

# Creating an Educational Environment Free of Sexual Violence and Sexual Harassment (SVSH) (Page 1 of 35)



## A Note about Sexual Violence and Sexual Harassment (SVSH) Training for GSIs

The University has adopted a plan for all members of the UC Berkeley community to receive updated training about sexual violence and sexual harassment. The training strategy involves engaging every student and employee through multiple channels.

- All incoming graduate students are required to take the online training module by Vector Solutions called “Sexual Assault Prevention Graduate Students.” This training will be made available to you through your CalCentral Dashboard.
- All incoming students (except those in online-only programs) must participate in a live Sexual Violence and Sexual Harassment Prevention Training, "Cultivating a Respectful Graduate Community," facilitated by your department or partners in the PATH to Care Center.
- Please be sure that you understand your responsibility to complete these two forms of training within the first six weeks of the semester if you are an incoming student. Further information can be found on the campus [Addressing Sexual Violence and Sexual Harassment website](#) under “[Required SVSH Prevention Trainings](#)” and on the [Graduate Division SVSH Required Training for Incoming Students webpage](#).
- All employees of the University, including GSIs, are required to take annual SVSH prevention training. As their appointments are processed, GSIs will be invited to take the appropriate courses.

The current module of this course is a long-standing preparation requirement for all first-time GSIs. It differs from the other trainings in that it focuses on SVSH issues as they may arise in the course of a GSI’s duties.

*\***Content Warning:** This module contains information about training requirements for the prevention of sexual violence and sexual harassment. These forms of harm are too common, and we recognize that many people in our community have experienced them. If you have concerns about completing the requirements due to personal history, you may request to complete the training requirements in an alternative way by contacting a Confidential Advocate at the PATH to Care Center. You will not be required to disclose any details of your experience. We ask this request to be reserved for students impacted by sexual violence and sexual harassment and/or histories of trauma, violence, or harassment. You can reach an Advocate by email ([ptcadvocates@berkeley.edu](mailto:ptcadvocates@berkeley.edu)) or by phone (510-642-1988). Please use the subject line: Alternative to Required GSI Ethics Module.*

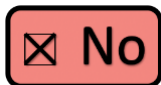
# What Do You Think? (Page 2 of 35)

## Consider this scenario:

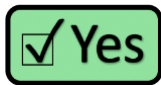
Over the course of the semester, a seemingly conscientious student regularly attends their GSI's office hours, often staying to chat about topics unrelated to the course material. The GSI does not discourage this behavior and is happy to learn more about the student's background and aspirations.

Soon, the student begins to send friendly email messages and requests to meet outside of the GSI's normal office hours due to the student's busy schedule. The GSI attempts politely to discourage this behavior and maintain a professional relationship. To the GSI's chagrin, the student continues to write personal notes. One day the student makes an overly dramatic mock profession of love to the GSI in front of the entire class.

## Could this constitute sexual harassment?



No, this could not be considered sexual harassment.



Yes, this could constitute sexual harassment.

What elements of this scenario may point to sexual harassment? What would you say to the GSI if they were your colleague? You will learn more about identifying sexual harassment and the GSI's role in addressing it in this module of the Ethics Course.

# Preview of Module 5 (Page 3 of 35)

Sexual harassment, a form of sex discrimination, creates adverse conditions that hinder student learning and limits access to academic resources and opportunities. As “[responsible employees](#),” GSIs have an important role to play in reducing the incidence of sexual harassment and responding if they become aware of a potential incident. An awareness of that role can:

- help guide choices you make as a teacher in creating an inclusive learning environment both physically and virtually;
- help you maintain standards of professional and ethical behavior as a GSI; and
- enable you to identify problems related to sexual harassment and violence and assist you in knowing how to respond to them.

In this module, **Creating an Educational Environment Free of Sexual Violence and Sexual Harassment (SVSH)**, you will explore the following topics:

- the GSI’s role in maintaining an environment free from discrimination and harassment;
- policy, law, and campus units that deal with instances of sexual harassment and sexual violence if you, other instructors, or a student are impacted;
- forms of sexual harassment and indicators that GSIs may see;
- teaching strategies for preventing sexual harassment; and
- responding to sexual harassment and sexual violence if you, other instructors, or a student are impacted.

## Learning Objectives

After exploring these topics, you should be able to:

- distinguish ways in which a GSI’s role in relation to the [University of California \(UC\) Policy on Sexual Violence and Sexual Harassment \(SVSH\)](#)[Links to an external site.](#) differs from the role of a student who is not also a campus employee;
- understand federal laws pertaining to SVSH;
- explain UC SVSH Policy and complaint resolution options and procedures;
- identify prohibited behavior as defined in the UC SVSH Policy;
- prevent SVSH in your role as a GSI;
- respond helpfully and appropriately to possible incidents of SVSH;
- identify campus resources available to GSIs and students for [confidential and non-confidential consultation and support](#); and

- identify to whom [reports](#) of SVSH should be made to seek resolution when you are required to make a Responsible Employee report to the Title IX Office (Office for the Prevention of Harassment and Discrimination or OPHD for short).

# Responsible Employee: The GSI's Role in Responding to and Addressing Sexual Harassment (Page 4 of 35)

While GSIs are by definition students, in the GSI role they exercise authority over their own students through classroom management, setting assignments, grading, and other instructional activities. There are safeguards that go along with instructional authority to protect both GSIs and students from inequities and unwelcome conduct.

As a student, you have a student's range of options and responsibilities on campus. A friend may confide in you that they have experienced an incident of sexual harassment or violence, and you can support your friend in complete confidentiality if you choose.

In your role as a GSI, however, you have an instructor's range of options and responsibilities. With respect to incidents of sexual harassment or sexual violence, the GSI is not an informal confidant but a [Responsible Employee](#). This means that if a student discloses an incident to you that would fall under the SVSH policy (including sexual harassment, sexual assault, relationship violence, stalking, sexual exploitation, or retaliation), you have a responsibility to promptly report all known details to the Title IX office (OPHD), including the identity of the harmed party (called the "complainant"). You will learn more about these obligations throughout this module.

In brief, GSIs need to understand the policies and laws, understand their obligations under those policies and laws, and know how to respond either to incidents or to student reports of sexual harassment or sexual violence.

More information and tips on how to respond with care and concern to disclosures of SVSH can be found in the [Responsible Employee Quick Guide](#).

# The UC Sexual Violence and Sexual Harassment Policy: Goals and Definitions (Page 5 of 35)

The [University of California Sexual Violence and Sexual Harassment Policy](#)

governs the handling of incidents of sexual harassment and sexual violence involving members of our university community that occur on or off-campus. It defines relevant terms such as forms of sexual harassment, sexual violence, and consent; outlines prohibited behaviors; and describes the University's policies and procedures for responding to and resolving reports of sexual harassment and sexual violence.

## Goals of the Policy

The goals of the policy are outlined in the first section:

The University of California ("University") is committed to maintaining a community dedicated to the advancement, application, and transmission of knowledge and creative endeavors through academic excellence, where all people who participate in University programs and activities can work and learn together in an atmosphere free of harassment, exploitation, or intimidation. Sexual violence, sexual harassment, retaliation, and other behavior prohibited by this Policy interfere with those goals. The University will respond promptly and effectively to reports of such conduct. This includes action to stop, prevent, correct, and when necessary, investigate and adjudicate behavior that violates this Policy. This Policy addresses the University's responsibilities and procedures related to sexual violence, sexual harassment, retaliation, and other prohibited behavior as those terms are defined in this Policy (together, "Prohibited Conduct") in order to ensure an equitable and inclusive education and employment environment. The Policy defines Prohibited Conduct and explains the administrative procedures the University uses to resolve reports of Prohibited Conduct.

To that end, students, staff, faculty, and administrators should be knowledgeable about their responsibility to prevent sexual violence and sexual harassment and to respond appropriately to allegations of such behavior. The University will respond to reports of prohibited conduct in accordance with the UC SVSH Policy.

## Definitions

The following definitions come from the [University of California Sexual Violence and Sexual Harassment Policy](#)

## Consent

Consent is *affirmative, conscious, voluntary, and revocable*. Consent to sexual activity requires of each person an affirmative, conscious, and voluntary agreement to engage in sexual activity. It is the responsibility of each person to ensure they have the affirmative consent of the other to engage in the sexual activity. Lack of protest, lack of resistance, or silence do not alone constitute consent. Affirmative consent must be ongoing and can be revoked at any time during sexual activity. The existence of a dating relationship or past sexual relations between the persons involved should never by itself be assumed to be an indicator of consent (nor will subsequent sexual relations or dating relationship alone suffice as evidence of consent to prior conduct). The Respondent's belief that the Complainant consented shall not provide a valid defense where:

- The Respondent's belief arose from the Respondent's own intoxication or recklessness;
- The Respondent did not take reasonable steps, in the circumstances known to the Respondent at the time, to ascertain whether the Complainant affirmatively consented; or
- The Respondent knew or a reasonable person should have known that the Complainant was unable to consent because the Complainant was incapacitated, in that the Complainant was:
  - asleep or unconscious;
  - due to the influence of drugs, alcohol, or medication, unable to understand the fact, nature, or extent of the sexual activity; or
  - unable to communicate due to a mental or physical condition.

## Sexual Harassment

**Sexual harassment** is when:

- **Quid Pro Quo:** a person's submission to unwelcome sexual conduct is implicitly or explicitly made the basis for employment decisions, academic evaluation, grades or advancement, or other decisions affecting participation in a University program or activity; or
- **Hostile Environment:** unwelcome sexual or other sex-based conduct is sufficiently severe, persistent or pervasive that it unreasonably denies, adversely limits, or interferes with a person's participation in or benefit from the education, employment or other programs or activities of the University, and creates an environment that a reasonable person would find to be intimidating or offensive.

Sexual conduct includes sexual or romantic advances, requests for sexual favors, and other verbal, nonverbal, or physical conduct of a sexual nature.



Other sex-based conduct includes acts of verbal, nonverbal, or physical aggression, intimidation, or hostility based on gender, gender identity, gender expression, sex- or gender-stereotyping, or sexual orientation.

Consideration is given to the totality of the circumstances in which the conduct occurred.

The definition of sexual harassment will not be interpreted to prohibit expressive conduct that is protected by the free speech and academic freedom principles discussed in Section

III.F. of the [UC SVSH Policy](#).

## Sexual Violence

- **Sexual Assault - Penetration:** Without the consent of the Complainant, penetration, no matter how slight, of the Complainant's mouth by a penis or other genitalia; or the Complainant's vagina or anus by any body part or object.
- **Sexual Assault - Contact:** Without the consent of the Complainant, intentionally touching Complainant's intimate body part (genitals, anus, groin, breast, or buttocks); making the Complainant touch another or themselves on any intimate body part; or touching the Complainant with one's intimate body part, whether the intimate body part is clothed or unclothed.

This definition of Sexual Assault-Contact encompasses a broad spectrum of conduct, not all of which constitutes sexual violence. So, the Title IX Officer must sometimes determine whether an allegation should be charged as sexual violence or sexual harassment.

- **Relationship Violence Is:**
  - - physical violence toward the Complainant or a person who has a close relationship with the Complainant (such as a current or former spouse or intimate partner, a child or other relative), or
    - intentional or reckless physical or non-physical conduct toward the Complainant or someone who has a close relationship with the Complainant (such as a current or former spouse or intimate partner, a child or other relative) that would make a reasonable person in the Complainant's position fear physical violence toward themselves or toward the person with whom they have the close relationship, that is by a person who is or has been in a spousal, romantic, or intimate relationship with the Complainant, or who shares a child with the Complainant, and that is part of a pattern of abusive behavior by the person toward the Complainant.

Physical violence is physical conduct that intentionally or recklessly threatens the health and safety of the recipient of the behavior, including assault.

Patterns of abusive behavior may consist of or include non-physical tactics (such as threats, isolation, property destruction, abuse of pets, economic control, displaying weapons, degradation, or exploitation of a power imbalance).

The nature of the relationship between the Complainant and Respondent is determined by the length and type of relationship, and the frequency of interaction between them. Relationship violence includes both “dating violence” and “domestic violence.”

- Conduct by a party in defense of self or another is not Relationship Violence under University Policy. If either party asserts that they acted in defense of self or another, the Title IX Officer will use all available, relevant evidence to evaluate the assertion, including reasonableness of the defensive actions and which party is the predominant aggressor.
- **Stalking:** Repeated conduct directed at a Complainant (for example, following, monitoring, observing, surveilling, threatening, communicating or interfering with property), of a sexual or romantic nature or motivation, that would cause a reasonable person to fear for their safety, or the safety of others, or to suffer substantial emotional distress. Stalking of a non-sexual nature is addressed by other University policies

including but not limited to the [Policy on Student Conduct and Discipline Section 102.10](#)

- **Sexual Exploitation** is taking sexual advantage of another, where the conduct is not otherwise addressed in this Policy, in the following circumstances:
  - The trafficking or prostituting of another without their consent: Inducing the Complainant to perform a commercial sex act through force, fraud, or coercion, or where the Complainant is under the age of 18;
  - Knowingly making a material false representation about sexually transmitted infection, birth control, or prophylactic status with the specific intent and effect of inducing the Complainant to participate in a specific sexual act or encounter;
  - Providing alcohol or drugs to the Complainant with the specific intent and effect of facilitating Prohibited Conduct; or
  - Actively facilitating or assisting another person in committing Prohibited Conduct.

Coercion is overcoming the will of Complainant through:

- credible threats of serious physical or non-physical harm to the Complainant or another person;

- a plan intended to make the Complainant believe that failure to perform an act would result in serious physical or non-physical harm to the Complainant or another person; or
- the abuse or credible threat of abuse of a legal or University policy process.

A commercial sex act is any sex act for which anything of value is given to or received by any person.

Force is physical conduct that would reasonably overcome the will of another.

Fraud is intentional deception that would reasonably overcome the will of another.

### **Other Prohibited Behavior**

- Invasions of Sexual Privacy
  - Without a person's consent, watching or enabling others to watch that person's nudity or sexual acts in a place where that person has a reasonable expectation of privacy;
  - Without a person's consent, making or attempting to make photographs (including videos) or audio recordings, or posting, transmitting or distributing such recorded material depicting that person's nudity or sexual acts in a place where that person has a reasonable expectation of privacy;
  - Using depictions of nudity or sexual activity to extort something of value from a person; or
  - Threatening to post or share depiction of nudity or sexual activity unless a person takes a particular action.
- Sexual intercourse with a person under the age of 18.
- Exposing one's genitals in a public place for the purpose of sexual gratification.
- Failing to comply with the terms of a no-contact order, a suspension of any length, or any order of exclusion issued under the SVSH Policy.
- Engaging in Retaliation. Retaliation is an adverse action against a person based on their report or other disclosure of alleged Prohibited Conduct to a University employee, or their participation in, refusal to participate in, or assistance with the investigation, reporting, remedial, or disciplinary processes provided for in this Policy. An adverse action is conduct that would discourage a reasonable person from reporting Prohibited Conduct or participating in a process provided for in this Policy, such as threats, intimidation, harassment, discrimination and coercion. Good faith actions lawfully pursued in response to a report of Prohibited Conduct (such as gathering evidence) are not, without more, retaliation.

### **Source**

[University of California Sexual Violence and Sexual Harassment Policy](#)

# Federal Law and Berkeley's Responsibilities (Page 6 of 35)

## Title IX

[Title IX of the Education Amendments of 1972](#) [Links to an external site.](#) protects people from discrimination based on sex in education programs that receive federal funds, in all aspects of their programs, including: admissions, treatment of students, and employment. It also addresses sexual harassment as a form of sex discrimination in the educational setting.

**The University's responsibilities under Title IX are to**

- stop the discrimination or harassment,
- prevent its recurrence, and
- address its impact.

UC Berkeley has a Title IX Officer to ensure that the University meets these responsibilities. You will learn about the Title IX Officer on the next page.

## The Clery Act

The Jeanne Clery Act, signed into federal law in 1990, requires all colleges and universities that participate in federal financial aid programs to collect and disclose information about crime on and near their respective campuses. This includes (but is not limited to) sex offenses. UC Berkeley's [Annual Security and Fire Safety Report](#) is provided in compliance with the Clery Act.

## The Federal Violence Against Women Act (VAWA)

The Violence Against Women Act and the VAWA Reauthorization Act of 2013 improve and expand how institutions, such as the University of California, address sexual harassment and sexual violence.

VAWA was first enacted in 1994 as part of the Violent Crime Control and Law Enforcement Act of 1994, which was re-authorized in 2000 and 2005.

The 2013 Act re-authorized and improved services for all victims of domestic violence, dating violence, sexual assault, and stalking. It covers university and college students and extends coverage to lesbian, gay, bisexual, transgender, and immigrant victims.

**Under VAWA, the University of California is required to**

- adopt a policy to address and prevent campus sexual violence,
- report campus crime statistics more fully, and
- provide incoming students and new employees with training that promotes awareness of domestic violence, dating violence, sexual assault, and stalking.

# UC Berkeley's Title IX Compliance Officer: The Office for the Prevention of Harassment and Discrimination (OPHD) (Page 7 of 35)

OPHD is UC Berkeley's Title IX compliance office. OPHD receives and responds to reports and complaints of harassment and discrimination based on protected class including sexual harassment and sexual violence. Kellie Brennan, Assistant Vice Chancellor for Civil Rights, Whistleblower & Clery Compliance is UC Berkeley's Title IX Officer.

The campus physical address of OPHD is:

University of California  
2111 Bancroft Way  
Berkeley, CA 94720-1120

Contact information:

Telephone: 510-643-7985

Email: [ask\\_ophd@berkeley.edu](mailto:ask_ophd@berkeley.edu)

Online reporting form at:

<https://ophd.berkeley.edu/submit-report-harassment-or-discrimination>

Any member of the University community may report conduct that may constitute sexual violence, sexual harassment, retaliation, and other prohibited conduct. Since they are designated as Responsible Employees under the UC SVSH Policy, **GSI's who receive a report of such conduct involving students are required to report it to the Title IX Office (OPHD).**

**Helpful guides on resources and reporting:**

- [Where to Get Support](#) Quick Guides for Students and Employees for any student needing assistance with sexual harassment and sexual violence.
- This [Responsible Employee Quick Guide](#) is useful for GSIs to understand their obligations as Responsible Employees, including how to best respond to a disclosure in a trauma-informed way and how to report to Title IX (OPHD).
- The [OPHD reporting quick guide](#) provides key information about reporting discrimination and harassment, including sexual violence and sexual harassment, and hate and bias incidents.

# Campus Complaint Resolution Policy: Process, Confidentiality, and Non-Retaliation (Page 8 of 35)

## The Resolution Process

The University has resolution procedures it follows for all faculty, staff, and students to facilitate prompt and equitable resolution of SVSH complaints. There are many ways OPHD can respond to a report of harassment or discrimination, including providing safety & supportive measures, through informal means in an alternative resolution, and/or through formal means in an investigation. The specific steps in this process will not be covered in this course, but details are available in the [UC Sexual Violence and Sexual Harassment Policy](#)

SVSH [procedures for students, faculty, and staff](#) and [process flowcharts](#) are also available online.

## Confidentiality

Many individuals are concerned about confidentiality and possible repercussions if they come forward to report SVSH or even to ask questions to determine whether certain behavior constitutes SVSH. If a student comes forward to you in your role as a GSI to report a possible SVSH incident, please do not promise confidentiality. As a Responsible Employee, you have an obligation to relay all the details disclosed to you, including names of individuals, to the University (the Title IX Office (OPHD)) so the University can provide a prompt and equitable response, per University policy.

When handling a Responsible Employee disclosure, it is important to remind students that you are not a confidential resource so they can choose how much they want to share with you. The goal is to listen actively and respond without blame, doubt, or judgment, and without attempting to investigate. Gently let students know that there are confidential resources on campus where they can confidentially discuss their concerns and receive help and resources without making a report that must be shared with OPHD. You can point them toward the offices that offer confidentiality such as the PATH to Care Center CARE Line (510-634-2005). Those resources will be discussed further in the next section.

If they do choose to disclose information to you, thank them for trusting you. You can help the student feel more comfortable about your role as a Responsible Employee by letting them know what will happen when you share information with OPHD. You can reassure the student that OPHD will only send them an email (or make a phone call if email is not safe)



with information about their rights, options, and resources for support and resolution. They can choose to ignore the email, they may go first to a confidential resource like PATH to Care to get support, or they may choose to schedule a meeting with OPHD to learn more about their options. OPHD can provide supportive measures, such as a no contact directive, assistance with missed assignments/exams, housing concerns, etc. These supportive measures are available with or without an investigation. Complainants are never required to share details about their experience with anyone, including OPHD.

If a complainant chooses to engage with OPHD, they may want to resolve the matter through a Formal Investigation or through a more informal means like Alternative Resolution. OPHD can discuss what resolution options are available depending on the case circumstances and the parties involved. It's important to know that OPHD will not move forward with a case unless the Complainant elects and is ready to do so. In rare cases, when there is a risk to the campus community, the Title IX Officer may decide that some resolution is necessary, but every effort is made to engage with the complainant and follow their lead. See the [UC Sexual Violence and Sexual Harassment Policy](#)

## University Non-Retaliation Policy

The University's Sexual Violence and Sexual Harassment Policy prohibits retaliation:

Retaliation is an adverse action against a person based on their report or other disclosure of alleged Prohibited Conduct to a University employee, or their participation in, refusal to participate in, or assistance with the investigation, reporting, remedial, or disciplinary processes provided for in the SVSH Policy.

An adverse action is conduct that would discourage a reasonable person from reporting Prohibited Conduct or participating in a process provided for in the SVSH Policy, such as threats, intimidation, harassment, discrimination, and coercion. Good faith actions lawfully pursued in response to a report of Prohibited Conduct (such as gathering evidence) are not, without more, retaliation.

Please contact the campus Title IX Office immediately (510-643-7985 or at [ask\\_ophd@berkeley.edu](mailto:ask_ophd@berkeley.edu)) if you feel that you are a victim of retaliatory behavior or if a student discloses any retaliatory behavior. If you feel that your immediate physical safety is in danger, call 9-1-1.

# Confidential Sources of Support (Page 9 of 35)

Sometimes a person who has experienced or received a disclosure of sexual harassment or violence is reluctant to seek support and/or report it to OPHD or law enforcement. The University provides four primary offices with whom students and GSIs can consult and receive support confidentially. Confidential community-based resources are also available.

These are also crucial places for GSIs to refer students to and should be listed among important campus resources on a GSI's section syllabus or information sheet or course website. A sample syllabus text will be provided later in this module. Encouraging survivors of sexual violence and sexual harassment to consult confidential resources allows them the greatest amount of choice and control over what support and resolution processes they may use.

## Confidential Advocates

The **PATH to Care Center** provides free, affirming, empowering, and confidential support for survivors and those who have experienced gendered violence, including: sexual harassment, dating and intimate partner violence, sexual assault, stalking, and sexual exploitation. Confidential advocates bring a non-judgmental, caring approach to exploring all options, rights, and resources. Additionally, the Center aims to help instructors proactively prevent SVSH, rather than waiting until an incident occurs.

## Contacting the PATH to Care Center

**Office Line:** 510-642-1988

For questions or non-immediate referrals, this number connects you with staff at the UC Berkeley PATH to Care Center. Faculty, staff, undergraduate, graduate and professional students, as well as alumni, use this number for general inquiries and to arrange services or **appointments** that will be scheduled a day or more in advance. The PATH to Care Center is located at an undisclosed location on central campus.

**Confidential Advocates on the Care Line (for urgent, 24/7 support):** 510-643-2005

For **urgent** situations when a survivor or concerned support person such as a GSI wants to connect with a Confidential Advocate immediately. The UC Berkeley Care Line can be used to:

- give survivors a way to connect with an advocate on their own time;
- provide survivors with information about their options, which may include, for example, reporting, medical rights, and housing or academic accommodations;

- arrange for an advocate to provide accompaniment if survivors choose to report or seek medical support.

## Ombuds Office for Students and Postdoctoral Appointees

**The Ombuds Office** helps students (and GSIs) explore options and clarify campus policies and procedures in a confidential, neutral, independent, and informal setting. As a confidential resource, the Ombuds Office does not keep any written records. Appointments are only made by telephone: 510-642-5754

## University Health Services

**Social Services** at the University Health Services in the Tang Center provides confidential counseling and assistance and specializes in supporting students who experience SVSH, as well as students who may be concerned about their potentially harmful behavior.

510-642-6074  
2222 Bancroft Way

Should a student have an urgent need, they should call Counseling and Psychological Services (CAPS) at 510-642-9494. Like Social Services, CAPS is a confidential site.

This contact information also appears on the Campus Resource List at the end of this module and in the downloadable Campus Resource List PDF for the entire course. We strongly encourage GSIs to browse these websites so that they have some familiarity with the resources before a student comes to them needing a referral. Other important resource centers are also listed on the [Campus Resources](#) page at the end of this module. They include the following:

### **Student Advocate's Office (SAO)**

510-642-6912

[help@berkeleysao.org](mailto:help@berkeleysao.org)

Provides confidential\*, student-to-student casework services for undergraduate and graduate student survivors and those who have caused harm; helps survivors understand available resources and options.

\*Student Advocate's Office staff are not Responsible Employees, however they do not have evidentiary privilege, and therefore may be compelled to reveal information by a court of law.

## Confidential Off-Campus Resources

### **Family Violence Law Center**[Links to an external site.](#)

24-hour Crisis Line: 800-947-8301

Provides support and legal assistance for survivors of domestic violence and sexual assault.

### **Bay Area Women Against Rape**[Links to an external site.](#)

24-Hour Hotline (English and Spanish): 510-800-4247

Offers in-person counseling and hospital, police, and courtroom accompaniment for people impacted by sexual assault and rape. All services are confidential, free, and affirming to people of all genders.

# Sexual Violence/Sexual Harassment Assistance

## (Page 10 of 35)

The [University of California Policy on Sexual Violence and Sexual Harassment](#) [Links to an external site.](#) (“SVSH Policy”), in alignment with Title IX of the Education Amendments of 1972, requires the campus to provide appropriate assistance to student victims/survivors of sexual harassment, stalking, sexual assault, dating violence, and domestic violence.

The SVSH policy identifies a number of appropriate supportive measures, including but not limited to the following: excusing absences; issuing Incomplete grades; making reasonable academic and work adjustments in the areas of class sessions, exams, tests, projects, deadlines, field trips, and any other required activities; developing alternative assignments; and permitting test-taking and course attendance in alternative locations.

Requests for supportive measures of the type mentioned in the SVSH policy may come from any of several campus centers, including the Disabled Students’ Program (DSP), the Office for the Prevention of Harassment and Discrimination (OPHD), the PATH to Care Center, Social Services, or the Center for Support and Intervention. As with accommodation requests that come from DSP, GSIs should always discuss SVSH requests for academic assistance with the instructor of record.

Instructors are reminded to preserve the privacy of a request made on behalf of a student. Questions about the appropriateness, suitability, feasibility, and policy implications of the supportive measure requested should be directed, not to the student in question, but to the Title IX Officer.

You can find more [guidance for instructors](#) about academic supportive measures on the Academic Accommodations Hub website.

# Identifying Sexual Harassment (Page 11 of 35)

## Issues of Power

Sexual harassment often creates confusion because it can blur the boundary between the professional role and the personal relationship. In healthy interpersonal relationships individuals are free to choose with whom they wish to establish a close, intimate relationship. These choices are based on mutual attraction, caring, and a reciprocal interest in pursuing the relationship.

The difference between consensual sexual relationships and sexual harassment or sexual violence is that consensual relationships don't contain things like coercion, threat, or unwanted attention, either physical or non-physical. **Sexual violence and sexual harassment is about power, not sex.** Sexual harassment, in all forms, is not only unethical; it is also illegal and violates UC policy.

In addition, because of the potential for actual or apparent conflicts of interest, members of the campus community who enter into a consensual relationship with someone over whom they have supervisory, decision-making, oversight, evaluative, or advisory responsibility (hereafter “individuals in authority”) must take effective steps to remove themselves from professional decisions concerning that individual. Please see the [Conflicts of Interest Arising Out of Consensual Relationships Policy](#) for more information.

## Recognizing or Identifying Problematic Behavior

GSI's do not need to become experts in determining cases of sexual harassment and/or sexual violence and should not engage in investigating incidents or assessing reported conduct under the law or UC Policy. However, GSI's do need to know the major types and criteria to guide their own practices, and to know where to go or where to refer a student if they become aware of an incident. GSI's can always consult with the Title IX Officer (even anonymously) if they have questions about behavior they are witnessing or have experienced themselves. GSI's can also take proactive measures to prevent SVSH by adding trauma-informed prevention strategies into their curriculum and course materials. Consider consulting with staff at the PATH to Care Center for more information.

# Forms of Sexual Harassment (Page 12 of 35)

In the next few pages we circle back to two forms of sexual harassment mentioned earlier in the module:

- **Quid Pro Quo:** a person's submission to unwelcome sexual conduct is implicitly or explicitly made the basis for employment decisions, academic evaluation, grades or advancement, or other decisions affecting participation in a University program or activity;
- **Hostile Environment:** unwelcome sexual conduct that is sufficiently severe, persistent or pervasive that it unreasonably denies, adversely limits, or interferes with a person's participation in or benefit from the education, employment or other programs or activities of the University, and creates an environment that a reasonable person would find to be intimidating or offensive.

## Source

[UC SVSH Policy \(pdf\)](#), Section II.B.2.

# Quid Pro Quo Sexual Harassment (Page 13 of 35)

*Quid pro quo* is a Latin term often used in law to mean that something is exchanged for something else, literally “this for that.” *Quid pro quo* sexual harassment (economic sexual harassment) takes place when a person is asked to provide sexual favors in exchange for something such as a grade, a letter of recommendation, or an award. Academic decisions become contingent upon whether the person grants or refuses to grant the sexual favor.

## For example:

If you sleep with me, I’ll nominate you for the fellowship.

If you don’t go out with me, I’ll take it out on your grade.

*Quid pro quo* harassment is committed by a person who has the authority to make or influence employment or academic decisions (e.g., hiring, giving grades, determining assignments, writing letters of recommendation, or nominating students for awards).

*Quid pro quo* sexual harassment may be present even when a threat is not explicit. For example:

A professor implies to a GSI that he will give her an easier workload and excuse her from grading exams if she goes to dinner with him.

Incidents of *quid pro quo* sexual harassment do not necessarily need to occur more than once for them to be considered sexual harassment.

## Scenario

Check your understanding:

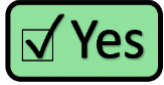
In one class, Susan actively participates and positively contributes to class discussion and this is documented in the course record. Susan’s GSI asks her to go out for coffee after class to discuss the readings further. Susan tells her GSI that she really doesn’t want to meet after class and the GSI is visibly angry. At the end of the semester, the GSI gives Susan a “C” for class participation, even though Susan strongly feels she has earned a higher grade.

Could the GSI’s behavior constitute sexual harassment?



The GSI’s behavior could not constitute sexual harassment because there is no clear cause and effect.





The GSI's behavior could constitute sexual harassment because it could be an example of *quid pro quo*.

# Hostile Environment: Types of Unwelcome Behavior (Page 14 of 35)

In the academic setting, a hostile environment is created by unwelcome sexual or other sex-based conduct that is “sufficiently severe, persistent or pervasive that it unreasonably denies, adversely limits, or interferes with a person’s participation in or benefit from the education, employment or other programs or activities of the University, and creates an environment that a reasonable person would find to be intimidating or offensive.” ([UC Sexual Violence and Sexual Harassment Policy](#), Section II.B.2.)

You do not need to be an expert at identifying sexual harassment, but recognizing that certain behaviors are problematic can help prevent them or prevent them from escalating. If you observe behaviors occurring or you experience these behaviors yourself as a GSI, it is important to report it to OPHD as soon as possible, even if the behavior is minor, so it can be corrected before it escalates.

Behavior that can create a hostile environment can be **verbal, nonverbal, or physical**. The following are examples of behaviors that may create a hostile environment:

## Verbal

Below is a partial list of verbal behaviors that may create a hostile environment:

- Derogatory comments of a sexual nature or based on gender
- Sexually-charged comments about clothing, personal behavior, or a person’s body
- Sexual or gender-based jokes or teasing
- Requests for sexual favors
- Repeated requests for dates
- Sexual innuendos or stories
- Tales of sexual exploits
- Demands such as “Give me a smile” that are only directed to persons of one gender or gender-identity
- Obscene phone calls or emails
- Lies or rumors about a person’s sex life

## Nonverbal

Below is a partial list of nonverbal behaviors that may create a hostile environment:

- Looking a person up and down
- Making derogatory gestures of a sexual nature
- Giving sexually suggestive looks or staring in a suggestive manner

## Physical

Here is a partial list of physical behaviors that may create a hostile environment:

- Leaning over, invading a person's space
- Inappropriately touching a person or person's clothing
- "Accidentally" brushing sexual parts of the body
- Blocking someone's path with the purpose of making a sexual advance
- Uninvited neck massaging
- Grabbing
- Kissing, hugging, patting, stroking
- All forms of Sexual Violence as defined in Section II.B.1 of the [UC SVSH Policy](#), are considered severe forms of sexual harassment. Sexual violence includes sexual assault, relationship (dating and domestic) violence, sexual exploitation, and stalking.

## Visual

Here is a partial list of visual elements that may create a hostile learning environment:

- Posters, cartoons, drawings, calendars, pinups, and pictures of a sexual nature
- Digital graphics of a sexual nature
- Inappropriate, sexually expressive, or revealing clothing
- Knick-knacks and other objects of a sexual nature

Given that UC Berkeley is incorporating more remote education, it is also important to consider how harmful behavior and harassment can show up in virtual spaces such as bCourses, Zoom, Google Hangouts, or Slack channels. Many of the behaviors listed above can occur in online learning spaces. For example, sending sexually explicit or uninvited images through Private Message. It is extremely important to pay attention to problematic behavior and take complaints seriously about harm happening during remote learning. [This Toolkit for Participants in Virtual Classrooms and Meeting Spaces](#) is available to the Berkeley community to assist with creating a healthy virtual environment.

## Scenario (Page 15 of 35)

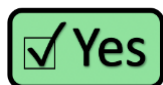
### Check your understanding:

A GSI in your department requires students to make regular appointments to attend office hours. On two occasions when a student has visited the GSI during office hours, the GSI stood very close to the student, placed a hand on the student's shoulder, and leered at them. The student felt uncomfortable and told the GSI, but the GSI continued this conduct, stating that they were just trying to be friendly. The undergraduate is afraid to tell the professor about the GSI's behavior, and instead stops attending class and is even considering dropping it.

Could the GSI's behavior constitute sexual harassment? If so, why?



The GSI's behavior could not constitute sexual harassment.



This GSI's behavior could constitute sexual harassment because it creates a hostile academic environment.

# Hostile Environment and Bystanders (Page 16 of 35)

Anyone who witnesses concerning behavior (commonly called a "bystander") can and should report that information to the Title IX Office (OPHD). GSIs, as Responsible Employees, have a duty to report what they observe as well as what is reported to them. For example, a bystander hearing someone direct sexually suggestive comments and jokes toward another may create a hostile environment for the bystander. By reporting what you observe, you provide an opportunity for the subject of the harassment to also receive information and support, where they might have been reluctant to report themselves. Even if the subject of the harassment does not feel that they were harassed, the behavior might create a hostile environment for the bystander. A romantic relationship between a faculty member or GSI and a student, itself potentially contrary to [University policy on Consensual Relationships](#), may create the perception of disparate treatment or favoritism, regardless of whether it is actually occurring.

## Scenario

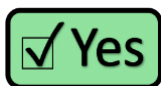
Check your understanding:

A GSI repeatedly engages in sexually flirtatious dialogue with a student in a class Zoom chat. The student participating in the dialogue finds the interaction benign and amusing. Meanwhile, two other students are considering dropping the class because they are offended and uncomfortable with what they consider to be inappropriate classroom conversation.

**Despite the fact that the student in dialogue with the instructor is not offended, could this be considered sexual harassment?**



No, this could not be considered sexual harassment.



Yes, this could be considered sexual harassment.

## Unwelcome Conduct of a Sexual Nature (Page 17 of 35)

A combination of factors influences one's perception of what is appropriate or inappropriate behavior of a sexual nature, including culture, gender, generation, and/or personal history.



Not every student needs to feel the same about a behavior for it to create a hostile environment. If a student brings to the GSI's attention, for example, that their sexually explicit jokes are having a negative effect on the class environment, or on the student's experience of the class, the GSI should stop the behavior and the GSI should report the behavior to the Title IX Office so the student can receive rights, options, and resources. If the GSI then continues the sexually explicit joking, the student who has spoken up will likely find the class atmosphere, whether in person or online, even more uncomfortable.

Should the student tell a second GSI about the behavior, the second GSI would need to report it to the Title IX officer as well. It should be noted that an affirmative objection from the person experiencing the conduct is not necessary in order for the conduct to be considered unwelcome.

# Intent vs. Impact (Page 18 of 35)

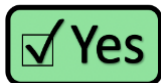
Beyond explicit conduct such as inappropriate touching or propositioning, defining an incident or behavior as sexual harassment may depend on how someone experiences its **impact**.

The **impact** of conduct on the person targeted by it is **weighed more heavily** in administrative complaint processes than the **intent** of the person exhibiting that behavior. Well-intentioned people can engage in problematic behavior.

## Scenario

A GSI frequently starts off discussion section by telling a sexually explicit joke. Some students are very offended, but others laugh.

True or false: The GSI is at risk of being accused of sexual harassment because some students may feel that the jokes are sexually offensive.



True, the GSI is at risk.



False, the GSI is not at risk.

## Why is this important to understand?

Violation of the sexual harassment policy is determined in great part by the impact of a behavior on the individual experiencing the unwelcome or offensive behavior. While one person may think that a specific behavior is appropriate or may be comfortable with it, others may have a different experience. In teaching, students can be uncomfortable even if the instructor is not intending or did not intend to cause discomfort.

Once again, you do not need to be an expert at identifying sexual harassment. Recognizing that certain behaviors can be problematic will help prevent them, or prevent them from escalating. Please contact OPHD at [ask\\_ophd@berkeley.edu](mailto:ask_ophd@berkeley.edu) or via the [online form](#) [Links to an external site.](#) for guidance in responding to any situation that may constitute sexual harassment. You can also contact staff at the PATH to Care Center ([pathtocare@berkeley.edu](mailto:pathtocare@berkeley.edu)) for help integrating prevention strategies and/or creating trauma-informed classroom spaces.

# Dynamics of Sexual Harassment (Page 19 of 35)

In an academic context, sexual harassment can occur in hierarchical relationships or between peers. It can occur between members of the campus community and outside contributors to a course, such as a visiting speaker. In all of these situations, support is available through many of the resources we will share at the end of the module.

## GSI or Faculty Member Harassment of a Student

There is an inherent power differential in GSI and faculty relationships with students. The abuse of this power relation may take the form of sexual harassment.

## Student Harassment of a GSI or Faculty Member

In the context of a hierarchical relationship, the person in the position of greater authority can be sexually harassed by the person holding less power. It is possible for a student to sexually harass a GSI or a faculty member. Students may behave in unwelcome ways towards GSIs, such as offering sexual favors for better grades. This, too, can be a form of sexual harassment.

## Peer-to-Peer

Sexual harassment does not necessarily involve a hierarchical relationship, but may occur student to student, GSI to GSI, or faculty member to faculty member.

## Same-Gender Harassment

A student, GSI, or faculty member can perpetrate sexual harassment against someone of the same gender identity.

## Harassment by Other Contributors to a Course

Guest lecturers or other visitors to the classroom or campus are not exempt from the campus sexual violence and sexual harassment policy. Sexual harassment and sexual violence incidents in the framework of other course-related activities such as internships or field trips should be reported to the Title IX Officer.



# Teaching Strategies for Preventing Sexual Harassment (Page 20 of 35)

Increasing your own and your students' awareness of behaviors that others may consider unwelcome will not only help prevent sexual harassment but will also contribute further to developing an inclusive and respectful learning environment.

The following pages present several strategies GSIs can use to prevent sexual harassment in the classroom before it occurs. These are also strategies you can model for your students and encourage them to adopt as well.

- Provide information on your section syllabus about your Responsible Employee obligations, as well as an intention to prevent violence and harm in your classroom.
- Begin each semester by promoting the prevention of violence and harm. Setting expectations at the start of the semester for respectful interactions among students through community agreements reinforces acceptable behavior. Instructors have found success when involving their students in the development of community agreements.
- Address subject matter appropriately. Inform your students in advance if course content has the potential to be triggering or impactful for students with a prior history of violence. Additionally, instructors can offer opportunities to receive course content in an alternative manner if students have a personal history of violence that prevents them from fully participating in the class at that time.
- It can also be helpful to provide a list of campus support resources for students to seek support when needed. The [Berkeley Support Portal](#) ("supportal") is an excellent resource for finding support for a variety of concerns.
- Take required precautions when sharing student information.
- Hold office hours in appropriate spaces.
- Address subject matter appropriately.
- If you are the target of unwanted attention, be aware of the campus-based resources and support that is available to you.
- Respond with care and concern to survivors of sexual violence. Familiarize yourself with [safe and supportive campus resources](#) to which you can point students in the event that they are negatively impacted by a classroom discussion or topic. Also, encourage your students to do the same to support their peers who may be impacted by sexual violence and harassment.
- Familiarize yourself with the campus [toolkit for Healthy Learning Environments](#).

# Provide Information on Your Section Syllabus or Information Sheet (Page 21 of 35)

Some instructors provide a list of resources for students or an SVSH Prevention statement on their course or section syllabus. GSIs who create a section syllabus or information sheet may wish to include a short description of campus policies pertaining to sexual harassment, sexual violence and discrimination and campus resources for identifying and dealing with sexual harassment and sexual violence, including websites, addresses, and/or telephone numbers for obtaining further information.

## Sample Statements on SVSH Prevention and Response

### **A more personal syllabus statement**

#### Our Policy on Sexual Violence and Sexual Harassment

Our goal is for the classroom to be a participatory community where everyone can fulfill their potential for learning; there is no place for sexual harassment or violence. If you or someone you know experiences sexual violence or sexual harassment, there are options, rights, and resources, including assistance with academic accommodations, reporting, and medical care. To learn more about confidential SVSH support contact the [PATH to Care Center](#) or call the 24/7 Care Line at 510-643-2005 for urgent support. If you have questions about available supportive measures, resolution options, or policies on harassment and discrimination, visit [the OPHD website \(ophd.berkeley.edu\)](http://ophd.berkeley.edu) or call 510-643-7985. You may submit information to OPHD at any time, including anonymously, at [https://uctitleix.i-sight.com/portal/BerkeleyLinks to an external site.](https://uctitleix.i-sight.com/portal/BerkeleyLinks%20to%20an%20external%20site)

As your instructor, I also hope to reinforce a culture of active bystander behavior. If your behavior harms another person in this class, I will reach out to you to discuss the situation. In some circumstances, some behaviors may warrant the instructors to inform appropriate University units.

### **A more formal syllabus statement**

#### Our Policy on Sexual Violence and Sexual Harassment

Sexual violence and sexual harassment have no place in a learning environment. Therefore, in alignment with Title IX of the Education Amendments of 1972, and applicable state laws, the University of California Policy on Sexual Violence and Sexual Harassment prohibits

sexual harassment, sexual assault, relationship violence, sexual exploitation, and stalking. The [UC Sexual Violence and Sexual Harassment Policy](#) requires that the University implement interim remedies and support measures, when necessary, for victims/survivors. If you or someone you know experiences sexual violence or harassment, there are options, rights, and resources, including assistance with academics, reporting, and medical care. Visit [the PATH to Care Center website \(care.berkeley.edu\)](#) or call the 24/7 Care Line at 510-643-2005 for urgent support. For questions or assistance with supportive measures or reporting, visit [the OPHD website \(ophd.berkeley.edu\)](#) or contact OPHD at [ask.ophd@berkeley.edu](mailto:ask.ophd@berkeley.edu) or call 510-643-7985.

It is also good to convey to students as early as possible the limits of confidentiality in speaking with the GSI. Learn more about your [Responsible Employee](#) obligations.

## Sample Statement: Limits of GSI Confidentiality

My office hours are TW 1–2 p.m. I invite you to come to my office hours to discuss the course topic and your work in the course. I will try to be helpful with any difficulties or obstructions to your learning. Please note that as a GSI, I am a “Responsible Employee” of the University. This means that if a student divulges to me an incident that is covered by our SVSH policy, I am obliged to notify campus authorities. You can read more about the Responsible Employee designation in the [Responsible Employee Quick Guide](#).

For assistance in drafting syllabus statements, please contact the GSI Teaching & Resource Center, [gsi@berkeley.edu](mailto:gsi@berkeley.edu).

# Establish Community Agreements for Discussion with Your Students (Page 22 of 35)

In the first module, “Practicing Professional Standards and Ethics as a GSI,” you were introduced to the practice of establishing community agreements with your students to deter or prevent inappropriate classroom behaviors (whether in person or online). Community agreements that are developed with your students emphasize the importance of mutual respect and tolerance (including sensitivity to differing opinions and sensibilities), distinction between a speaker’s intent and the impact of their words on a listener, and the definitions of acceptable and unacceptable classroom behavior in relation to the topic of sexual harassment. During week 1, establish community agreements for discussions and classroom culture with your students. Keep the community agreements visible and accessible to encourage students to update the agreements throughout the semester. Some instructors find it helpful to revisit the community agreements midway through the semester to ensure everyone is still aligned.

When the subject matter of a course warrants a discussion of sex, gender, gender identity, pregnancy, or sexual orientation, it is important to remember that remarks must be made in a manner that does not contribute to the creation of a hostile environment. Discuss with students ways to keep the discussion respectful. If you establish a set of discussion guidelines with your students, be sure to include in it an agreement that students will avoid examples or jokes that are discriminatory or target an individual. Encourage students to hold themselves and classmates accountable for their behavior when they are not practicing respect and civility. It is also important to model this behavior for your students by practicing active bystander intervention, for example, when someone tells an inappropriate joke in class. The [CARE Model](#) is helpful in that it reminds us of the options we have to interrupt or intervene in problematic situations.

You can also establish a welcoming and [inclusive virtual culture](#) by employing these strategies.

# Trauma-Informed Considerations to Support Learning (Page 23 of 35)

In preparation for the discussion of difficult topics that could resonate with a student's personal history (e.g., sexual or relationship violence, racism, transphobia, etc.), give students ample notice and/or trauma-informed alternatives to receiving the course content. For example, students with a personal history of sexual violence may want to connect with a Confidential Advocate at the PATH to Care Center for support. Students may opt out of discussions that may be distressing. As a GSI, you should familiarize yourself with [safe and supportive campus resources](#) to which you can point students in the event that they are negatively impacted by a classroom discussion or topic.

The following sample text can be included in a communication to students regarding an upcoming discussion that may touch upon topics of sexual violence and harassment. This can be helpful for those who may be impacted by the material (e.g., they identify as victims, survivors, and/or individuals with a history of trauma) and choose not to participate.

*\*\*Content Warning: In next week's class we will be discussing a piece of literature that includes references to sexual assault and sexual harassment. We recognize that many people in our community have experienced sexual violence and sexual harassment. If you have concerns about attending class, please contact a Confidential Advocate through the PATH to Care Center office line: 510-642-1988 or by email at [ptadvocates@berkeley.edu](mailto:ptadvocates@berkeley.edu). For 24/7 urgent support, call the Care Line at 510-643-2005.*

Educate yourself on campus and community resources for prevention and response. Also, encourage your students to do the same to support their peers who may be impacted by sexual violence and harassment.

## **Creating an environment that supports sexual violence prevention**

Instructors interested in learning how to infuse violence prevention strategies into their curriculum should contact Prevention Managers at the PATH to Care Center at [pathtocare@berkeley.edu](mailto:pathtocare@berkeley.edu). Curriculum infusion is a collaborative and innovative way to integrate violence prevention education into many disciplines. This process challenges students to evaluate their beliefs and attitudes on these issues.

Begin each semester by promoting the prevention of violence and harm. Setting expectations at the start of the semester for respectful interactions among students through community agreements reinforces acceptable behavior.

## Principles of Trauma-Informed Care in the Classroom

Ensure your classroom policies are trauma-informed:

*Safety:*

*The classroom activities and settings ensure the physical and emotional safety of its students*

*Trustworthiness:*

*The classroom activities and setting maximize trustworthiness by making the classroom tasks clear and consistent by maintaining boundaries that are appropriate to the school*

*Choice:*

*The classroom activities and settings maximize student experiences of choice and control*

*Collaboration:*

*The classroom activities and settings maximize collaboration and sharing of power between students and staff*

*Empowerment:*

*The classroom activities and settings prioritize student empowerment and skill-building*

Source

[Trauma Informed OregonLinks to an external site.](#)

# Take Required Precautions in Sharing Student Information (Page 24 of 35)

To create a sense of community and to foster peer exchange, instructors sometimes collect student contact information (such as email addresses and phone numbers) and distribute it to the class. Though well intentioned, this practice may potentially contribute to harmful behaviors such as sexual harassment or stalking. As noted in Module 1, if any students in your class have indicated to the University that they want their email addresses or other contact information treated as private, this practice may also violate federal and University regulations regarding protection of student information (i.e., FERPA).

## Recommendation

Instead of distributing a roster of contact information for all students in the class, consider these strategies:

- Limit disclosure to a voluntary exchange of information by students.
- Set up discussion lists for your class through bCourses or another campus networking platform so that the privacy of the students' email addresses is protected.
- If learning is remote, use Zoom breakout rooms to allow students to complete group work and assignments.

If you have a strong pedagogical reason to give students a contact list, always request written permission from all students before releasing their contact information to others.

## Hold Office Hours in Appropriate Spaces (Page 25 of 35)

Many departments expect GSIs to hold office hours only on campus in a departmental space. But some will permit GSIs to hold **office hours in cafés** near campus. Some students, however, are not comfortable with an office hour visit in a café because they feel that it is either too informal or in some cases too “date-like.” If you do hold office hours in a café, consider giving students a choice. Hold two different office hours a week, one off campus and one in the GSI office or other appropriate departmental space. If a café is the only option for office hours, consider inviting two or three students at a time to attend.

Having one-on-one office hours **behind a closed door** can make students feel uncomfortable or intimidated, and it can leave all parties vulnerable to accusations of sexual harassment. Keep the door open during office hours. When appropriate, consider pairing students for office hour visits or holding group office hours.

To maintain professionalism when teaching online, it is advised that you sit in front of a neutral backdrop such as a blank wall or use a virtual background.

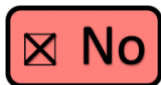


# Address Subject Matter Appropriately (Page 26 of 35)

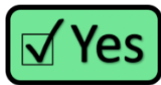
As a GSI you are responsible for ensuring that sexual references are only introduced into the teaching and learning environment if they are appropriate for the subject being taught in the course, whether the references are made by you, a visiting speaker, or by a student.

**Is the sexual reference appropriate in any of the following examples?**

- A GSI demonstrates a math lesson by calculating the probability of how many times they will have sex next year.
- In a discussion section for American History, one student regularly reveals details about their latest sexual activities.
- In a course about pornographic film, the professor examines the sexual identity of the main character in a sexually explicit film.



No, all of these are inappropriate sexual references.



Yes, one or more of them is appropriate.

## Discussion

Sexual references that are directly related to course content and learning objectives can be appropriate. Sexual references that do not pertain to course content should be considered inappropriate, as they may have an unintended impact and contribute to a hostile environment.

Sometimes a GSI tries to come up with examples or illustrations in class extemporaneously or without reflection. If the examples or illustrations are poorly chosen, they may create a hostile environment and may constitute sexual harassment. It is much more effective to plan your lesson in advance and carefully consider and write down the examples you will use to illustrate subject matter. You will be better prepared and less likely to use problematic examples.

Be mindful, too, of the examples you use in homework assignments and essay and exam questions. Ask the instructor of record or a colleague to review them if you have any questions.

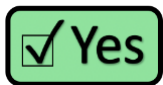
# Avoid Consensual Relationships with Students

## (Page 27 of 35)

Consider this scenario:

Steve is a student in an introductory course for which Bob is his lab GSI. Steve has asked Bob out on a date for dinner and a movie.

Is it appropriate for Bob to accept Steve's invitation?



Yes, it is appropriate.



No, it is not appropriate.

## Discussion

Instructors often believe that a relationship with a student is not problematic if it is consensual. **This is not the case.**

The Berkeley Campus policy, [Conflicts of Interest Arising Out of Consensual Relationships](#), which applies to all members of the campus community, including GSIs, lays this out very clearly:

Because of the potential for actual or apparent conflicts of interest, members of the campus community who enter into a consensual relationship with someone over whom they have supervisory, decision-making, oversight, evaluative, or advisory responsibility (hereafter “individuals in authority”) must take effective steps to remove themselves from professional decisions concerning that individual.

In circumstances where a consensual relationship exists prior to the time an individual is assigned to an individual in authority, the individual in authority will not accept supervisory, decision-making, oversight, evaluative, or advisory responsibilities until effective steps can be taken to eliminate any potential conflict of interest in accordance with this policy.

The Faculty Code of Conduct also addresses this issue, and the Code provision would also apply in scenarios involving consensual relationships between faculty and graduate students (including GSIs).

# Responding to Sexual Harassment (Page 28 of 35)

In the event of an incident, campus officials strongly suggest responding as soon as possible to conduct that could be perceived as SVSH. An immediate response may prevent the situation from escalating and may help lead to a prompt resolution.

Depending on circumstances, your initial response to an incident may involve

- addressing the situation with the person who is the source of the alleged unwelcome behavior;
- seeking clarification of the conduct and options with one of the confidential support offices; and/or
- reporting such behavior to the appropriate authority.

## Addressing the Source

If you are the target of unwanted attention, your first step may be to let the offender know that the behavior is unwanted. Depending on the power differentials involved, you may or may not feel comfortable with this. There are many offices on campus that provide consultation and can help you clarify your options for either addressing the source directly, or involving a supervisor or other campus official in doing so (see [Where to Get Support Quick Guide](#)). The same holds true for someone else who is being harassed: they may be hesitant to speak up. However, if someone informs you in the course of your GSI work that they have been the target of unwanted attention, or if you observe such behavior, you are expected to report it (see “Reporting” below).

## Seeking Clarification

If you are not sure whether a situation warrants reporting, or if a student complains about your behavior and the situation is unclear to you, seek clarification with one of the offices on campus that provide consultations:

- [Title IX Officer in OPHD \(consultation can occur without “reporting”\)](#)
- [Confidential Advocates at the PATH to Care Center](#)
- [Counseling and Psychological Services \(CAPS\)](#)
- [Ombuds Office for Students and Postdoctoral Appointees](#)

Staff of these offices can help clarify the circumstances, options, and obligations for victims, alleged perpetrators, and Responsible Employees.

## Reporting

If, in your role as a GSI, you become aware of an incident of SVSH, you are required as a Responsible Employee to report the incident to:

- The Title IX Officer at the Office for the Prevention of Harassment and Discrimination (510)-643-2985 or [ask\\_ophd@berkeley.edu](mailto:ask_ophd@berkeley.edu) or [the online reporting form accessible on OPHD's website](#)).

# What to Do If You Are the Target of Unwanted Attention (Page 29 of 35)

Here are things to keep in mind if you are the target of unwanted attention.

- **Don't blame yourself.** Sexual harassment is not something that victims bring on themselves; it is actions that a harasser decides to take. It's not your fault. Self-blame can turn a victim's anger inward and lead to depression.
- **Do seek support.** Know that the same resources to which you would refer a student are available to you. Connecting with a Confidential Advocate, therapist, counselor, or other support person can be helpful and empowering, and you deserve support. For example, Confidential Advocates at the [PATH to Care Center](#) can help you develop a plan for communicating, setting, and maintaining boundaries.

In the event that you experience SVSH as a GSI, you should also be aware of the [Employment Contract for Academic Student Employees](#)[Links to an external site.](#), which applies to your position. Article 20 of this agreement, "Non-Discrimination in Employment," prohibits conduct that violates law and University policy with respect to SVSH and describes options for submitting a grievance. The GSI contract would also apply if a GSI were accused of a potential violation of the UC SVSH Policy. If you choose to submit a grievance that involves SVSH, the matter will be routed to OPHD for support and response. For more information, please contact [OPHD](#). You can also seek confidential support through the [PATH to Care Center](#).

# Responding with Care and Concern to Survivors of Sexual Violence (Page 30 of 35)

As a GSI you may be one of the first campus employees a student contacts after experiencing SVSH, because that experience is likely to affect their behavior and performance in class, and because students sometimes find GSIs easier to speak to than faculty or staff. It is extremely important for these students to be treated with respect and not judged or blamed in any way. Learn more about [supporting someone who discloses](#) an instance of SVSH.

## Inform the student of your role and the limits of confidentiality

If you sense that a student may be about to divulge an incident of sexual violence or harassment to you, you should gently inform them that in your role as a Responsible Employee you are obligated to report the incident to the Title IX Officer at OPHD and give them a choice whether to continue speaking with you or to seek out a confidential resource. The goal is not to shut them down, but to make them feel heard and empowered to make the best choice for them. Assure them that you respect the sensitivity and privacy of their situation and will do your best to connect them with effective campus and community support, but do not offer absolute confidentiality.

**It is extremely important not to judge the student and not to press for details about the incident.**

## Refer the student to campus support by offering the CARE Line number or calling with the student

Students have several support options in response to an incident.

Confidential Advocates at the [PATH to Care Center](#) or 24/7 Care Line (510-643-2005) provide affirming, empowering, and confidential support for survivors and those who have experienced gendered violence, including sexual harassment, dating and intimate partner violence, sexual assault, stalking, and sexual exploitation. Advocates bring a non-judgmental, caring approach to exploring all options, rights, and resources. Both [Counseling and Psychological Services \(CAPS\)](#) in the Tang Center and the [Ombuds Office for Students and Postdoctoral Appointees](#) are happy to help students sort out their options and tap into appropriate resources. The Ombuds Office helps students specifically navigate campus-

related conflicts and concerns. The Confidential Advocates' mission is expressly to provide support for survivors of sexual harassment and violence.

The Addressing [Sexual Violence and Sexual Harassment Prevention Hub](#) website offers an excellent gateway to campus resources for responding to incidents of sexual violence.

A good tool to have ready to give a student is the campus's [Where to Get Support Quick Guide for Students](#) flyer. This handout also includes local community organizations that provide free and confidential services to survivors. Print a copy to have on hand during office hours.

## Report the incident to the Title IX Officer

If a student does divulge information about SVSH that they have or another student has experienced, you should act on the information immediately. Contact [the campus Title IX Office \(OPHD\)](#) to share what you know, and you can also ask questions to clarify your obligations and next steps. You can also contact one of the confidential support resources if you have questions that you'd like to discuss with a confidential resource. Note that as a Responsible Employee, you must divulge to OPHD all information disclosed to you by the student, including details like names, places, dates, etc. As mentioned before, you should not ask for this information from a student disclosing to you or attempt to investigate the matter. However, if a student chooses to report details of a SVSH incident to you, your Responsible Employee obligation requires you to pass along all of that information to OPHD. It is recommended that you familiarize yourself in advance with the [Sexual Violence and Sexual Harassment Policy](#) for details on how to initiate a report. It is also important to note that your Responsible Employee obligation is a continuing obligation and you must report to the Title IX Office any additional information you may learn after making your initial report.

## Contact Campus Police

If there is an immediate threat of further harm, contact UCPD at 510-642-3333 for emergency assistance. If there is no immediate danger, the decision to report the incident of SVSH to the police or to press charges against the alleged perpetrator belongs to the student who experienced it. Please do not make this decision for the student who experienced the harm or pressure them to report.

### Sources

[Office for the Prevention of Harassment and Discrimination/Title IX Office](#)

[PATH to Care Center](#)

[Ombuds Office for Students and Postdoctoral Appointees](#)

# Sample Dialogue with Student Survivor (Page 31 of 35)

A student comes to their GSI's office hour. The GSI is aware that lately this student has often seemed distracted in class, and she has missed class for the last week.

**GSI:** Good to see you! I've been wondering how you're doing.

**Student:** I need some help catching up... As you know, I've... I've missed some classes lately and I've gotten... behind on some of the homework.

**GSI:** Yes, and the term project is coming up, too.

**Student:** Yeah, I'm kind of worried about that. But it's been kind of hard to concentrate lately, I haven't been getting much sleep, and... and... well, actually, something really bad happened between me and my boyfriend and he's putting a lot of weird pressure on me, so it's been hard to find study time. It's just... it's okay, but it's been hard to keep up with everything.

**GSI:** Wow. It sounds like you're going through a lot right now. I'm happy to help you catch up with the class, but I'm also concerned about what you've shared about your boyfriend.

Before we continue, it's important you know that as a campus employee, if I learn of any incident of sexual violence or sexual harassment, I am required to share that information with OPHD. Sexual violence and sexual harassment include sexual assault, relationship violence, stalking, sexual exploitation, invasions of sexual privacy, and retaliation. I'm letting you know this so that you can choose how much you want to share with me. I also want to let you know there are confidential resources available to you."

**Student:** Yeah. So... what kinds of resources?

**GSI:** Let's pull up this flyer on the screen and we can look at a list... [From the UC Berkeley home page, searches "survivor support," clicks on "[Support for Survivors - Addressing Sexual Violence & Sexual Harassment](#)."] ]

**Student [looking at the website]:** There's a lot here.

**GSI:** Agreed — it can be overwhelming. I don't know which kind of help you would consider first. But if it's talking about your situation and learning your options, the Confidential Path to Care Advocate might be a good place to start. Let's take a look at what they do...



**Student:** Sure.

**GSI:** We can call the Confidential Path to Care Advocate together if you would like. Once we get them on the line, I can step away and give you privacy. Also, here is the number if you would prefer to call at a later time.

**Student:** Thank you.

**GSI:** I'm glad that you're seeking resources. You deserve support.

# Exercise Common Sense and Common Courtesy

## (Page 32 of 35)

To a large extent, avoiding unwelcome behavior is a matter of common sense and common courtesy. Use the authority you have as a GSI in a positive manner to model respectful, thoughtful, and inclusive behavior. Try to see situations from the perspective of another person who is not like you. Don't assume that the other person would respond to a situation or remark in the same way that you would. Reflect upon the language you use and the jokes you tell. Do your best to make sure they will not offend or shut anyone out.

If you have any questions or concerns about how to proceed, you may contact the GSI Teaching & Resource Center (510-642-4456 or [gsi@berkeley.edu](mailto:gsi@berkeley.edu)) for guidance.

### [New Campus Toolkit on Healthy Learning Environments](#)

UC Berkeley has recently introduced a [toolkit](#) to promote strategies for a healthy academic environment and campus culture which is essential for the success of our students, staff and faculty. Members of the campus community strive to promote academic excellence while also acknowledging the importance of creating an educational experience that values the physical, mental, emotional, and spiritual health of individuals, as well as acknowledging the different needs of our diverse campus.

The Healthy Learning Environment toolkit and resources are research- and evidence-based strategies designed to equip faculty and Graduate Student Instructors with the tools to integrate sustainable practices and healthy cultural norms in the classroom that will lead to student retention, effective learning outcomes and academic success.

Explore the Healthy Learning Environment Toolkit and commit to a healthier academic environment!

## SVSH Considerations in Teaching Remotely (Page 33 of 35)

GSI's should be aware that harm and harassment can surface in online learning environments as well. It may be challenging to recognize if or when it's happening since students are not physically in front of the instructor and each other. If teaching remotely, GSI's should present frequent opportunities for students to offer feedback about the virtual classroom experience. GSI's can also remind students mid-way through the semester about campus resources. As people continue to work and learn from home, professionals in the field are learning about the unique circumstances that contribute to harm and violence. The PATH to Care Center has created guidance on [how to support people impacted by violence during remote learning](#).

GSI's should also familiarize themselves with resources on the [experiences of survivors who are working/learning from home](#)[Links to an external site.](#).

# Module 5 Campus Resources (Page 34 of 35)

If you experience or are accused of any sexual harassment behaviors, or if you are unsure about a possible incident, you should seek more information from the following campus offices and resources. These campus offices work in coordination with each other, and the staff in any one of these offices will be able to direct you to the appropriate person or office.

The information below is included in the [Annotated Campus Resource List](#).

## [Office for the Prevention of Harassment and Discrimination \(OPHD\)](#)

**Title IX Officer**

[ask\\_ophd@berkeley.edu](mailto:ask_ophd@berkeley.edu)

510-643-7985

[Online reporting portal](#)[Links to an external site.](#)

The Office for the Prevention of Harassment and Discrimination (OPHD) is responsible for ensuring that the University provides an environment for faculty, staff, and students that is free from discrimination and harassment on the basis of protected categories, including race, color, national origin, gender, age, and sexual orientation/identity. OPHD monitors and evaluates campus efforts to meet requirements under University policies prohibiting discrimination and harassment and applicable federal and state regulations. OPHD provides policy information and guidance when responding to incidents of possible sexual or racial harassment and other forms of discrimination.

OPHD has the responsibility to implement procedures for providing prompt and effective responses to complaints of SVSH. Further, the office has oversight responsibility to initiate, coordinate, or conduct investigations into claims of violations of campus policy in all areas of harassment and discrimination against protected categories. The scope of this responsibility is campus-wide, covering faculty, staff, and students. OPHD provides education about issues of discrimination, equity, and the effects of discrimination and unequal treatment on the campus climate. Their services are available to faculty, staff, and students.

[Addressing Sexual Violence and Sexual Harassment](#)

This website provides comprehensive information about resources for victims/survivors of

sexual assault, sexual harassment, and intimate partner violence, including medical and counseling information.

[Downloadable resource and support guides](#)

[Responsible Employee Quick Guide](#)

## [PATH to Care Center](#)

### Confidential Advocates

[pathtocare@berkeley.edu](mailto:pathtocare@berkeley.edu)

Confidential Advocates provide free affirming, empowering, and confidential support for survivors and those who have experienced gendered violence, including sexual harassment, dating and intimate partner violence, sexual assault, stalking, and sexual exploitation. Advocates bring a non-judgmental, caring approach to exploring all options, rights, and resources.

It is always the victim's/survivor's decision to pursue any of the available resources or to report an incident to the police or the University. Confidential Advocates are here to support your decisions.

## Contacting Confidential Advocates at the PATH to Care Center

**Office Line:** 510-642-1988

For questions, consultations, or non-immediate referrals, this number connects you with the UC Berkeley PATH to Care Center. Faculty, staff, postdocs, and undergraduate, graduate, and professional students should use this number for general inquiries and to arrange services or **appointments** that will be scheduled a day or more in advance. The PATH to Care office is located on central campus.

**Care Line:** 510-643-2005

For 24/7 **urgent** situations the Confidential Care Line can be used to:

- Give survivors a way to connect with an advocate on their own time
- Provide survivors information about reporting, medical rights, and other options
- Arrange for an advocate to provide accompaniment anytime the police are present
- Provide accompaniment to medical appointments

[Toolkit for Participants in Virtual Classrooms and Meeting Spaces](#)

## [Berkeley Support Portal](#)

"Supportal" is a single entry point for all UC Berkeley community members to find support for themselves or others about a variety of concerns.

## [Campus Healthy Learning Environment Toolkit](#)

The Healthy Learning Environment toolkit and resources are research- and evidence-based strategies designed to equip faculty and Graduate Student Instructors with the tools to integrate sustainable practices and healthy cultural norms in the classroom, which will lead to student retention, effective learning outcomes, and academic success.

## [Campus Police Department \(UCPD\)](#)

1 Sproul Hall

Emergency calls, including from cell phones: 510-642-3333

Business and non-emergency number: 510-642-6760

## [University Health Services — Social Services Counseling](#)

510-642-6074

Support services and confidential counseling for a range of issues, including sexual violence, relationship violence, and stalking. Social Services strives to provide a safe environment for supportive, non-judgmental counseling, advocacy, resources, and referral information. We are a confidential campus resource.

## [Gender Equity Resource Center \(GenEq\)](#)

202 César Chávez Center  
510-642-4786

GenEq is committed to providing programs, services, and resource information about gender, sexual orientation, sex and gender identity, sexual and relationship violence, and bias-related incidents. It is a program of UC Berkeley's [Division of Equity and Inclusion](#).

### Workshops

Provides a variety of workshops on topics related to sexual harassment and assault, self-defense, and gender and LGBT issues.

## Ombuds Office for Students and Postdoctoral Appointees

510-642-5754

The Ombuds Office assists students and postdoctoral appointees in sorting through campus-related conflicts and concerns. They can serve as an impartial sounding board and assist with problem solving. All consultations are strictly confidential.

The information above is included in the [Annotated Campus Resource List](#).

# Module 5 Wrap-Up and Quiz (Page 35 of 35)

In this module, **Creating an Educational Environment Free of Sexual Violence and Sexual Harassment**, you have explored the following topics:

- the GSI's role in maintaining an environment free from discrimination and harassment;
- policy, law, and campus units that deal with instances of sexual harassment and sexual violence if you, other instructors, or a student are impacted;
- forms of sexual harassment and indicators that GSIs may see;
- teaching strategies for preventing sexual harassment;
- responding to disclosures of sexual harassment and sexual violence from students or colleagues; and
- campus support for survivors of sexual harassment and sexual violence.

## Review

Having explored these topics, you should now be able to:

- distinguish ways in which a GSI's role in relation to the [University of California \(UC\) Policy on Sexual Violence and Sexual Harassment \(SVSH\) \(Links to an external site.\)](#) differs from the role of a student who is not also a campus employee;
- understand federal laws pertaining to SVSH;
- explain UC SVSH Policy and complaint resolution options and procedures;
- identify prohibited behavior as defined in the UC SVSH Policy;
- prevent SVSH in your role as a GSI;
- respond helpfully and appropriately to possible incidents of SVSH;
- identify campus resources available to GSIs and students for confidential and non-confidential consultation and support; and
- identify to whom reports of sexual harassment and violence should be made to seek resolution and understand when you are required to make a Responsible Employee report to the Title IX Office (OPHD).

If you wish, we invite you to respond to questions this module brings up or see what others say about the module content. In the bCourses window or tab, use the Discussions tool in the left navigation menu; from there select the Module 5 discussion. Or use this link to the [bCourses Module 5 Discussion page](#). Discussion is optional. Please note: Your postings will not be anonymous.



After you finish reviewing, please move on to the Module 5 quiz, linked below.

## Module 5 Quiz

The quiz for Module 5 will help you master the material by connecting the concepts introduced in the module and applying them to new scenarios. In addition to demonstrating your command of the course content, we hope this activity helps prepare you to clarify issues and discern the best plan of action in the situations you may face as a GSI.

You must score an 8 or higher out of 10 on this quiz. If your score is under 8, you are allowed to retake the quiz up to four times (that is, you have 5 attempts total). If you exhaust your five attempts and still have not passed, please contact the GSI Teaching & Resource Center ([gsi@berkeley.edu](mailto:gsi@berkeley.edu)) for assistance. Please click the link below to open the Module 5 quiz.

[Go to Module 5 Quiz](#)