

# UNIVERSITY OF CONNECTICUT SEXUAL HARASSMENT PREVENTION TRAINING



Presented by:  
THE OFFICE OF DIVERSITY AND EQUITY (ODE)

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# TRAINING TEAM

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- Nancy Myers, J.D., Case Manager
- Katherine Johansen, Search Compliance Coordinator
- Kathleen Holgerson, Director, Women's Center
- Angela Rola, Dir., Asian American Cultural Center
- Ann Randall, J.D., Paralegal and Legal Administrator

# BASICS

- ❖ Handouts – Going “Green”
- ❖ Cell Phones/Blackberries
- ❖ Laptops
- ❖ Questions & Breaks
- ❖ Late Entry/Early Exit

# AGENDA

- ❖ Why is this Workshop Important to Me?
- ❖ Applicable Federal & State Laws
- ❖ Applicable University Policy
- ❖ Definition of Sexual Harassment
- ❖ Conduct that May Constitute Sexual Harassment
- ❖ Consequences & Risks
- ❖ Your Rights, Responsibilities & Obligations
- ❖ Remedies Available
- ❖ Reporting

WHY IS THIS  
WORKSHOP  
IMPORTANT ?

*Because...*

**SEXUAL  
HARASSMENT  
IS  
ILLEGAL**

Training Mandated by  
C.G.S. §46a-54(15)(B)

APPLICABLE  
FEDERAL &  
STATE LAWS

## SEXUAL HARASSMENT IS PROHIBITED BY

Title VII of the Civil Rights Act of 1964, as amended, 42 United States Code section 2000e et. seq.

Title IX of the Education Amendments of 1972, which prohibits discrimination based on sex in education programs and activities that receive federal financial assistance.

The State of Connecticut's Discriminatory Employment Practices Law, subdivision (8) of subsection (a) of section 46a-60 of the Connecticut General Statutes.

## IS THIS SEXUAL HARASSMENT?

- ❖ A worker tells a sexually explicit joke to a group of co-workers including men and women (s/he is an equal opportunity offender).
- ❖ An employee receives a bad evaluation after s/he turns down the sexual proposition of his/her supervisor.
- ❖ A female faculty member repeatedly offers to drive a male student home after class. What if the female faculty member offered to drive a female student home?
- ❖ I am a single faculty member and was asked out to dinner by one of my students.
- ❖ A supervisor of a 2-person unit repeatedly criticizes the female employee's work, while praising the male employee's work. Does it make a difference whether the supervisor is a male or a female?

# APPLICABLE UNIVERSITY POLICY

On August 7, 2013, the University's Board of Trustees approved the *Policy Against Discrimination, Harassment and Inappropriate Romantic Relationships*.

On January 25, 2012, the University's Board of Trustees approved the *Sexual Assault Response Policy* and the *UConn Child Abuse and Neglect Reporting Policy*.

We encourage all students, staff, and faculty to review these policies.



## DEFINITION OF SEXUAL HARASSMENT

Sexual harassment is any unwelcome conduct of a sexual nature. It can include unwelcome sexual advances, requests for sexual favors, and other verbal, nonverbal, or physical conduct of a sexual nature, such as sexual assault or acts of sexual violence.

Sexual harassment, including sexual assault, can involve persons of the same or opposite sex.

Acts that do not necessarily involve conduct of a sexual nature but are based on sex or sex-stereotyping, and which may include physical aggression, intimidation or hostility, are considered sex-based harassment and are similarly prohibited.

## DEFINITION OF SEXUAL HARASSMENT

A violation of this policy will be found where:

- a) submission to harassment of any kind is made either explicitly or implicitly a term or condition of an individual's employment, performance appraisal, or evaluation of academic performance; or
- b) these actions have the effect of creating a hostile learning or working environment.

*QUID PRO QUO*

VS.

HOSTILE  
ENVIRONMENT

## HISTORICALLY, THE COURTS HAVE RECOGNIZED TWO TYPES OF SEXUAL HARASSMENT:

### *QUID PRO QUO*

Explicit or implicit exchange between a supervisor and subordinate in which sexual demands are a precondition for an employment benefit, such as hiring, promotion, or even retention of a job.

### HOSTILE ENVIRONMENT

Discriminatory harassment creates a hostile environment when the harassment is sufficiently severe, pervasive, or persistent to deny, limit or unreasonably interfere with a student's or employee's ability to participate in or benefit from the academic or work environment.

## POWER RELATIONSHIPS

Faculty/Staff →→→→→Student

*or*

Supervisor →→→→→Employee

*or*

Faculty/Staff →→→→→Faculty/Staff

*(Addressed by ODE)*

\*\*\*\*\*

Student →→→→→Student

*(Addressed by Community Standards)*

*or*

Student →→→→→Faculty/Staff

*(Addressed by ODE and/or Community Standards)*

## EXAMPLES OF SEXUAL HARASSMENT

- ❖ Unwelcome Sexual Advances
- ❖ Suggestive or Lewd Remarks
- ❖ Unwanted Hugs, Touches, Kisses
- ❖ Requests for Sexual Favors
- ❖ Retaliation for Complaining About Sexual Harassment
- ❖ Derogatory or Pornographic Posters, Cartoons, Drawings, or Emails
- ❖ Sexual Assault

## MYTHS ABOUT SEXUAL HARASSMENT\*

### Myth

*Most people enjoy sexual attention at work and school.*

### Fact

Not necessarily. One person's teasing may be another's sexual harassment. Some people may be angry, while others may be embarrassed.

## MYTHS ABOUT SEXUAL HARASSMENT\*

### Myth

*Harassment will stop if a person just ignores it.*

### Fact

Harassers often believe that if a person ignores harassing behavior, s/he likes it. The lack of response is seen as approval or encouragement. Studies show that in most cases when harassment is ignored, it continues and often gets worse.

## MYTHS ABOUT SEXUAL HARASSMENT\*

### Myth

*If females watched the way they dressed, there would not be a problem with sexual harassment.*

### Fact

Sexual harassment can happen to anyone, no matter how they dress. It typically has more to do with power than with sexual attractiveness or appearance. A particular way of dressing is not permission to touch or otherwise harass.



## MYTHS ABOUT SEXUAL HARASSMENT\*

### Myth

*Nice people could not possibly be harassers.*

### Fact

Harassers generally do not fit any particular mold. They come in all forms, including well-liked and talented, respected professionals.

## PRINCIPLES TO REMEMBER

- ❖ Silence cannot be construed as acceptance;
- ❖ Context, body language, and tone of voice are key factors to consider;
- ❖ People generally appreciate well-intended compliments; they do not want to be degraded, abused, objectified, threatened or singled out on the basis of their sexuality; and
- ❖ Gender and cultural differences will affect perceptions.

## DID YOU KNOW?

VICTIMS AND HARASSERS CAN BELONG TO THE SAME PROTECTED CLASS.

*E.g.*, individuals of the same gender or race/ ethnicity (etc.) can engage in sexual harassment of each other.

THIRD PARTIES WHO OVERHEAR COMMENTS OR WITNESS SEXUAL HARASSMENT MAY ALSO FILE COMPLAINTS.

*E.g.*, male employees can file claims against other male employees who were overheard making derogatory remarks about women (hostile work environment) and vice versa.

## WHAT YOU CAN DO

- Document the behavior as soon as it occurs, including as many details as possible.
- Speak with the offender directly as soon as the harassment occurs. State clearly the behavior that you want stopped.
- If you cannot speak with the offender directly, write a letter soon after behavior and present it to the offender. The letter should contain: a detailed account of the behavior; how you felt about the behavior; and what steps should be taken in the future to prevent reoccurrence.
- Discuss the situation with someone you trust.
- Contact one of the resources provided by the University.
- Report the harassment to a supervisor or directly to ODE.

## NEGATIVE EFFECTS OF SEXUAL HARASSMENT

- ❖ Affects overall work productivity
- ❖ Contributes to poor performance
- ❖ Causes interpersonal conflicts
- ❖ Creates a hostile work environment
- ❖ Adds to absenteeism/turnover
- ❖ Leads to complaints/grievances

00:00

**Let's Take A Break!**

## POWER RELATIONSHIPS

Faculty/Staff → → → → Student

*or*

Supervisor → → → → Employee

*or*

Faculty/Staff → → → → Faculty/Staff

*or*

Graduate Student → → → → Undergraduate

**“Not only are teachers [and other university employees] afforded unique access to students, they also are vested with significant authority and control over those students.”**

*State of Connecticut v. McKenzie-Adams*, 281 Conn. 486; 915 A.2d 822, 840 (2007).

## RESPECT AND CIVILITY

### University Code of Conduct

“As members of an academic community, we seek to foster a spirit of civility and collegiality through open and honest communication. We strive to protect the health, safety and well-being of all persons.... We value an environment that is **free from harassment, intimidation, bullying, incivility, disrespect and violence.**”

“Engaging in behaviors that harass, intimidate, bully, threaten or harm another member of the University community does not support a respectful and civil work environment.”



## RESPECT AND CIVILITY

### General Rules of Conduct

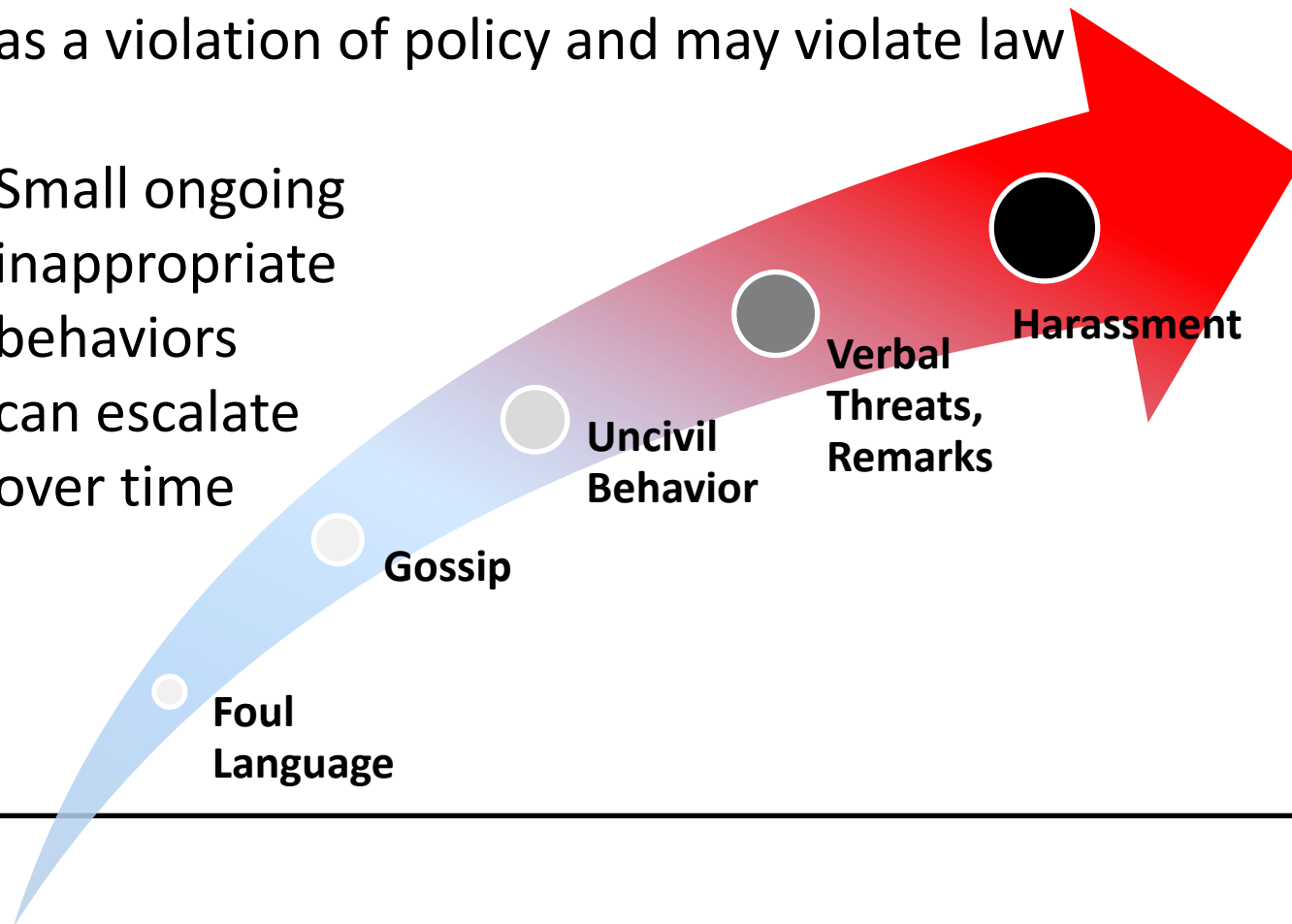
## The General Rules of Conduct expressly prohibit:

- interfering in any way with the work of others;
- conducting oneself in any manner that is offensive, abusive, or contrary to common decency or morality; and
- carrying out any form of harassment including sexual harassment.

# ***Conduct & Civility: A Respectful Environment***

- Some inappropriate behaviors are not construed as violation of policy
- Some inappropriate behavior is clearly recognizable as a violation of policy and may violate law

Small ongoing inappropriate behaviors can escalate over time



INSTITUTIONAL  
LIABILITY UNDER  
TITLE VII –

*CO-WORKER  
HARASSMENT*

An employer is liable for proven co-worker harassment if it *knew or should have known* of the misconduct but failed to take prompt and appropriate corrective action.

## YOUR RESPONSIBILITIES

### SUPERVISORY EMPLOYEE

EMPLOYEES WHO SUPERVISE OTHER EMPLOYEES have a “heightened” duty to receive and report allegations of sexual harassment.

A SUPERVISOR’S FAILURE TO REPORT incidents of sexual harassment violates University Policies and may subject the supervisory employee to disciplinary action.

## INSTITUTIONAL LIABILITY UNDER TITLE VII

- The employer is automatically liable for harassment by managers/supervisors when the harassment culminates in a tangible employment action.
- A tangible employment action requires an official act of the employer and in most cases, inflicts direct economic harm.
- **Examples of Tangible Employment Action**
  - Demotion
  - Denial of Promotion
  - Termination
  - Unfavorable Reassignment

INSTITUTIONAL  
LIABILITY UNDER  
TITLE VII

IF THE HARASSMENT DID NOT LEAD TO A TANGIBLE EMPLOYMENT ACTION, THE EMPLOYER IS LIABLE UNLESS IT PROVES THAT

- (1) it exercised reasonable care to prevent and promptly correct any harassment; *and*
- (2) the employee unreasonably failed to complain to management or otherwise failed to avoid harm.

## PROTECTING STUDENTS UNDER TITLE IX

- When students are sexually harassed in the learning environment, a college or university will be liable if a higher-level official—who at a minimum has authority to address the harassment and institute corrective measures on the school’s behalf—receives actual notice of, and is deliberately indifferent to, it.
  - **Sexual Assault is the most severe form of sexual harassment**
- The U.S. Department of Education’s Office of Civil Rights extends obligation to respond beyond those who actually have authority to address the harassment, but also to any individual **“who a student could reasonably believe has this authority or responsibility.”**

New!  
Policy Against  
Discrimination,  
Harassment, and  
Inappropriate  
Romantic  
Relationships

- A single, comprehensive discrimination, and harassment policy approved by the Board of Trustees on August 7, 2013
- Articulates University values and community conduct expectations
- Clarifies manager reporting obligations
- Adds language prohibiting certain **romantic relationships** where power disparities are present
  - “**Romantic**” includes intimate, sexual, and/or any other type of amorous encounter or relationship, whether casual or serious, short-term or long-term.



## Romantic Relationships – Instructional Context

### **Faculty/Staff Relationships with Undergraduate students**

- All faculty and staff are prohibited from entering into a romantic relationship with any undergraduate student.

### **Faculty/Staff Relationships with Graduate students**

- All faculty and staff are prohibited from entering into a romantic relationship with a graduate student actually under that individual's authority.
  - “Authority” includes teaching, formal mentoring or advising, supervision of research, employment, grading, or disciplinary action.

### **Graduate Student Relationships with other Students**

- Any Romantic relationship between a graduate student and a student over whom they have authority is prohibited.

## Romantic Relationships – Employment Context & Existing Relationships

### **EMPLOYMENT CONTEXT**

- All faculty and staff are prohibited from pursuing or engaging in romantic relationships with employees whom they are currently supervising.

### **EXISTING RELATIONSHIPS**

- If a relationship existed prior to joining the University, that relationship must be disclosed to ODE and/or OFSLR by the employee in a position of authority prior to accepting a supervisory role.

## MANAGER REPORTING OBLIGATIONS

### MANDATORY REPORTING

- Deans, Directors, Department Heads, and Supervisors are obligated to report any discrimination, harassment or inappropriate Romantic relationship to ODE and/or OFSLR as soon as it becomes known to them.
- Failure to report any known incidents is a policy violation as serious as the original discriminatory act.
- Complaints about student misconduct are addressed through Community Standards. 'Student' includes student-employees and graduate students, even when acting as Teaching Assistants or Research Assistants.

## MANAGING STUDENT MISCONDUCT

- **Students have an obligation to be respectful and appropriate in the learning environment towards you and their peers under the Student Code.**
- **As a University employee, you are in a position of authority to model appropriate behavior and to stop any inappropriate behavior.**
- **Uncivil and harassing behavior in the learning environment should be stopped (by you) as soon as possible.**
- **Refer especially severe, difficult or pervasive cases to your department head, dean and/or Community Standards. Students who are acting out often need additional assistance and you are probably not best positioned to provide that assistance.**

# APPLYING THE POLICIES

WHAT WOULD  
YOU DO?

# UNIVERSITY'S SEXUAL ASSAULT RESPONSE POLICY

## SEXUAL ASSAULT RESPONSE POLICY

### PURPOSE:

- Promote a safe campus environment
- Assist University employees in responding to reports of sexual assault in a timely and comprehensive manner
- Provide information to victims about medical treatment and on and off-campus support services
- When appropriate, facilitate on-campus investigation processes and/or foster involvement of UConn Police - all three University reporting offices (Title IX Coordinator, ODE, Community Standards) share non-identifying information about the reported assault with the UConn Police

UNIVERSITY'S  
SEXUAL  
ASSUALT  
RESPONSE  
POLICY

## WHEN DOES SEXUAL HARASSMENT RISE TO THE LEVEL OF SEXUAL ASSAULT?

- For purposes of the University's sexual assault response policy, "sexual assault," in addition to rape, includes **unwanted physical contact with the intimate parts of a person's body for purposes of sexual gratification, humiliation or degradation.**
- The genders of the alleged victim and alleged perpetrator are irrelevant.
- The sexual assault response policy supplements, but does not replace, University Policies on sexual harassment and state law governing mandated reporters of child abuse.

# UNIVERSITY'S SEXUAL ASSAULT RESPONSE POLICY

## WHEN & TO WHOM YOU MUST REPORT

If you witness any sexual assault (regardless of the identity of the parties), or if you receive a report of a sexual assault, you must report this information as soon as possible to:

- The Title IX Coordinator (Elizabeth Conklin, 860-486-2943), **or**
- The Office of Diversity and Equity (860-486-2943), **or**
- The Office of Community Standards (860-486-8402)

## REPORT SHOULD INCLUDE:

- Date, time, and location of the assault;
- Details known to you regarding the assault;
- Date the incident was reported to you;
- Identity of the victim and perpetrator (if disclosed); and
- Your identity and contact information

\*Employees should **not** take it upon themselves to investigate any report of a sexual assault.



UNIVERSITY'S  
SEXUAL  
ASSAULT  
RESPONSE  
POLICY

## WHEN TALKING TO THE VICTIM

- Be direct about your obligation to report the assault to University officials pursuant to University Policy
- Remind her/him that your conversation will be private but not confidential
- Offer assistance, including assisting him/her with obtaining necessary medical attention
- Provide him/her with the resources listed in [www.sexualviolence.uconn.edu](http://www.sexualviolence.uconn.edu)
- Encourage her/him to self-report to the UConn Police, but let her/him make that choice

# UNIVERSITY'S SEXUAL ASSAULT RESPONSE POLICY

## FAQ

- Who is required to report sexual assault?  
**All employees (excluding student payroll)**
- Can I promise a victim confidentiality?  
**No – your discussion can be “*private*” (not shared widely or unnecessarily) but not “*confidential*” unless a professional relationship requires it (i.e. medical doctor, psychologist, etc.)**
- Can I arrange a meeting between the victim and accused?  
**No. Forced meetings or confrontations between the victim and accused are strictly prohibited**
- Where can I report the assault?  
**Title IX Coordinator, ODE, or Office of Community Standards**
- Do victims have options for confidential assistance?  
**Yes. Sexual Assault Crisis Center of Eastern CT or UConn’s Counseling and Mental Health Services**
- What is the best way to respond?  
**Address safety and medical concerns first, including providing a list of resources to the victim. As soon as possible, report the assault to 1 of the 3 offices above**

# RETALIATION

- ❖ Retaliation against an individual for filing a complaint or charge of discrimination, participating in an investigation, or opposing discrimination practices is prohibited.
- ❖ An employer may not fire, demote, harass or otherwise “retaliate” against an individual for reporting or filing a charge of discrimination, participating in a discrimination proceeding, or otherwise opposing discrimination.
- ❖ The standard for retaliation includes any action that would dissuade a reasonable individual from coming forward to report discrimination and/or to participate in an internal/external investigation.

## CONSEQUENCES AND RISKS

- ❖ Individuals who commit acts of sexual harassment may face disciplinary action.
- ❖ Disciplinary Action may include: Verbal Counseling, Letters of Warning, Suspension & Termination.
- ❖ Individuals who commit acts of sexual harassment may be subject to both civil and criminal penalties.
- ❖ Harassers can be held personally liable if acting outside the scope of their employment.

# INTERNAL REPORTING

OFFICE OF DIVERSITY AND EQUITY, INCLUDING  
THE TITLE IX COORDINATOR  
*Claims by/against University employees*  
(860) 486-2943 – Case Management

DIVISION OF STUDENT AFFAIRS  
COMMUNITY STANDARDS  
*Student-to-Student Claims*  
(860) 486-8402

UCONN POLICE DEPARTMENT  
911 – emergencies  
(860) 486-4800 (routine calls)

**INTERNAL  
REPORTING**  
*REGIONAL  
CAMPUSES*

**Regional Campus Deans, Directors and AVPs**

**Avery Point**

Director: Michael Alfultis - (860)405-9010

**Hartford**

Director: Michael Menard - (860)570-9208

**Law School**

Dean: Timothy S. Fisher - (860) 570-5127

**School of Social Work**

Dean: Salome Raheim - (860) 570-9141

**Stamford**

Director: Sharon White - (203)251-8406

**Torrington**

Director: William Pizzuto - (860)626-6803

**Waterbury**

Director: William Pizzuto - (203)236-9815

**INTERNAL  
REPORTING**  
*REGIONAL  
CAMPUSES*

**REGIONAL CAMPUS STUDENT AFFAIRS CONTACTS**

**Avery Point - (860) 405-9024**

Trudy Flanery, Director of Avery Point Student Affairs

**Hartford - (860) 570-9232**

Nadine Brennan, Asst. to Dean of Students

**Law School - (860) 570-5132**

Jane Thierfeld-Brown, Director of Student Services

**School of Social Work - (860) 570-9137**

Milagros Marrero-Johnson, Director of Student Services

**Stamford - (203) 251-8487**

Sharon White, Associate Director for Student Life

**Torrington - (860) 626-6804**

Judy DiLaurenzio, Asst. to Dean of Students

**Waterbury - (203) 236-9847**

Stuart Brown, Exec. Program Director

## INTERNAL REPORTING

### WHAT TO EXPECT IF YOU FILE AN INTERNAL COMPLAINT

- ❖ All complaints are taken seriously.
- ❖ Confidentiality is maintained to the extent possible by law and consistent with adequate investigation.
- ❖ Complaints are investigated promptly.
- ❖ Retaliation, where established, will be dealt with and result in disciplinary action against the harasser.
- ❖ Coverage is extended to applicants, employees and third parties.



## EXTERNAL REPORTING

### CONNECTICUT LAW

#### CONNECTICUT COMMISSION ON HUMAN RIGHTS & OPPORTUNITIES (CCHRO)

21 Grand Street

Hartford, Connecticut 06106

(860) 541-3400 / (800) 477-5737

TTY: (860) 541-3459

State law requires that a formal written complaint be filed with the CCHRO within 180 days of the date when the alleged harassment occurred.

# EXTERNAL REPORTING

## FEDERAL LAW

### EQUAL EMPLOYMENT OPPORTUNITY COMMISSION (EEOC)

**John F. Kennedy Federal Building**

**475 Government Center**

**Boston, MA 02203**

**(617) 565-3200 / (800) 669-4000**

**TTY: (800) 669-6820**

**Federal law requires that a formal written complaint be filed with the EEOC within 300 days of the date when the alleged harassment occurred (must be filed within 180 days to preserve state claims).**

# REMEDIES AVAILABLE (EXTERNAL REPORTING)

- ❖ Cease and desist orders
- ❖ Back pay
- ❖ Front pay
- ❖ Compensatory damages
- ❖ Hiring, promotion or reinstatement
- ❖ Attorney's Fees (if Commission enforcing federal anti-discrimination statutes)
- ❖ Punitive Damages (§1983 Claims)

# UNIVERSITY RESOURCES

UNIVERSITY OMBUDS OFFICER JIM WOHL

[WWW.OMBUDS.UCONN.EDU](http://WWW.OMBUDS.UCONN.EDU)

DEPARTMENT OF HUMAN RESOURCES

**(860) 486-3034 (Main Line)**

OFFICE OF AUDIT, COMPLIANCE & ETHICS

**(860) 486-4526 (Main Line)**

**(888) 685-2637 (Hot Line)**

EMPLOYEE ASSISTANCE PROGRAM (EAP)

**(860) 679-2877 (Main Line)**

**(800) 852-4392 (Toll Free Number)**

UNION REPRESENTATIVE

**(IF APPLICABLE)**

UNIVERSITY POLICE DEPARTMENT

**911 (THREATS OR ACTS OF VIOLENCE)**

# UNIVERSITY RESOURCES

AFRICAN AMERICAN CULTURAL CENTER  
(860) 486-3433

ASIAN AMERICAN CULTURAL CENTER  
(860) 486-0830

PUERTO RICAN/LATIN AMERICAN  
CULTURAL CENTER  
(860) 486-1135

RAINBOW CENTER  
(860) 486-5821

WOMEN'S CENTER  
(860) 486-4738

## FREQUENTLY ASKED QUESTIONS

- ❖ Can I file an anonymous or confidential complaint?
- ❖ What if my supervisor is aware of the harassment and does nothing, or my supervisor is responsible for the harassment?
- ❖ What should I do if the behavior only happened once and there were no witnesses?
- ❖ If the sexually harassing behavior occurs off-site between two co-workers, does the University's Policy Statement on Harassment apply?
- ❖ What should I do if I am not sure whether the behavior is sexual harassment?
- ❖ Other Questions?

# ZERO TOLERANCE!

55

A HARASSMENT-FREE  
WORKPLACE & EDUCATIONAL  
ENVIRONMENT



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241 Glenbrook Road,

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PLEASE SIGN OUT