DISCRIMINATION & HARASSMENT PREVENTION

Brought to you by UTSA's Office of Equal Opportunity Services (EOS).
The estimated time to review this lesson is 30 minutes.
TO RECEIVE CREDIT
At the end of this course, you will be required to pass a quiz with a score of 80% or better.

You will be given three attempts to pass the quiz.

The estimated average time to complete this lesson and the quiz at the end is 30 minutes.
OVERVIEW AND OBJECTIVES

In this lesson you will learn how to identify, prevent and properly report unlawful discriminatory and harassing behaviors. You will learn how to:

- Define unlawful discrimination
- Identify your rights and responsibilities under federal law and UTSA policy
- Prevent discrimination and harassment
- Identify UTSA personnel to contact for complaints and/or to report an act of sexual violence
- Pay close attention - there is a quiz at the end!
SEXUAL HARASSMENT AND SEXUAL MISCONDUCT

The environment for employees and students should be free from inappropriate conduct of a sexual nature in the workplace or classroom. Sexual harassment and sexual misconduct are a violation of policy. Both sexual harassment and sexual misconduct are unprofessional and prohibited at UTSA.

UTSA is committed to complying with federal and state laws. Employees who engage in such conduct will be subject to disciplinary action, up to and including termination. Questions regarding sexual harassment or sexual misconduct should be directed to your supervisor or the Office of Equal Opportunity Services. Acts of sexual violence should be referred to the Title IX Coordinator in the Office of Equal Opportunity Services.
Click over each box below for more information before proceeding.

WHAT IS?

DISCRIMINATION

HARASSMENT
Discrimination, including harassment, is defined as conduct that subjects an individual or group to treatment that adversely affects employment or education because of:

**PROTECTED CLASSES COVERED UNDER FEDERAL LAW:**
- Race or Color
- Sex or Gender
- National Origin (Citizenship)
- Age
- Religion
- Disability
- Veteran Status

**ADDITIONAL PROTECTED CLASSES COVERED UNDER UTSA POLICY:**
- Sexual Orientation
- Gender Identity
- Gender Expression

**HARASSMENT**
Harassment, as a form of discrimination, is defined as verbal or physical conduct by a co-worker, supervisor, third-party, student or a non-employee that is unwelcome, pervasive/persistent and offensive.

If this behavior is directed at an individual or group because of race/color, sex/gender (includes pregnancy), national origin (citizenship), age, religion, disability, veteran status, sexual orientation, gender identity or gender expression then it is considered a violation of UTSA policy.

Harassing behaviors are a violation of policy when conduct:
- Is severe, pervasive or persistent
- Interferes with an individual's or group's academic or work performance
- Creates an intimidating, hostile and/or offensive academic or working environment
PROTECTED CLASSES

Protected Classes are groups protected under law and policy. UTSA policy prohibits discrimination against faculty, staff, students and visitors in all aspects of employment and education.

EEO = Equal Employment Opportunity
EQUAL EMPLOYMENT OPPORTUNITY

UTSA is an Equal Employment Opportunity (EEO)/Affirmative Action employer. UTSA does not discriminate against employees or applicants for employment on the basis of race/color, sex/gender (includes pregnancy), national origin (citizenship), age, religion, disability and veteran status. In addition to compliance with all applicable federal and state laws and regulations, under UTSA policy, no person will be subjected to employment discrimination on the basis of sexual orientation, gender identity and/or gender expression.

UTSA’s commitment to equal opportunity principles applies to all aspects of employment, including recruitment, retention, promotion, compensation, benefits and training. Questions regarding EEO or Affirmative Action issues should be directed to your supervisor or the Office of Equal Opportunity Services.

Click here for UTSA’s HOP 9.01- Nondiscrimination
A staff member complains to his supervisor that a co-worker uses ethnic slurs and makes offensive comments as jokes when referring to minority students.

What should the supervisor do?
Choose your answer. As department supervisor, you should:

- assure the staff member that comments such as these violate UTSA policy and that the complaint will be reviewed by Equal Opportunity Services (EOS).
- wait to see if there are any other complaints before acting.
- tell the staff member that the slurs are not meant to be offensive, they are part of the co-worker’s sense of humor.
YOU'RE RIGHT.

The supervisor should assure the staff member that comments such as these violate UTSA policy and that the complaint will be reviewed by Equal Opportunity Services (EOS).
You are the director of a large department at UTSA. A staff member (Hispanic male) complains to you about the new office manager. The staff member says the new office manager has unfairly evaluated his performance and has made several negative comments about his country of origin and his accent.

As department director, what should you do?
Choose your answer. As department director, you should:

...inform the staff member that he may need to improve his performance.

...inform the staff member that the office manager is new and comments about national origin are not part of performance evaluations.

...inform the staff member that you will contact EOS for review and that he may also contact EOS directly.
YOU’RE RIGHT.

As department director, you should inform the staff member that you will contact EOS for review and that he may also contact EOS directly.
SEXUAL HARASSMENT

Sexual Harassment is a form of sex discrimination and includes unwelcome sexual advances, requests for sexual favors, and verbal or physical conduct of a sexual nature when:

- Submission to the unwelcome conduct is made a term or condition of employment or student status
- Submission to (or rejection of) the conduct is used in personnel or academic decisions affecting the individual
- The conduct unreasonably interferes with the individual’s job performance
- The conduct creates an intimidating, hostile or offensive environment
SEXUAL HARASSMENT – TWO TYPES

1. **Hostile Environment Sexual Harassment**
   - Unwelcome sexual behavior
   - Can involve anyone in work or academic setting
   - Behavior is severe (very offensive single incident) or pervasive (pattern of behavior involving repeated incidents)
   - The conduct unreasonably interferes with the individual's ability to do their job and/or
   - The conduct creates an intimidating, hostile or office environment

2. **Quid Pro Quo Sexual Harassment**
   - Someone in a position of authority (supervisor, manager, faculty) pressures a subordinate for sexual favors in return for some benefit to the subordinate
   - A single incident is considered a violation of policy
THIRD-PARTY HARASSMENT

Third-parties are individuals who are indirectly affected by harassment in the workplace.

An example would be a person who is not directly involved in the conversation but is negatively impacted by hearing racist or sexist jokes shared between other co-workers.

A third-party may be negatively affected by actions or comments from co-workers, students, independent contractors, vendors, a member of the public or any other individual in the workplace.

For this reason, always be aware of your surrounding environment and always act in a respectful manner toward others.
UTSA is committed to maintaining a learning and working environment that is free from discrimination based on sex, conflicts of interest and favoritism. UTSA recognizes that two consenting adults should be free to conduct a personal relationship if they so wish when the relationship does not interfere with the goals and policies of UTSA. Some romantic, dating and/or sexual relationships, although consensual, do create situations that lead to sexual harassment, sexual misconduct, conflicts of interest, favoritism and low morale.
The following consensual relationships, even if a single event, are prohibited:

- A Consensual Relationship between a **Supervisor** and **Supervisee** regardless of whether the supervisory relationship is **direct** or **indirect**, unless the Supervisor discloses the relationship in advance and a Management Plan is in effect;

- A Consensual Relationship between a coach or athletic staff and any student athlete or student assigned to or associated with the athletics department, such as interns and student employees, unless waived by the President or his or her designee for good cause.

If you are in a consensual relationship a Management Plan is required. To initiate a Management Plan, please contact Employee Relations at 458-7891.

For more information, click the following link: UTSA HOP 9.04
The only female employee in her department is told by her supervisor that she may not participate in any overtime work because “women should be at home in the evening to assist their families” and “men need the extra pay because it’s a man’s responsibility to provide for his family”.

Do the supervisor’s comments and actions violate UTSA policy?
Choose your answer. Do the supervisor’s comments and actions violate UTSA policy?

No, the supervisor has a right to his opinion that a woman’s place is in the home.

No, the employee should accept the supervisor’s comments and actions because they are meant to be helpful.

Yes, the supervisor’s comments and actions are a violation of UTSA policy and the employee should contact EOS for guidance.
YOU'RE RIGHT.

The supervisor’s comments and actions are a violation of UTSA policy and the employee should contact Equal Opportunity Services (EOS) for guidance.
DISABILITY ACCOMMODATIONS

UTSA is committed to providing an inclusive, accessible and safe environment where all students, employees, visitors and applicants are treated respectfully and equitably. In accordance with state and federal regulations:

- Discrimination based on disability in all programs, services and activities is prohibited.
- UTSA will provide reasonable accommodations to qualified persons with disabilities unless doing so creates an undue hardship.

For employee disability accommodations, contact the UTSA’s Americans with Disabilities Act (ADA) Coordinator at Ext. 4031

For student disability accommodations, contact UTSA’s Office of Student Disability Services at Ext. 4157

To report disability discrimination and/or harassment concerns, please contact Equal Opportunity Services (EOS) at Ext. 4120

For more information, click the following link: [HOP 9.02 - Persons with Disabilities]
An employee informs you that her manager did not allow her to attend a conference because the manager indicated that travel to and from the conference would be too difficult for the employee due to the employee's disability.

Do the manager's comments and actions violate UTSA policy?
Choose your answer. Do the manager’s comments and actions violate UTSA policy?

No, approving conference attendance is within the manager’s discretion.

Yes, if the manager’s decision is based on the employee’s disability, this is a violation of UTSA policy.

No, the manager is considering the fact that the employee missed work due to health issues after returning from a previous conference.
YOU'RE RIGHT.

If the manager's decision is based on the employee's disability, this is a violation of UTSA policy.
PREVENTION

If you or anyone you know at UTSA experiences discrimination, report it! To create a workplace free from discrimination and harassment, put the following tips into action.

+ Hover over each number below for more information before proceeding.

1 2 3 4 5
A student employee says that she and a professor were involved in a romantic relationship. When she ended the relationship, the professor became angry. The student has copies of emails from the professor threatening to make her life difficult if she tries to get a job in another department. In his emails, the professor implied the only way to resolve the situation was to continue the relationship.

Do the professor’s actions violate UTSA policy? If so, which policies?
Please click on the answer you believe is the correct choice. Do the professor’s actions violate UTSA policy? If so, which policies?

No, the professor’s response is common for a person who is rejected in a romantic relationship.

Yes, the professor’s actions violate UTSA’s Consensual Relationship Policy and his threats after the relationship ended could be considered sexual misconduct or sexual harassment.
YOU’RE RIGHT.

Yes, the professor’s actions violate UTSA’s Consensual Relationship Policy and his threats after the relationship ended could be considered sexual misconduct or sexual harassment.
BEST PRACTICES FOR PREVENTION

Click each Do’s & Don’ts for best practices to prevent discrimination and harassment in the workplace.

DO’S

DON’T’S
DO’S

Be respectful

Remember the protected classes

Be aware of your environment

Consider the possible consequences of an office romance

Report discrimination or harassment to EOS

Welcome

SEE DON’TS
**DONT’S**

- Make fun of another person's background or culture
- Offer a promotion or better grade in exchange for sexual favors
- Display offensive materials
- Send sexual emails or texts
- Make sexual advances

**SEE DO’S**
REPORTING COMPLAINTS

UTSA encourages any person who believes that he/she has been subjected to discrimination or harassment to immediately report the incident to EOS.

UTSA’s Handbook of Operating Procedures (HOP) states faculty, staff, students or visitors must file a complaint with EOS within 30 calendar days from the date of the alleged incident.

Every supervisor is responsible for promptly reporting incidents to EOS of any type of prohibited discrimination or harassment that comes to their attention.
VARIOUS AVENUES FOR REPORTING ARE:

- Your supervisor
- Other senior staff (when complaint involves your supervisor)
- Equal Opportunity Services (EOS): Ext. 4120
- Title IX Coordinator (for student complaints of discrimination and sexual harassment/sexual violence): Ext. 4120
- The Office of Student Conduct and Community Standards (when a student is involved): Ext. 4720

UTSA POLICE DEPARTMENT
(210) 458-4242 - Non-Emergencies  (210) 458-4911 - Emergencies
COMPLAINT PROCESS

The Texas Labor Code Chapter 21 indicates that persons in this state shall be free from discrimination in certain employment transactions, in order to protect their personal dignity.

- An individual claiming employment discrimination has the right to file a complaint with the Texas Workforce Commission's (TWC) Civil Rights Division (CRD), a local referral agency, or the Equal Employment Opportunity Commission (EEOC).

- The Civil Rights Division of TWC (state level) accepts complaints up to 180 days after the date of the alleged act of discrimination.

- The EEOC (federal level) accepts complaints within 180 days of the alleged act of discrimination.
Contact EOS to report or seek guidance regarding discriminatory or harassing behaviors. EOS reviews and determines which of the following two complaint processes is most appropriate:

**INFORMAL COMPLAINT PROCESS:**
- Conduct is not serious nor repetitive
- Disciplinary action is not required
- Strategies are needed to resolve the issue
- Manager needs to modify the situation

**FORMAL COMPLAINT PROCESS:**
- Complaint is serious and/or repetitive
- Involves interviews and review of documentation
- Disciplinary action is required
How many days do you have to file a complaint with Equal Opportunity Services (EOS) about an incident of alleged discrimination or sexual harassment?

- 30 calendar days
- 10 calendar days
- 40 calendar days
- 20 calendar days
YOU'RE RIGHT.

UTSA employees have 30 calendar days to file a complaint with Equal Opportunity Services (EOS) about an incident of alleged discrimination or sexual harassment.
Which office do you contact about ADA accommodations for employees?

- ADA Coordinator's Office
- Student Disability Services
- Student Health Services
- EOS
YOU'RE RIGHT.

Contact UTSA's ADA coordinator for concerns about accommodations for employees with disabilities.
When a supervisor becomes aware of a complaint of discrimination or harassment, he/she must notify EOS about the complaint.

- **True**
- **False**
YOU’RE RIGHT.

When a supervisor becomes aware of a complaint of discrimination or harassment, he/she must notify EOS about the complaint.
Title IX of the Education Amendments of 1972 is a federal law that prohibits gender discrimination in educational institutions receiving federal financial aid.

The Department of Education Office of Civil Rights issued new guidance in 2011 strengthening Title IX regarding sexual harassment and sexual violence.

This new guidance requires universities and colleges to take immediate action to eliminate sexual harassment (including sexual violence), prevent it and address its effects.

Sexual violence refers to physical sexual acts against a person’s will or where a person is incapable of giving consent due to:

- the victim’s age
- use of drugs or alcohol
- an intellectual or other disability
TITLE IX RESPONSIBILITIES

All UTSA employees (faculty, staff and student employees) must report incidents of discrimination and sexual harassment covered under Title IX to the Title IX Coordinator:

Leonard Flaum, Equal Opportunity Services Director and Title IX Coordinator
Phone: 210-458-4120
Email: leonard.flbaum@utsa.edu
Office Location: Main Campus North Paseo Building NPB 5.130
San Antonio, Texas 78249

All reported complaints of sexual harassment and sexual violence against students, faculty, and staff will be investigated by EOS.

More information:
RETIALLATION

- Retaliation is illegal and against UTSA policy.
- Example, a supervisor takes an adverse action (termination or denial of promotion) against an employee who makes a complaint or participates in an EOS investigation.
- Be sure to report retaliation to EOS.
- Only discuss details of retaliation with EOS.
- If you are part of an investigation, be sure to treat everyone involved equally, fairly and with respect to avoid retaliation or the appearance of retaliation.

ADDITIONAL RESOURCES ON RETALIATION

UTSA 9.01 Nondiscrimination

UTSA 9.24 Sexual Harassment and Sexual Misconduct

U.S. Equal Employment Opportunity Commission
ADDITIONAL RESOURCES AND CONTACTS

- U.S. Equal Employment Opportunity Commission (EEOC)
- UTSA's Office of Equal Opportunity Services (EOS)
- EEO Law and Policy References
- ADA Disability Resources at UTSA
- UTSA Student Conduct & Community Standards
- UTSA's Student Disability Services
- UTSA HOP 9.01 Nondiscrimination
- UTSA HOP 9.24 Sexual Harassment and Sexual Misconduct
You have completed the Discrimination and Harassment Prevention lesson. What would you like to do next?

- e-mail The Office of Equal Opportunity Services
- Review lesson

Scroll up and click the orange EXIT ACTIVITY button above this lesson to return to the course homepage and click on the ACKNOWLEDGMENTS lesson.