


Sexual Harassment Training

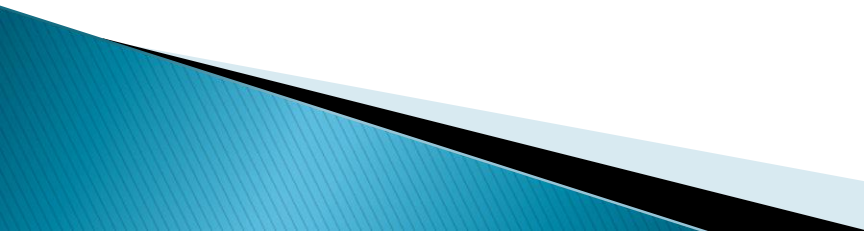
February 2016

The University of Hawai'i and Its Commitment to Eliminate Sexual Harassment

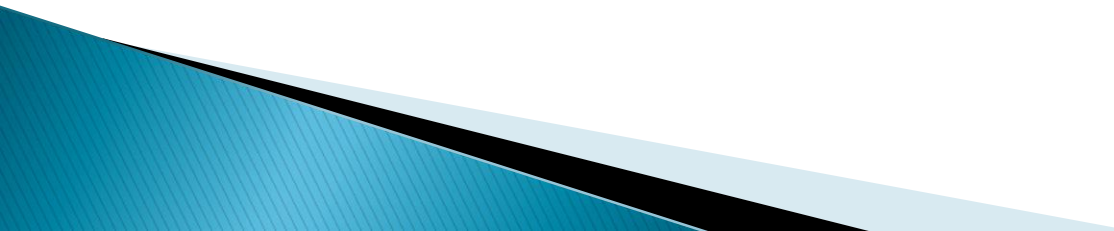
- Sexual harassment is a form of sex discrimination.
 - Harassment based on sex is prohibited and is not tolerated in UH programs, activities, and employment.
 - Sexual harassment undermines the trust and mutual respect essential to the mission and function of the University.
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State and Federal Laws Protect UH Employees and Students


Sexual harassment constitutes illegal discrimination under:

- Title IX of the Education Amendments of 1972.
 - Title VII of the Civil Rights Act of 1964, as amended.
 - Hawai'i State Fair Employment Practices Act, Chapter 378, HRS.
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UH Policies Protect Employees and Students


- Executive Policy EP 1.202, Nondiscrimination and Affirmative Action Policy.
 - Executive Policy EP 1.204, Policy and Procedural Guidelines on Sexual Harassment, Sexual Assault, Domestic Violence, Dating Violence, and Stalking.
 - Executive Policy EP 2.210, Policy on the Use and Management of Information Technology
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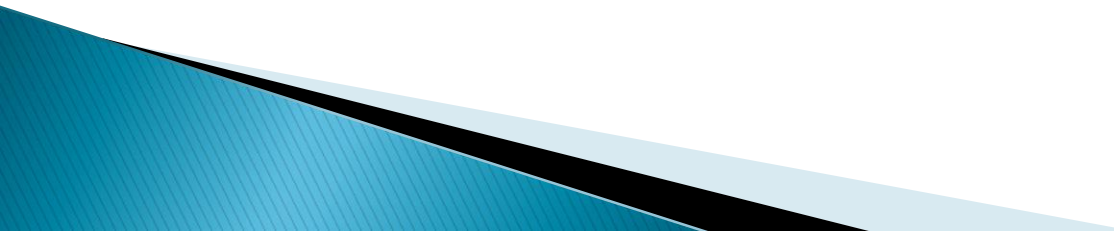
Sexual Harassment Can Take Many Forms

- Can involve an abuse of authority or power.
 - Can occur between peers.
 - Can occur between students or co-workers.
 - Can involve a student harassing faculty or employee.
 - Can involve persons of the same or opposite sex.
 - Both men and women can be targets or perpetrators of sexual harassment.
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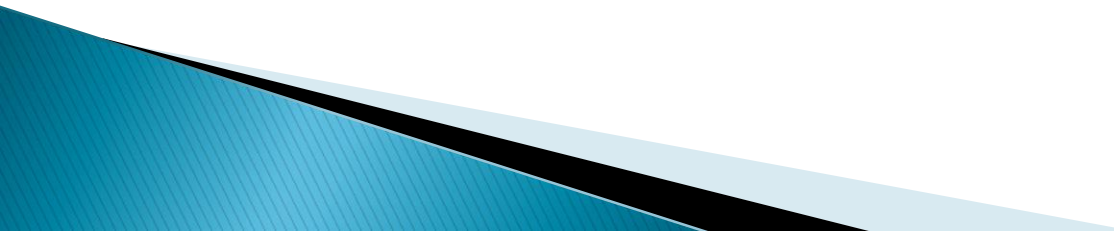
Sexual Harassment Definition

Defined as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature, when:

- Submission to or rejection of the conduct is either an explicit or implicit term or condition of an individual's employment, education, or participation in a University program, activity, or service;
 - Submission to or rejection of the conduct by an individual is used as a basis in decisions affecting that individual's employment, education, or participation in a University program, activity, or service; or
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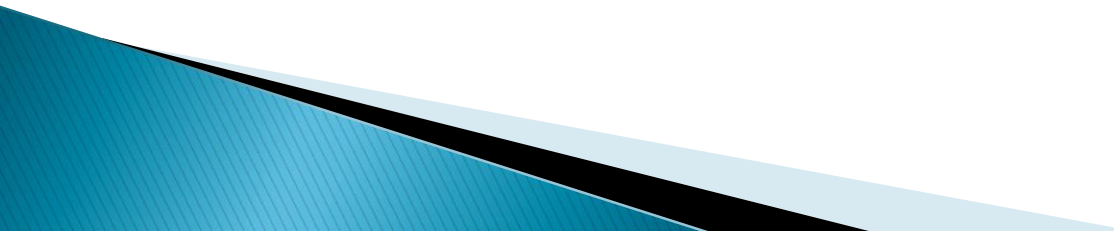
- When such conduct is unwelcome to the person to whom it is directed or to others directly aware of it, and when such conduct is;
 - Severe or pervasive; and
 - Has the purpose or effect of either:
 - Unreasonably interfering with the employee's work performance or student's academic performance; or
 - Creating an intimidating, hostile, or offensive work or educational environment.
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Some Examples

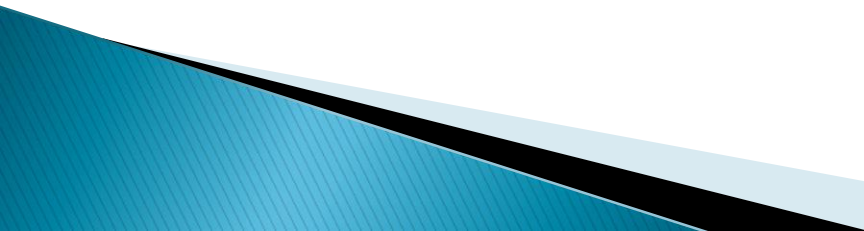
- Implied or direct promises of academic or work benefits, such as high grades, promotions, or letters of recommendation, in return for sexual favors.
 - Implied or direct threats of adverse decisions or evaluations, such as low grades, negative evaluations, or failure to hire or promote, should conduct of a sexual nature be rejected.
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Hostile Work Environment and Reasonable Person Test

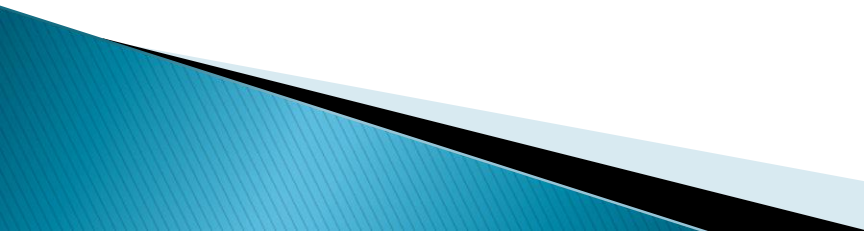
Conduct must be both objectively and subjectively perceived as offensive.

- The reporting party must view the conduct as offensive, and
 - A reasonable person with the same fundamental characteristics as the reporting party must also view the conduct as offensive.
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Examples of Hostile Environment Sexual Harassment

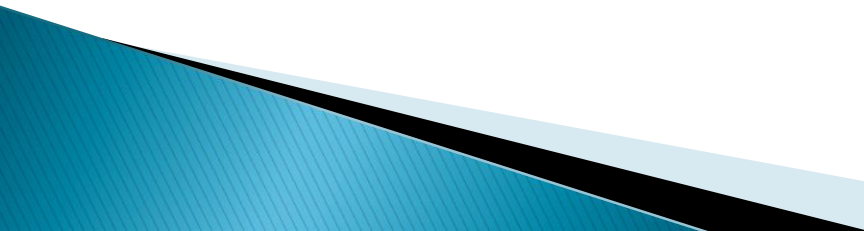
- Unnecessary and unwanted touching, patting, hugging.
 - Remarks of a sexual nature about a person's clothing or body.
 - Display or distribution of sexually offensive literature, images, cartoons, or other audio-visual materials.
 - Gratuitous reference in instruction, discussion, or conversation of material of a sexual nature.
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Sexual Harassment and Academic Freedom

- Sexual harassment policy does not limit scholarly, educational or artistic content of any presentation or inquiry that falls within justifiable academic standards for course content and pedagogy.
 - Academic freedom will be liberally construed, but will not be used as a pretext for violation of sexual harassment policy.
 - When appropriate, faculty advised to inform students that content and teaching strategies properly employed in higher education may be controversial or discomfoting to some.
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Consensual Relationships

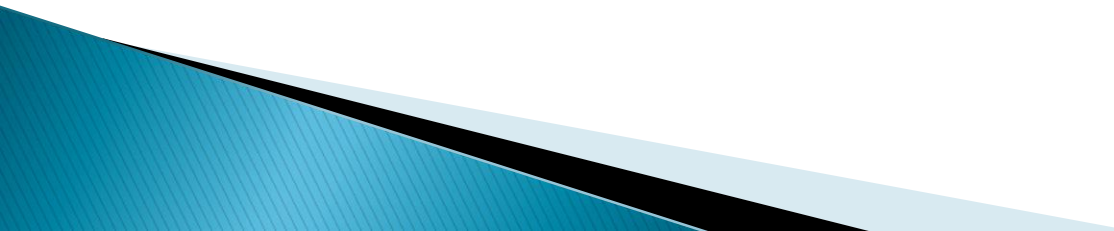
Consensual relationships do not constitute sexual harassment.

- However, such relationships can and have led to charges of sexual harassment.
 - Even when both parties appear to have consented, a power differential can raise serious concerns about the validity of the consent.
 - Relationships can undermine trust and create an appearance of favoritism and unfair treatment of others.
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Proposed New UH Policy on Consensual Relationships

Proposed Policy would prohibit an employee from engaging in a romantic, dating, or sexual relationship with another employee or a student whom the employee supervises, directs, instructs, evaluates, advises, or has substantial influence over.

Proposed Policy subject to union consultation before possible adoption.

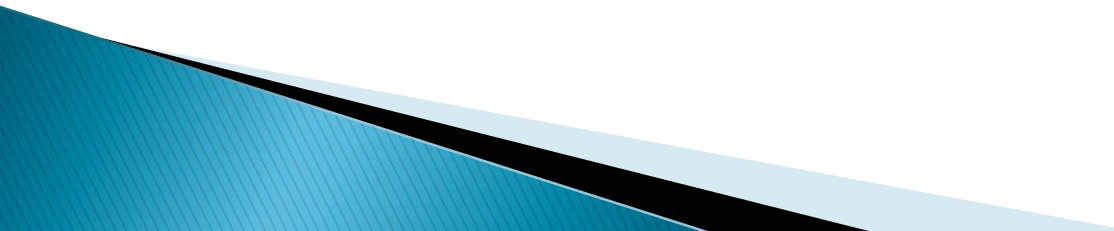


Reporting Policy Violations

All University administrators are required, and other members of the University are strongly encouraged, to notify the Chancellor, EEO officer, or Title IX Coordinator when they are notified of, or otherwise become aware of, conduct that may constitute sexual harassment.

Protection Against Retaliation

Retaliation (adverse action or hostile treatment) is prohibited against any individual who:

- Seeks advice or assistance about sexual harassment.
 - Reports sexual harassment.
 - Files a complaint.
 - Assists in a sexual harassment complaint investigation or resolution process.
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Implementation and Enforcement of Policy

- Educational programs to prevent sexual harassment.
 - Dissemination of University policy.
 - Complaint and investigation procedures.
 - Appropriate remedies to correct harmful effects of harassment.
 - Appropriate corrective (disciplinary) actions.
 - Monitoring.
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