

Primer on Hostile Environment

Workplace: Harassment means unwelcome conduct engaged in because of a person's Protected Status and the conduct is sufficiently severe or pervasive that its effect, whether or not intended, could be considered by a reasonable person in the shoes of the individual, and is in fact considered by the individual, as intimidating, hostile or offensive.

Educational Setting: Harassment means unwelcome conduct, based on the person's Protected Status, that is sufficiently severe, persistent or pervasive that its effect, whether or not intended, could be considered by a reasonable person in the shoes of the individual, and is in fact considered by the individual, as limiting their ability to participate in or benefit from the services, activities or opportunities offered by the University.

Protected Status includes Age, Disability (physical or mental), Gender (or sex), Genetic Information, Gender Identity (including transgender), Gender Expression, Marital Status, Medical Condition, Nationality, Race or Ethnicity (including color or ancestry), Religion or Religious Creed, Sexual Orientation, and Veteran or Military Status.

Severe or Pervasive: depends on context, nature, scope, frequency, duration, and location of incidents, as well as the identity, number, and relationship of the person involved. Typically harassment must, in most cases, consist of more than casual or isolated incidents.

Notice: Actual or constructive Notice. So long as an agent or responsible employee of the university received notice, that notice is imputed to the university. Our policy makes all of us "responsible employees."

What should you do?

- Report situations of which you become aware.
- Direct people to our policies (see handout).
- Know our Resources
 - o Counseling and Wellness (students)
 - o EAP (Staff & Faculty)
 - o SJA, Faculty Affairs, Human Resources – Reporting incidents
- Explore bringing a facilitated conversation to the classroom or Department meeting
- Address the situation to the extent practicable, i.e., remind everyone of campus policy and expected behavior and/or privately advise person of unacceptable behavior in the workplace/learning environment.
- Support the person or group that has been targeted.

What should you not do?

- Do not tell someone that they should not have been offended. Accept that they were offended if they tell you they were.
- Do not ignore or let problematic behavior pass unaddressed.

Relevant Laws

- **Title VI of Civil Rights Act of 1964**
 - Prohibits discrimination on the basis of race, color, and national origin in programs that receive federal money (like colleges and Universities).
- **Title VII of Civil Rights Act of 1964**
 - Prohibits discrimination on the basis of race, color, religion, sex, or national origin in employment.
- **Title IX of the Education Amendments of 1972**
 - Prohibits discrimination on the basis of sex in programs that receive federal money (like colleges and Universities).
- **Americans with Disabilities Act of 1990**
 - Prohibits discrimination on the basis of disability.
- **California Fair Employment and Housing Act**
 - Prohibits discrimination on the basis of race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, genetic information, marital status, sex, gender, gender identity, gender expression, age, sexual orientation, or military and veteran status in employment.
- **California Unruh Civil Rights Act**
 - (b) All persons within the jurisdiction of this state are free and equal, and no matter what their sex, race, color, religion, ancestry, national origin, disability, medical condition, genetic information, marital status, sexual orientation, citizenship, primary language, or immigration status are entitled to the full and equal accommodations, advantages, facilities, privileges, or services in all business establishments of every kind whatsoever.