

SEXUAL HARASSMENT & SEXUAL VIOLENCE: Issues for Chairs

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HDAPP

Harassment & Discrimination Assistance and Prevention Program

- HDAPP
 - Complaints of all forms of **discrimination and harassment**
 - Sexual harassment
 - Sexual violence—stalking, DV, sexual assault
 - Harassment
 - Discrimination
 - Hate/bias
 - hdapp.ucdavis.edu
 - Official UCD office for taking reports of harassment, discrimination or sexual violence
 - **530-747-3864**



CARE Advocacy

- Center for Advocacy Resources and Education (CARE)
 - Formerly known as CVPP
 - **Confidential** resource center for sexual harassment and sexual violence
 - 24/7 crisis intervention and privileged **support services for survivors**
 - care.ucdavis.edu, 530-752-3299
- Website with great info and downloadable brochure:
 - sexualviolence.ucdavis.edu

WHAT YOU ALREADY KNOW about sexual harassment/violence

- **Definition of sexual harassment**
 - Unwelcome conduct of a sexual nature
 - Negatively interferes with the learning or work environment
- **UCD Policy on Sexual Harassment & Sexual Violence**
 - PPM 400-20 (replaced 380-12)
 - Also includes sexual assault, domestic/dating violence, stalking
- **What to do when you receive a report of any of these**
 - Call HDAPP or Academic Affairs!

What you many not know: Responsible Employees

- **All** employees, TAs, faculty, Chairs, Deans, etc.
- Definition in the UC SV & SH Policy:
 - “**Any University employee** who is not a Confidential Resource and who receives, in the course of employment, information that a **student** (undergraduate, graduate, or professional) has suffered sexual violence, sexual harassment or other prohibited behavior shall promptly notify the Title IX Officer or designee.” (p. 6, #6)
 - **HDAPP** is the “designee” office at UCD.



Responsibilities:

If you learn that a student *may have* experienced sexual harassment or sexual violence, **what should you do?**

- Be supportive and empathetic.
- Give the student resource information:
 - CARE contact info
 - sexualviolence.ucdavis.edu brochure
 - Confidential Resources list
- Make a report to HDAPP.



Get a **printable list** of *Harassment & Discrimination Resources at UCD* from hdapp.ucdavis.edu under the Resources tab.

As a RE, Please Do Not:

1. Try to fix or address the situation yourself.
2. Launch your own investigation.
3. Promise confidentiality. You are not a confidential resource.
4. Discuss with others who don't need to know.
5. Ignore it and do nothing.

When in doubt, call HDAPP to consult!



Confidentiality

- **Don't make promises you can't keep**

Dept. of Ed Office for Civil Rights **requires** that “responsible employees” provide certain info, including names.

- **Maintain confidentiality, not silence**
- **We all care about protecting the student from being re-traumatized.**



What's wrong with promising anonymity?

- Some complainants may not feel comfortable telling you a lot of details, but they do want to talk to someone.
- We may reach out to the student simply to confirm that they don't want to participate in any further action the University might take
- Some complainants later say, "I told them and they didn't do anything"

Script



- “You’re welcome to tell me about your concerns. Before you tell me specifics, you should know that, in my role, I have an obligation to report concerns about sexual harassment or sexual violence to HDAPP. This is so UCD can take appropriate action and provide you or others with support to address the situation.”
- “If you’d rather speak first with a Confidential Resource—who doesn’t have the same responsibility to report—I can help get you connected. Talking with a CARE advocate is a great place to start. Would you like to call an advocate together?”

What happens when I call HDAPP?

- We will ask for:
 - Names of the complainants or identified parties
 - Contact info for those parties
 - The allegations you heard (who/what/when/where/how)
 - Any remedy requested
 - Whether resource information has been shared
 - Any other info that you think is relevant





A faculty member tells you that...

... a student told them they'd been sexually assaulted recently, and that they were having a hard time keeping up with classwork. The faculty member isn't sure what they are supposed to do with this information.

1. What concerns come up for you?
2. Where should the faculty member refer the student?
3. Who else needs to be notified on campus, and what information needs to be shared?

What happens next?



- HDAPP/Title IX reaches out to complainants with resource info.
- Interim measures may be put in place.
- Case Management Team
 - An appropriate intervention will be determined based on the situation.
 - Alternative resolution (not typical in sexual violence cases)
 - Formal investigation
 - More egregious=more likely to be investigated
 - Will be fair, prompt and impartial
 - Conducted by trained officials
 - Will use the “preponderance of the evidence” standard
 - Complainant can choose whether and how much to participate in the Title IX process.

Documented Discussions

- A form of “alternative resolution” for cases not warranting investigation.
- We (HDAPP/Academic Affairs) will work with you to talk with the faculty member in question.
 - Talking points
 - Discussion
 - Practice
- We’ll help you prepare a written summary of the conversation to give to the faculty member.
 - Template
 - Second set of eyes
- Summary goes to faculty member, your Chair files and us – not in their personnel file.



You (and your faculty) are “UCD”

You represent UCD in the eyes of a reporting student and in the eyes of the law (federal and state agencies).

This affects:

- Sharing information
- Counseling your faculty



Own Your Role In the Process

“The office of Academic Affairs has asked me to communicate the information in this letter to you, and I have essentially copied a draft they provided to me. I want to stress that I did not take the rumor to be accurate and I did not draw any negative conclusions about your behavior.”

“The concern expressed by the office of Academic Affairs is that [the alleged conduct] could be construed by a student ... as an advance...”

“Of course, I do not know whether the rumor was accurate and I do not know whether you have engaged in any interactions of the type that concerns the office of Academic Affairs.”

APM-015: Consensual relationships

- “Types of Unacceptable Conduct” (paraphrased and not inclusive)
 - Entering into a romantic or sexual relationship with any student* for whom a faculty member has, or should reasonably expect to have in the future, academic responsibility (instructional, evaluative, or supervisory)
 - Exercising academic responsibility (instructional, evaluative, or supervisory) for any **student*** with whom a faculty member has a romantic or sexual relationship.

***Student can also mean postdoc, resident, trainee, etc.**



How can a Chair prevent harassment & discrimination?

Be proactive.

- Clarify your expectations regarding conduct
- Sponsor formal educational opportunities
- Conduct informal education: meetings, news
- Publicize resources
- Be a role model – actions speak louder than words

Be reflective.

- How easy is it in our department for people to talk to each other about unwanted conduct?
- What could we do differently to make it easier?



RESOURCES ARE STANDING BY!

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