

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



## A Note about Sexual Harassment Training for GSIs

The University has adopted a plan for all members of the UC Berkeley community to receive updated training about sexual harassment and sexual violence. 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 EVERFI called “Sexual Assault Prevention for Graduate Students.” This training will be made available in your CalCentral Dashboard on July 19, 2021 and must be completed by October 27, 2022. If you have questions or concerns about this training, please write to [gradlife@berkeley.edu](mailto:gradlife@berkeley.edu) with your SID.
- All incoming graduate students must also participate in a live virtual training in their first six weeks on campus. Options to complete this training are scheduled at the beginning of each term and at select department orientations. Further information can be found on the campus [Addressing Sexual Violence and Sexual Harassment website](#) under “[Required SVSH Trainings](#).”
- All employees of the University, including GSIs, are required to take the UC Sexual Violence and Sexual Harassment Prevention Training for employees. As their hiring papers are processed, GSIs will be sent emails granting them access to the course.

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

**\*Content Warning:** This training is about the prevention of sexual assault and sexual harassment. We recognize that many people in our community have experienced sexual assault and sexual harassment. If you have concerns about completing this module due to a personal history of violence, please contact a confidential advocate through the [PATH to Care Center](#) on their office line: 510-642-1988 or by email [pathtocare@berkeley.edu](mailto:pathtocare@berkeley.edu). For 24/7 urgent support, call the Care Line at 510-643-2005.

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## 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.**

Incorrect. This behavior could be considered sexual harassment. Although the student does not hold a position of power over the GSI, the student's behavior is unwelcome.



**Yes, this could constitute sexual harassment.**

Correct. Although the student does not hold a position of power over the GSI, the student's behavior is unwelcome.

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.

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## Preview of Module 4 (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 Harassment**, 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, it is hoped that you will be able to take steps and find resources to meet the following objectives:

- distinguish ways in which a GSI’s role in relation to the [University of California \(UC\) Policy on Sexual Violence and Sexual Harassment \(SVSH\)](#) differs from a student’s role;
- explain the relationship between federal law and the UC SVSH Policy and complaint resolution procedures;
- identify prohibited behavior as defined in the UC SVSH Policy, in order to avoid and deter it in course-related interactions;
- prevent sexual harassment in your role as a GSI;
- respond helpfully and appropriately to possible incidents of sexual harassment and sexual violence;
- identify campus resources available to GSIs and students for confidential consultation and support; and

- identify to whom reports of sexual harassment and violence should be made to seek resolution.
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## 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, your responsibilities are shaped by governing laws, University policies, and the resources and procedures the University has put in place.

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.

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## 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 on 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, discipline, 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](#).

### Sexual Harassment

**Sexual harassment** occurs when:

- **Quid Pro Quo:** a person’s submission to such 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 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 Complainant, *and* that is part of a pattern of abusive behavior by the person toward the Complainant.
- **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.

### **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; or
  - Using depictions of nudity or sexual activity to extort something of value from a person.
- 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 this Policy.

**Consent** is defined as follows in the University's Sexual Violence and Sexual Harassment Policy:

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.

Source

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

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

### Title IX

[Title IX of the Education Amendments of 1972](#) protects people from discrimination based on sex in education programs that receive federal funds, in all aspects of their programs: 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 Fire Safety & Security 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.

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

OPHD houses UC Berkeley's Title IX Compliance Officer. OPHD receives and responds to reports and complaints of harassment and discrimination based on protected class including sexual harassment. The campus physical address 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, **GSIs who receive a report of such conduct involving students are required to report it to the Title IX Officer.**

Related materials from OPHD:

- [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 in making helpful referrals.
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## 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 sexual harassment complaints. There are two processes by which cases may be resolved: Alternative Resolution and Formal 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](#). Local SVSH procedures for UC Berkeley can be found at <https://ophd.berkeley.edu/policies-and-procedures/policy-and-procedures-students>

### Confidentiality

Many individuals are concerned about confidentiality and possible repercussions if they come forward to report sexual harassment or even to ask questions to determine whether certain behavior constitutes sexual harassment.

The complaint resolution procedures are designed to facilitate prompt and effective resolution of sexual harassment complaints. The OPHD process can involve an alternative resolution strategy or a formal investigation, depending on individual case circumstances. See the [UC Sexual Violence and Sexual Harassment Policy](#). In the complaint resolution process, every reasonable effort is made to protect the privacy of all parties in accordance with existing University policies and applicable state and federal law.

If someone comes forward to report a possible sexual harassment incident to you, please do not promise confidentiality. As a Responsible Employee in your GSI role, you have an obligation to relay all the details disclosed to you, including names of individuals to the University (the Title IX Officer), so the University can provide a prompt and equitable response, per University policy. When handling a Responsible Employee disclosure, it is important to 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 the Title IX Officer. You are not that resource, but 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.

## 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. If you feel that your immediate physical safety is in danger, call 9-1-1.

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## 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 report it to OPHD or law enforcement. The University provides three primary offices with whom students and GSIs can consult 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 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. The PATH to Care Center offers consultations with course

instructors, teaching teams, and departments as partners in preventing violence and supporting survivors.

## **Contacting the PATH to Care Center**

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

For questions, consultations, workshop requests, 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.

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; helps survivors understand available resources and options.

**Confidential Off-Campus Resources**

**Family Violence Law Center**

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**

24-Hour Hotline (English and Spanish): 510-845-7273

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

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## Sexual Violence/Sexual Harassment Assistance (Page 10 of 35)

The [2020 Interim University of California Policy on Sexual Violence and Sexual Harassment](#) ("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 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 assistance 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 other 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 assistance requested should be directed, not to the student in question, but to the campus office that has recommended the assistance be provided.

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

### Recognizing or Identifying Problematic Behavior

GSIs 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, GSIs 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.

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## 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.

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## 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. 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. 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.**

Incorrect. While the cause and effect may not be absolute, there is still a sense of coercion and retribution.



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

Correct. The behavior of the GSI could constitute sexual harassment because there is a sense of coercion and retribution.

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

In the academic setting, a hostile environment is created by unwelcome behavior of a sexual nature 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.)

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

- sexually explicit communication
- gestures of a sexual nature
- inappropriate touching
- sexually provocative images



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.

## **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
- 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
- Terms of endearment, such as "honey," "dear," "sweetheart," "babe"
- References to an adult as "girl" or "boy"
- Sexual innuendos or stories
- Tales of sexual exploits
- Demands such as "Give me a smile"
- Obscene phone calls or emails
- Lies or rumors about a person's personal or sex life

## **Nonverbal**

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

- Staring
- Looking a person up and down
- Making derogatory gestures of a sexual nature
- Giving sexually suggestive looks

## **Physical**

Here is a partial list of physical behaviors that may create a hostile learning 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 the [UC SVSH Policy](#), are considered severe forms of sexual harassment. Sexual violence includes sexual assault, relationship (dating and domestic) violence, 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](#), along with strategies for [promoting SVSH prevention during social distancing](#) is available to the Berkeley community to assist with creating a healthy virtual environment.

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## Module 4 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 lightly brushed against the student's arm. 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.**

Incorrect. Office-hour attendance is required, and the GSI's continuing behavior in that setting is making the student uncomfortable. The GSI could be considered to be contributing to a hostile environment for the student.



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

Correct. Office-hour attendance is required, and the GSI's continuing behavior in that setting is making the student uncomfortable. The GSI could be considered to be contributing to a hostile environment for the student.

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## Hostile Environment and Third Parties (Page 16 of 35)

Unrelated third parties may also make a complaint of sexual harassment about sexual behavior between two other individuals. For example, a third party witnessing consensual sexual behavior between two people may claim that being subjected to that behavior creates a hostile academic environment. A romantic relationship between a faculty member or GSI and a student, itself potentially contrary to university policy, may create the perception of disparate treatment or favoritism, regardless of whether it is actually occurring.

### Scenario

Check your understanding:

A GSI 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 the dialogue with the instructor is unoffended, could this be considered sexual harassment?



**No, this could not be considered sexual harassment.**

Incorrect. This could be hostile environment harassment, affecting the students who find the flirtation inappropriate and offensive, regardless of whether the behavior is taking place in a virtual classroom.



**Yes, this could be considered sexual harassment.**

Correct. A hostile environment has been created that affects the students who find the flirtation inappropriate and offensive.

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## 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. 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. 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.

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## 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.**

Correct. Even though the GSI does not intend to harass or offend students with their jokes, this is precisely the impact that the jokes are having on some of the students. This GSI's behavior is creating a hostile environment.



**False, the GSI is not at risk.**

Incorrect. Even though the GSI does not intend to harass or offend students with their jokes, this is precisely the impact that the jokes are having on some of the students. This GSI's behavior is creating a hostile environment.

Why is this important to understand?

Violation of sexual harassment policy is determined primarily 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.

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 the campus Title IX Officer at OPHD for guidance in responding to any situation that may constitute sexual harassment. You can also consult [Prevention Managers at the PATH to Care Center](mailto:pathtocare@berkeley.edu) at [pathtocare@berkeley.edu](mailto:pathtocare@berkeley.edu) for help integrating prevention strategies and/or creating trauma-informed classroom spaces.

UC Berkeley Title IX Officer

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

510-643-7985

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## 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.

### **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 harassment policy. Sexual harassment incidents in the framework of other course-related activities such as internships or field trips should be reported to the Title IX Officer.

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## 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.

- Provide Information on Your Section Syllabus or Information Sheet
- Establish Community Agreements for Discussion with Your Students
- Language to Allow Students to “Opt Out” of Discussion
- Take Required Precautions in Sharing Student Information
- Hold Office Hours in Appropriate Spaces
- Address Subject Matter Appropriately
- Avoid Consensual Relationships with Students
- Responding to Sexual Harassment
- What to Do If You Are the Target of Unwanted Attention
- Responding with Care and Concern to Survivors of Sexual Violence
- Sample Dialogue with Student Survivor
- Exercise Common Sense and Common Courtesy

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## 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 and discrimination and campus resources for identifying and dealing with sexual harassment, including websites, addresses, and/or telephone numbers for obtaining further information.

### **Sample Statement: SVSH Prevention**

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

[Our Policy on Sexual Violence and 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 your behavior harms another person in this class, you may be removed from the class temporarily or permanently, or from the University. If you or someone you know experiences sexual violence or harassment, there are options, rights, and resources, including assistance with academic accommodations, reporting, and medical care. Visit <https://care.berkeley.edu> or call the confidential 24/7 Care Line at 510-643-2005. If you have questions about sexual harassment policies or complaint resolution processes, visit <https://ophd.berkeley.edu>

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

#### **Our Policy on Sexual Violence and 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, 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 <https://care.berkeley.edu> or call the 24/7 Care Line at 510-643-2005. For questions about this and other related policies, visit <https://ophd.berkeley.edu> or contact OPHD at [ask.ophd@berkeley.edu](mailto:ask.ophd@berkeley.edu).

It is also good to convey to students the limits of confidentiality in speaking with the GSI.

### **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 of sexual harassment or violence, I am obliged to notify campus authorities. You can read more about the Responsible Employee designation at [https://svsh.berkeley.edu/sites/default/files/responsible\\_employee\\_quick\\_guide\\_spring\\_2021\\_1.pdf](https://svsh.berkeley.edu/sites/default/files/responsible_employee_quick_guide_spring_2021_1.pdf)

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

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

In the first module, “GSI Ethics and Professional Responsibilities,” 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.

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 and avoid offending people. 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 create a hostile environment as a way to prevent this type of behavior. 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.

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## Language to Allow Students to “Opt Out” of Discussion (Page 23 of 35)

Students may opt out of discussions that may be distressing. As a GSI you should familiarize yourself with 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 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 [pathtocare@berkeley.edu](mailto:pathtocare@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.

### **Strategies for 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

## 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.

### 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.

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## 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.

When teaching online, it is advised that you sit in front of a neutral backdrop such as a blank wall.

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## 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.**

Incorrect. The third example is an appropriate use of materials and discussion; the other two are not.



**Yes, one or more of them is appropriate.**

Correct. The third example is an appropriate use of materials and discussion; the other two are not.

## 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.

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## 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.**

Incorrect. Since Bob has supervisory and grading authority over Steve, this relationship should not be pursued.



**No, it is not appropriate.**

Correct. Bob has supervisory and grading authority over Steve, so this relationship should not be pursued.

## 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).

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## 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 sexual harassment or violence. 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. One of the offices on campus that provides confidential consultation 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 confidential consultations:

- [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 sexual harassment, 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 or [the online reporting form accessible on OPHD’s website](#)).

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## 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.** Please be sure to seek guidance and resources right away, from the same resources to which you would refer a student. Connecting with an advocate, therapist, counselor, or other support person can be helpful and empowering, and you

deserve support. For example, confidential advocates can help you develop a plan for communicating, setting, and maintaining boundaries.

In the event that you experience sexual harassment as a GSI, you should also be aware of the [Employment Contract for Academic Student Employees](#), 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 sexual harassment 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. For more information, please contact OPHD.

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## 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 sexual harassment or violence, 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.

### **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 inform them that in your role as a Responsible Employee you are obligated to report the incident to the Title IX Officer at OPHD. 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.

Their [Sexual Violence and Sexual Harassment Prevention, Response, and Support](#) 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 \(pdf\)](#) 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 sexual harassment or sexual violence that they or another student has experienced, you should act on the information immediately. Contact one of the confidential support services if you have questions, but also contact [the campus Title IX Office \(OPHD\)](#). 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 proactively elicit this information from a student disclosing to you. However if a student chooses to report details of a sexual harassment or violence incident(s) 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.

## **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 sexual harassment or violence to the police or to press charges against the alleged perpetrator belongs to the student who experienced it.

Sources

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

[PATH to Care Center](#)

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

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## 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.

I'm not asking you to tell me any more about that, unless you'd like to. But first, it's important for you to know that if it's something like sexual or relationship violence, I would be required by the campus in my role as a Responsible Employee to share the information, for your safety and the safety of others. I'm letting you know this so that you can choose what you share and what happens next. There are professional offices on campus where you can talk with someone confidentially who can help you explore your options. Does that sound like a good idea?

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

**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 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 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.

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## 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.

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

GSIs 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. GSIs should offer frequent opportunities for students to offer feedback about the virtual classroom experience. GSIs 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](#).

GSIs should also familiarize themselves with the following website to consider the experiences of survivors who are working/learning from home: [Supporting Workers Experiencing Violence During the Pandemic](#).

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## Module 4 Campus Resources (Page 34 of 35)

If you experience or are accused of any sexually harassing 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](#).

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

### **Title IX Officer**

ask\_ophd@berkeley.edu

510-643-7985

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 a hostile work/academic environment, sexual or racial harassment, or other discrimination concerns. Further, the office has oversight responsibility to initiate, coordinate, or conduct investigations into claims of violations of campus policy in all areas of 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 guide

<https://svsh.berkeley.edu/support/downloadable-resources>

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## **PATH to Care Center**

### **Confidential Advocates**

510-642-1988 or [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 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, 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. Our office is located on central campus.

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

For **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

### **PATH to Care Consultations and Workshops**

The PATH to Care Center also offers prevention consultations (learn how to make positive change to prevent SVSH in your classroom, lab, program, or department); prevention workshops for groups; and workshops on how to respond with care to survivors. To request a workshop, please email the PATH to Care Center at [pathtocare@berkeley.edu](mailto:pathtocare@berkeley.edu).

### **Division of Equity and Inclusion**

#### **Supporting Workers Experiencing Violence During the Pandemic**

#### **Toolkit for Participants in Virtual Classrooms and Meeting Spaces**

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## **Campus Police Department**

1 Sproul Hall

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

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

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## **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.

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## **Gender Equity Resource Center (GenEq)**

202 César Chávez Center

510-643-5730

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](#).

### **Sexual & Dating Violence Resources**

202 César Chávez Center

510-643-5727

### **Workshops**

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

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## **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.

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

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## Module 4 Wrap-Up and Quiz (Page 35 of 35)

In this module, **Creating an Educational Environment Free of 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; and
- responding to sexual harassment and sexual violence if you, other instructors, or a student are impacted.

### Review

In the course of exploring these topics, it is hoped that you now are able to take steps and find resources to meet the following objectives:

- distinguish ways in which a GSI's role in relation to the [University of California \(UC\) Policy on Sexual Violence and Sexual Harassment \(SVSH\)](#) differs from a student's role;
- explain the relationship between federal law and the UC SVSH Policy and complaint resolution procedures;
- identify prohibited behavior as defined in the UC SVSH Policy, in order to avoid and deter it in course-related interactions;
- prevent sexual harassment in your role as a GSI;
- respond helpfully and appropriately to possible incidents of sexual harassment and sexual violence;
- identify campus resources available to GSIs and students for confidential consultation and support; and
- identify to whom reports of sexual harassment and violence should be made to seek resolution.

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 4 discussion. Or use this link to the [bCourses Module 4 Discussion page](#). Discussion is optional. Please note: Your postings will not be anonymous.

After you finish reviewing, please move on to the Module 4 quiz, linked below.

## **Module 4 Quiz**

The quiz for Module 4 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 4 quiz.

[Go to Module 4 Quiz](#)