may be particularly difficult to identify abroad. However, being culturally sensitive does not include relaxing personal boundaries. The individual should trust his/her judgment and intuition. If a situation makes him/her uncomfortable, it needs to be addressed. The individual should never ignore sexual harassment. Ignoring it will not make it go away, it will only get worse. Both males and females can be sexually harassed, and the perpetrator can be male or female and of the same or opposite gender.

## Reports of Sexual Harassment

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In addition to becoming familiar with cultural differences and the EAP policy outlined below, Study Center staff and faculty need to be familiar with whatever local sexual harassment policies may be in place at the host university and at local governmental levels.

Any member of the UCEAP community may report conduct that may constitute sexual harassment under this policy. In addition, supervisors, managers, and other designated employees are responsible for taking whatever action is necessary to prevent sexual harassment, to correct it when it occurs, and to report it promptly to the Title IX Sexual Harassment Officer.

## Contacts at the UC Universitywide Office of Education Abroad Program

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| 1) Staff/faculty complaints                          | 2) EAP student complaints                               |
| Human Resources Director, <a href="#">Bryna Bock</a> | Principal Policy Analyst, <a href="#">Inés DeRomaña</a> |
| <b>Office:</b> 1+ (805) 893-3677                     | <b>Office:</b> 1+ (805) 893-7936                        |
| <b>Mobile:</b> 1+ (805) 450-5031                     | <b>Mobile:</b> 1+ (805) 451-1704                        |

## Response to Sexual Harassment Reports

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EAP must provide a prompt and effective response to reports of sexual harassment in accordance with the [University of California Procedures for Responding to Reports of Sexual Harassment](#). See Procedures for Responding below. A prompt and effective response may include early resolution, formal investigation, and/or targeted training or educational programs.

This information needs to be made available to students and staff so they are fully aware of their rights and their options. Students need to be informed that all alleged incidents of sexual harassment should be reported to the Study Center Director or Liaison Officer who will confer with the [Regional Director](#), EAP Universitywide Office (UOEAP). The Regional Director will consult with the UOEAP Human Resources Director for staff and/or the Principal Policy Analyst, for students, to bring the issue to resolution.

The Study Center Director, Liaison Officer, and Regional Director should keep a written record of any allegation of sexual harassment they receive and of steps taken to respond.

In the event that a student or staff person does not feel comfortable in dealing with the Study Center Director or Liaison Officer, he or she may report the incident directly to the [Regional Director](#) or the Sexual Harassment Officers listed above.

Any member of the University community who is found to have engaged in sexual harassment is subject to disciplinary action up to and including dismissal in accordance with applicable disciplinary procedures.

Generally, disciplinary action will be recommended when the harassing conduct is sufficiently severe, persistent, or pervasive that it alters the conditions of employment or limits the opportunity to participate in or benefit from educational programs.

Any manager, supervisor, or designated employee responsible for reporting or responding to sexual harassment who knew about the harassment and took no action to stop it or failed to report the prohibited harassment also may be subject to disciplinary action.

## Intentional False Reports

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Because sexual harassment frequently involves interactions between persons that are not witnessed by others, reports of sexual harassment cannot always be substantiated by additional evidence. Lack of corroborating evidence or “proof” should not discourage individuals from reporting sexual harassment under this policy. However, individuals who make reports that are later found to have been intentionally false or made maliciously without regard for truth may be subject to disciplinary action.

## Procedures for Reporting and Responding

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All members of the EAP community are encouraged to contact the Title IX – Sexual Harassment Officer if they observe or encounter conduct that may be subject to the University’s Policy on Sexual Harassment. Reports of sexual harassment should be made as soon as possible after the alleged conduct occurs, optimally within one year. Prompt reporting will enable the University to investigate the facts, determine the issues, and provide an appropriate remedy or disciplinary action. For reports of sexual harassment brought after one year, UCEAP shall respond to reports of sexual harassment to the greatest extent possible, taking into account the amount of time that has passed since the alleged conduct occurred.

### *Options for Resolution*

Individuals making reports of sexual harassment shall be informed about options for resolving potential violations of the UC Policy on Sexual Harassment. These options include:

1. Early Resolution
2. Formal Investigation
3. Filing Complaints or Grievances

UCEAP shall respond to the greatest extent possible to reports of sexual harassment brought anonymously or brought by third parties not directly involved in the harassment.

However, the response to such reports may be limited if information contained in the report cannot be verified by independent facts.

Individuals bringing reports of sexual harassment shall be informed about the range of possible outcomes of the report, including interim protections, remedies for the individual harmed by the harassment, and disciplinary actions that might be taken against the accused because of the report, including information about the procedures to such outcomes.

In response to reports of sexual harassment in cases where early resolution is inappropriate (such as when the facts are in dispute in reports of serious misconduct, or when reports involve individuals with a pattern of inappropriate behavior or alleged criminal acts such as stalking, sexual assault or physical assault), or in cases where early resolution is unsuccessful, the location may conduct a formal investigation. In such cases, the individual making the report shall be encouraged to file a written request for formal investigation. The wishes of the individual making the request shall be considered, but are not determinative, in the decision to initiate a formal investigation of a report of sexual harassment. In cases where there is no written request, the Title IX Sexual Harassment Officer or other appropriate official designated to review and investigate sexual harassment complaints, in consultation with the administration, may initiate a formal investigation after making a preliminary inquiry into the facts. Disclosure of facts to parties and witnesses shall be limited to what is reasonably necessary to conduct a fair and thorough investigation. Participants in an investigation shall be advised that maintaining confidentiality is essential to protect the integrity of the investigation.

## Privacy

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EAP will protect the privacy of individuals involved in a report of sexual harassment to the extent required by law and University of California policy. A report of sexual harassment may result in the gathering of extremely sensitive information about individuals in the University community. While such information is considered confidential, University policy regarding access to public records and disclosure of personal information may require disclosure of certain information concerning a report of sexual harassment. In such cases, every effort shall be made to redact the records in order to protect the privacy of individuals.

An individual who has made a report of sexual harassment may be advised of sanctions imposed against the accused when the individual needs to be aware of the sanction in order for it to be fully effective (such as restrictions on communication or contact with the individual who made the report). However, information regarding disciplinary action taken against the accused shall not be disclosed without his/her consent, unless it is necessary to ensure compliance with the action or the safety of individuals.

## Confidentiality of Reports of Sexual Harassment

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EAP has identified two individuals (Human Resource Director for staff/faculty and Principal Policy Analyst for students) with whom members of the EAP community can consult for advice and information regarding making a report of sexual harassment. These resources provide individuals who may be interested in bringing a report of sexual harassment with a safe venue to discuss their concerns and learn about the procedures and potential outcomes involved.

Individuals who consult with confidential resources shall be advised that their discussions in these settings are not considered reports of sexual harassment and that without additional action by the individual, the discussions will not result in any action by the University to resolve their concerns.

Certain University employees, such as the Title IX Sexual Harassment Officer, Regional Directors, supervisors, Study Center Directors, and Liaison Officers, have an obligation to respond to reports of sexual harassment, even if the individual making the report requests that no action be taken.

An individual's requests regarding the confidentiality of reports of sexual harassment will be considered in determining an appropriate response; however, such requests will be assessed in the dual contexts of UCEAP's legal obligation to ensure a working and learning environment free from sexual harassment and the due process rights of the accused to be informed of the allegations and their source.

Some level of disclosure may be necessary to ensure a complete and fair investigation, although the University will comply with requests for confidentiality to the extent possible.

The EAP Study Center Director, Liaison Officer, and EAP staff are responsible for educating students and other EAP-affiliated entities about appropriate conduct.

- Providing students with information about cultural practices and norms, which may impact them abroad.
- Establishing and maintaining effective communication channels with EAP students.
- Providing a safe, non-threatening, and helpful environment where students can come forward to discuss issues.
- Providing contact information for the UOEAP Title IX – Sexual Harassment officer with whom the student can consult confidentially for advice
- Providing information regarding making a report of sexual harassment.
- Informing the individual making a report of sexual harassment about options for resolving violations, which include: Early Resolution, Formal Investigation, and Filing complaints or grievances.
- The Study Center Director or Liaison Officer must work with the Regional Director on any complaints.