

UNIVERSITY OF CALIFORNIA SYSTEMWIDE ADMINISTRATION

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SANTA BARBARA • SANTA CRUZ



Office of the President

BERKELEY, CALIFORNIA 94720

Sexual Harassment Prohibition

August 11, 1981

** Submitted
3/10/86*

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CHANCELLORS
LABORATORY DIRECTORS
VICE PRESIDENT KENDRICK
SPECIAL ASSISTANT SALMON



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INTERNAL CORRESPONDENCE

Dear Colleagues:

On June 9, Vice President Kleingartner sent to you the report of the task force he appointed to study issues associated with sexual harassment. In consultation with the University-wide Affirmative Action Advisory Committee, he has now recommended that the following University policy statement on sexual harassment be issued. I have approved this statement, effective immediately:

The University of California is committed to creating and maintaining a community in which students, faculty, administrative, and academic staff can work together in an atmosphere free of all forms of harassment, exploitation, or intimidation, including sexual. Specifically, 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. It is the intention of the University to take whatever action may be needed to prevent, correct, and, if necessary, discipline behavior which violates this policy.

In order to ensure that appropriate and effective channels are available for handling problems pertaining to sexual harassment, each of you for your jurisdictions shall develop local procedures for implementing the University's policy on sexual harassment. These local procedures should be sent to Vice President Kleingartner for review prior to issuance.

I have asked Vice President Kleingartner to prepare and issue appropriate guidelines to implement the above policy in accordance with the Task Force Report. You will hear from him soon.

Sincerely,

David S. Saxon
David S. Saxon
President

cc: Principal Officers of The Regents
Vice President Frazer
Vice President Kleingartner
Assistant President Everett ✓
Chair, Academic Council
Chair, Student Body Presidents' Council



Office of the President

BERKELEY, CALIFORNIA 94720

August 11, 1981

CHANCELLORS
 LABORATORY DIRECTORS
 VICE PRESIDENT KENDRICK
 SPECIAL ASSISTANT SALMON

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David S. Saxon
 President

cc: Principal Officers of The Regents
 Vice President Frazer
 Vice President Kleingartner ✓
 Assistant President Everett
 Chair, Academic Council
 Chair, Student Body Presidents' Council

INTERNAL CORRESPONDENCE



Office of the Vice President—
Academic and Staff Personnel Relations

BERKELEY, CALIFORNIA 94720

September 1, 1981

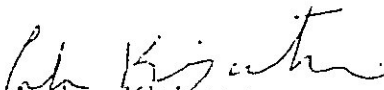
CHANCELLORS
LABORATORY DIRECTORS
VICE PRESIDENT KENDRICK
SPECIAL ASSISTANT SALMON

Dear Colleagues:

On June 9, 1981, I sent you a copy of the report of the task force to study issues associated with sexual harassment. Since then, President Saxon has accepted my recommendation, based on the concurrence of the University-wide Affirmative Action Advisory Committee, that the task force report serve as the basis for further policy development on this topic.

On August 11, 1981 President Saxon issued the attached policy statement on sexual harassment. The policy development and implementation process is underway in my office and in the office of the Academic Vice President. Until the work is completed, the attached recommendations of the task force are to be considered as interim guidelines in this area, effective immediately.

Sincerely,


Archie Kleingartner

Attachments

cc: President Saxon
Principal Officers of The Regents
Vice President Frazer
Assistant President Everett ✓
Chair, Academic Council
Chair, Student Body Presidents' Council

INTERNAL CORRESPONDENCE

Recommendations of the Task Force to Study Sexual Harassment

The following recommendations are taken from the Report of the Task Force to Study Sexual Harassment and are intended to serve as interim guidelines until final policy changes are completed and implemented. On August 11, 1981, the President issued a policy statement on sexual harassment, but in terms of the University's legal liability, there is urgent need for interim guidelines to provide policy direction and guidance.

Definition

The following definition will aid in identifying the kinds of behavior which constitute sexual harassment:

"Unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature constitute sexual harassment when:

1. submission to or rejection of such conduct is made either explicitly or implicitly a term or condition of instruction, employment, or participation in other University activity;
2. submission to or rejection of such conduct by an individual is used as a basis for evaluation in making academic or personnel decisions affecting an individual; or
3. such conduct has the purpose or effect of unreasonably interfering with an individual's performance or creating an intimidating, hostile, or offensive University environment."

In determining whether the alleged conduct constitutes sexual harassment, consideration should be given to the record as a whole and to the totality of the circumstances, including the nature of the sexual advances and the context in which the alleged incidents occurred.

1. INFORMAL PROCEDURES

Each campus and Laboratory should develop informal procedures to accommodate complaints of sexual harassment. The informal procedures should provide one or several appropriate locations for informal complaints to be lodged, with a trained intake person who can effectively counsel and guide complainants.

2. FORMAL PROCEDURES

The established grievance procedures applicable to other complaints, such as those involving sex discrimination, should be used for complaints of sexual harassment: Staff Personnel Policy 280 for staff and management personnel; Academic Personnel Manual Section 191 for non-Senate academics; Privilege and Tenure procedures (By-Law 113) for Senate members; and Title IX grievance procedures for students. In order to acquaint the University community with the appropriate formal grievance procedures, and in order to facilitate their use, clear and understandable information on such procedures should be made available.

3. CONFIDENTIALITY

In informal investigation of complaints related to sexual harassment, and in accordance with existing policies, every reasonable effort should be made to protect the privacy of the parties. With respect to formal proceedings, regulations established pursuant to the specific procedure being implemented should govern the hearing process and access to documents.

4. FACULTY CODE OF CONDUCT

The Faculty Code of Conduct contains several sections which outline unacceptable and unprofessional forms of behavior which might apply in such cases. A University policy statement on sexual harassment should refer to the applicability of the Faculty Code of Conduct.

5. STAFF AND MANAGEMENT STANDARDS OF CONDUCT

A University policy on sexual harassment should refer to the applicability of those sections of the Staff Personnel Manual which set forth the University's policies on conduct, progressive corrective action, and discipline.

6. EDUCATION AND PREVENTION

The University's policy on sexual harassment should be widely disseminated throughout the University community, informing students, staff, and faculty of the informal and formal procedures for handling sexual harassment complaints. The University should take an educational responsibility for ensuring that intake persons, counselors, and others who deal with sexual harassment complaints receive adequate training about University policies and procedures, and in counseling techniques, in order to be able to advise complainants effectively. Managers and supervisors should be informed of their obligation and responsibility to help maintain an appropriate University environment free of sexual harassment. Training and informational sessions on policies prohibiting sexual harassment should be included in employee orientation and supervisory training programs, as well as in other appropriate forums for faculty and students.