

Preventing Harassment --University of Central Arkansas 2017-18

Harassment is a Behavior - Harassment may spring from attitudes or emotions, fears or misunderstandings; but ultimately harassment is a behavior, and **individuals are responsible for their own behavior and its consequences**. Harassment can be unlawful and includes inappropriate behavior such as: racial slurs, making fun of someone's disability, jokes about a particular national origin, demeaning comments about a religion, negative comments about a person's age, etc.

Harassment takes a wide variety of forms, some mild and others severe. The behavior may range from a verbal harmful joke to physical assault. Whether a particular behavior is defined as harassment depends largely on whether the behavior is **UNWELCOME/UNWANTED** to the targeted individual. *"Unwelcome/Unwanted Behavior"* is just that; it is behavior that is not welcome, unsolicited, and not wanted by the offended person. While you may perceive your behavior to be friendly and harmless, a co-worker or student may describe the behavior as harassment, so it is important to think before you act in a way that could be reasonably perceived as harassment.

The University of Central Arkansas Sexual Misconduct Policy states as follows: Sexual misconduct, including, but not limited to sexual harassment, sexual assault, dating violence, domestic violence, and stalking, by any faculty member, staff member, student, or a third party who is a participant in a university-sponsored program, event, or activity, is a violation of both state and federal law as well as university policy and will not be tolerated at the University of Central Arkansas. Sexual misconduct of employees is prohibited under Section 703 of Title VII of the Civil Rights Act of 1964 and sexual harassment of students may constitute discrimination under Title IX of the Education Amendments of 1972. The policy seeks to comply with requirements mandated by the Violence Against Women Reauthorization Act of 2013. The university considers sexual misconduct a very serious issue and shall subject the offender to dismissal and/or other sanctions following the university's investigation and substantiation of the complaint and compliance with due process requirements.

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

1. submission to such conduct is either explicitly or implicitly made a condition of an individual's employment with the university or a factor in the educational program of a student;
2. submission to or rejection of such conduct by an individual is used as the basis for an employment or academic decision affecting such individual;
3. such conduct has the purpose or effect of unreasonably interfering with an individual's right to achieve an educational objective or to work in an environment free of intimidation, hostility or threats stemming from acts or language of a sexual nature.

NOTE: Other forms of harassment based upon race, religion, national origin, sex or age may have the same impact as sexual harassment. In the absence of other policies addressing these specific issues, the university encourages the use of the steps and procedures in this policy in reporting other types of harassment and will generally conduct investigations of those complaints in the same manner.

Two Types of Sexual Harassment Claims: Quid Pro Quo & Hostile Environment

Quid pro quo is Latin for "this for that."

Definition: Employee must submit to a supervisor's request for sexual favors in exchange for a job benefit or to avoid a negative job consequence.

Example: *Employee must go on a date with their supervisor to get a raise or is demoted for refusing.*

Hostile Environment

Definition: Verbal or physical conduct that relates to a protected category.

- The conduct is unwelcome.
- The conduct is severe or pervasive.
- A 'reasonable' person would believe that the conduct creates a hostile work environment.

Example: *An employee is repeatedly ridiculed by other employees because of their age. Even after repeated requests for the teasing to stop, the employee continues to be singled out.*

Legal Background on Harassment

- **Title VII of the Civil Rights Act of 1964** prohibits employment discrimination based on race, color, religion, sex, or national origin.
- **Age Discrimination in Employment Act of 1967** protects workers age 40 or older.
- **Americans with Disabilities ACT of 1990** prohibits employment discrimination against qualified individuals with disabilities.
- **Section 504 of the Rehabilitation Act of 1973** prohibits discrimination against qualified individuals with disabilities at any institution receiving federal funds.
- **Title VI of the Education Amendments of 1972** prohibits discrimination on the basis of race at any institution receiving federal funds.
- **Title IX of the Education Amendments of 1972** prohibits discrimination on the basis of sex at any institution receiving federal funds.

Responsibilities of Individuals on Campus

Persons who consider the behavior of others unwelcome need to take reasonable steps to stop the behavior. Students, faculty and staff may find it difficult, under certain circumstances, to speak up; however, the **University of Central Arkansas encourages everyone to take action against harassment at our institution.** Where the behavior is relatively mild, this may mean directly asking the offender to stop, or asking someone in authority (such as the direct supervisor, Department Chair, Director of Human Resources) for help.

1. **Firmly, clearly and directly** tell the harasser to stop.
2. If the behavior continues, document the conversation or offending behavior.
3. Follow complaint procedures. **Report the behavior** to the Title IX Coordinator, your direct supervisor, RA, RC, Department Chair, Dean, Department of Human Resources, etc. Remember that you have a responsibility to take advantage of the resources and procedures UCA provides, as your institution or employer, to protect yourself and environment from unlawful harassment.

If you a victim of harassment, witness harassment, or someone reports harassment to you, it is imperative you forward the information to the individuals whose names are listed below. It is then the responsibility of these professionals to decide whether the behavior is directed towards a protected category, unwelcome/unwanted, and sufficiently severe or pervasive to constitute harassment.

Respond

Record

Report

Mindy Pipkin 450-3247 Warren Readnour 450-5007 Graham Gillis 450-5051

UCA's Sexual Misconduct Policy: UCA website – Administration/Board of Trustees/Series 500/ Board Policy #511. <http://www.uca.edu/board/500series/>

Risky Behaviors

The following behaviors may contribute to creating a hostile environment if they are unwelcome and based on an individual's race, religion, color, sex, national origin, age, or disability; or if they are of a sexual nature:

Verbal

derogatory comments, teasing/jokes of a sexual nature or which mock a protected class of people
comments about clothing, personal behavior, or a person's body
verbal threats of physical harm, requests for sexual favors
terms of endearment, such as "honey," "dear," "sweetheart," "babe"
sexual innuendoes or stories, tales of one's partner's sexual inadequacies or prowess
grunts, wolf whistles, catcalls, hoots, sucking noises, lip-smacks and animal noises
graphic descriptions of pornography
transmission of emails, text messages, tweets, blogs or social networking of a sexually graphic,
threatening or vulgar nature – or which mocks a protected class of people when related to or
accessible by associates
lies or rumors about a person's personal or sex life

Non-Verbal

staring, looking up and down (elevator eyes)
making derogatory gestures of a sexual nature
giving sexually suggestive looks
making facial expressions of an offensive nature
making offensive or intimidating hand gestures

Physical

leaning into, or otherwise invading an individual's personal "space"
purposeful physical interference with normal work or movement
inappropriately touching a person or person's clothing
"accidentally" brushing sexual parts of the body
indecent exposure, mooning or flashing
blocking someone's path with the purpose of making a sexual advance
uninvited neck massaging
deliberately touching sexually, or brushing up against, or pinching
stalking
grabbing, kissing, hugging, patting, stroking
actual or attempted sexual assault

Visual

posters, cartoons, drawings, calendars, and pictures of a sexual nature or which mock a protected
class of people
offensive physical or electronic graphics of an offensive, demeaning or sexual nature
inappropriate, sexually expressive, or revealing clothing
knick-knacks and other objects of a sexual nature or which mock a protected class of people

Note: This workshop is designed to provide a general understanding of harassment. The workshop and materials provided are intended for informational and educational purposes only. They are not intended to be a source of legal advice for particular situations or cases.