



## **Office for the Prevention of Harassment & Discrimination (OPHD)**

### **Frequently Asked Questions for Staff/Faculty**

#### **What is discrimination?**

Discrimination is the unfair or unequal treatment of an individual or group of people based upon certain characteristics. Harassment is a specific type of illegal discrimination, which is defined as unwelcome conduct in a work or educational setting that is so severe or pervasive, and objectively offensive, that it unreasonably interferes with and adversely impacts the educational experience or work environment.

#### **What are different types of harassment and discrimination?**

We are protected against harassment and discrimination in education and employment based on age, ancestry, citizenship, color, disability, gender, gender expression, gender identity, genetic information, marital status, medical condition, national origin, pregnancy, race, religion, sex, sexual orientation and veteran status. We are also protected against bias based on perceived membership in any of these categories.

#### **Why is UC San Diego concerned about preventing harassment and discrimination?**

UC San Diego is committed to creating and maintaining a community in which all persons who participate in UC San Diego programs and activities can work, learn and live together in an atmosphere free from all forms of harassment, exploitation or intimidation. Civil rights laws and university policies prohibit discrimination and harassment in educational programs and activities, and employment settings.

#### **How does OPHD resolve complaints?**

OPHD has procedures for resolving complaints of sexual harassment and other types of discrimination. We encourage early reporting of concerns or complaints, because complaints are most effectively resolved at the earliest possible stage. Resolution options depend on the circumstances and may include education programs for particular individuals, separation of the parties, job or housing reassignment. Where early resolution is unsuccessful or inappropriate, a request for a formal investigation may be filed. There is no prescribed sequence, so choosing one option first does not prevent a complainant from choosing a different option for resolution later on. You may also get advice or assistance without filing a complaint.

#### **What is the policy on dating a student, staff or faculty member?**

UC San Diego has a Policy on Conflicts of Interest Arising out of Consensual Relationships which addresses potential ethical and legal issues that arise when individuals develop romantic or sexual relationships. Consensual relationships where there is a power differential between parties pose potential and real conflicts of interest. Effective steps must be taken to ensure that evaluation or supervision of the faculty member, staff person or student is unbiased and not based on the consensual relationship. UC San Diego employees may date one another when there is no current supervisory relationship between them. There is a UC systemwide faculty-student relationship policy that prohibits a faculty member from becoming romantically or sexually involved with students for whom the faculty member has or should expect to have supervisory responsibility.

**What is the Violence Against Women Act (VAWA)?**

The Violence Against Women Act (VAWA) imposes obligations on colleges and universities to expand required campus education programs on sexual assault to include prevention awareness and bystander intervention strategies. It also expands the information colleges must include into their annual crime reports to include acts of domestic violence, dating violence and stalking.

**What if I fear retaliation for reporting harassment or discrimination?**

Threats, other forms of intimidation and retaliation against anyone for reporting harassment or discrimination are prohibited. Retaliation is a violation of the law and University policy and is a serious offense.

**What are the reporting options available to someone who is a victim of sexual assault?**

Reporting options include Criminal, Civil, Administrative and Non-Reporting. More information about these options can be found at <http://ophd.ucsd.edu/files/ReportingOptions.pdf>.

**What are my responsibilities as a UC San Diego staff or faculty member?**

California law requires that employees make reasonable use of employer harassment or discrimination complaint resolution procedures. If you have a concern about harassment or discrimination, you are urged to seek assistance from OPHD as soon as possible. Unreasonable delay or failure to report could affect your legal rights. **Contact OPHD at (858) 534-8298 or email [ophd@ucsd.edu](mailto:ophd@ucsd.edu).**

**What additional responsibilities do supervisors have under UC San Diego policy?**

University officials are charged by state and federal laws to provide a work environment that is free of harassment and to assist those who report harassing conduct to them. Under California law, UC San Diego supervisors, including all academic appointees, are required to have two hours of sexual harassment prevention training every two years. Supervisors may satisfy the mandatory training requirement through an in-person or online training program. Supervisors are responsible for immediately responding to reports of harassment that come to their attention. Supervisors responsible for reporting or responding to harassment who are aware of the harassment and take no action to stop it or fail to report it may be disciplined.

**Where can I learn more about sexual harassment prevention?**

OPHD offers education to the entire UC San Diego community. We have live presentations, written materials, an informative website and an online program that features self-paced, interactive and comprehensive education about sexual harassment and gender discrimination issues. For more information, refer to [Mandatory Supervisor Training](#) and [Mandatory Nonsupervisory Employee Training](#).

**How do I report bias-related incidents or other acts of intolerance?**

All members of the UC San Diego community may report bias incidents or other acts of intolerance to [reportbias.ucsd.edu](http://reportbias.ucsd.edu) or [ophd@ucsd.edu](mailto:ophd@ucsd.edu). Be the voice.

**OPHD is about solutions.**

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