

REPORTING DISCRIMINATION AND HARASSMENT

Jes Kraus

Associate Chief HR Officer

WHAT DOES THE AAEO OFFICE DO?

AAEO = Affirmative Action and Equal Opportunity

- Receives and investigates complaints of discrimination and harassment, including complaints of sexual assault and misconduct;
- Develops and monitors the University's Affirmative Action Plan;
- Monitors and implements best practices related to recruitment and retention;
- Provides training and serves as a resource for all of the above.

WHAT POLICIES DOES AAEO ENFORCE?

Sexual Harassment
and Misconduct

Discrimination
and Harassment

Equal Opportunity
in Educational
Programs
(students)

EEO Policy
Statement
(employees)

Amorous
Relationships

ADA-Related
Policies

WHAT IS DISCRIMINATION?

Put simply, it is mistreatment or different treatment based on an individual's membership in a protected category.

PROTECTED CHARACTERISTICS

All 50 States

- ▶ Race
- ▶ Color
- ▶ Sex
- ▶ Religion
- ▶ National Origin
- ▶ Disability
- ▶ Age (40 or older)
- ▶ Citizenship Status
- ▶ Genetic Information

Vermont Only

- ▶ Place of Birth
- ▶ Veteran Status
- ▶ Sexual Orientation
- ▶ Gender Identity (Expression)
- ▶ HIV Status
- ▶ Ancestry
- ▶ Age (18 or older)

DISCRIMINATION CAN BE ...

- ▶ DISPARATE TREATMENT
- ▶ DISPARATE IMPACT

These occur when one person is simply treated differently than another based on sex. For example, men are allowed to come in late and leave early, and women are not. Or white employees are afforded promotional training opportunities, and black or Latino employees are not.

- ▶ HARASSMENT
 - ▶ HOSTILE ENVIRONMENT
 - ▶ QUID PRO QUO (sexual harassment)

UVM POLICIES AND EXPECTATIONS

UVM Policy expressly prohibits all forms of discrimination, including sexual misconduct, sex discrimination, and sexual harassment.

Unwelcome sexual behaviors that have the purpose or effect of interfering with the work or educational environment likely violate our policy because they could create a hostile environment.

RETALIATION

- ▶ Retaliation against complainants or people who serve as witnesses or otherwise cooperate with an investigation is strictly prohibited.
- ▶ Retaliation is an offense in and of itself, under both our policy and the law.
- ▶ When AAEO conducts an investigation, complainants are advised to report retaliation immediately, and respondents are warned not to retaliate.
- ▶ The AAEO office takes retaliation very seriously, and will act promptly to intervene any time we believe that retaliation has occurred.

REPORTING DISCRIMINATION AND HARASSMENT AT UVM

THERE ARE TWO SEPARATE BUT RELATED REPORTING OBLIGATIONS:

- 1) Clery Act Requirements; and
- 2) Requirements from the Office of Civil Rights of the U.S. Department of Education (which are driven by our obligations under Title IX and other relevant statutes that prohibit discrimination).

WHO MUST REPORT?

“When a school knows or reasonably should know of possible sexual violence ...”

This means that when a responsible employee is aware of an incident of sexual violence, they must report.

WHO IS A RESPONSIBLE EMPLOYEE?

A “**responsible employee**” is a mandatory reporter. It includes anyone:

- ▶ who has the authority to take action to redress sexual harassment/misconduct;
- ▶ who has been given the duty of reporting incidents of sexual harassment/misconduct **or any other misconduct by students** to the Title IX coordinator or other appropriate designee; or
- ▶ who a student reasonably believes has this authority or duty.

(OCR Q&A)

UVM'S REPORTING REQUIREMENTS

SEX DISCRIMINATION, HARASSMENT, OR MISCONDUCT

- ▶ Faculty members are **MANDATORY REPORTERS** under Title IX.
- ▶ If you become aware of discrimination/harassment/ sexual misconduct, you **MUST** report it to the Title IX Coordinator. You can do this by sending an email to titleix@uvm.edu, or title9@uvm.edu.
- ▶ If the conduct reported is a crime, you will also need to fill out a CSA form, which can be found on the Police Services web site.

ALL OTHER FORMS OF DISCRIMINATION OR HARASSMENT

- ▶ Faculty members are **MANDATORY REPORTERS**, and must report any form of discrimination or harassment that they become aware of to AAEO.
- ▶ You can make a report by contacting AAEO directly, or by submitting an electronic Bias, Discrimination, and Harassment Incident Reporting form, which can be found on the AAEO website.

OTHER RESOURCES FOR REFERRAL

If you are aware of discrimination or harassment that is not sex-based, although you may not be required to make a report, you may want to consider talking with your chair or dean, and/or referring the complainant to appropriate resources. In addition to the Campus Victim's Advocate, other resources include:

- ▶ HR or the Employee Assistance Program "EAP" (employees)
- ▶ Counseling and Psychiatric Services "CAPS" (students)
- ▶ MOSAIC Center
- ▶ LGBTQA Center

CONFIDENTIALITY

- ▶ Most of us are not confidential resources. The confidential resources on campus are the Counseling Center, providers in the Health Center, clergy, and the Campus Victim's Advocate.
- ▶ If you are not a confidential resource, be sure that anyone you are working with on issues of sexual misconduct/ discrimination / harassment understands that you may need to report certain information to ensure that they receive appropriate support and resources.
- ▶ If the complainant decides not to talk to you, be sure to make referrals to an appropriate confidential resource, so that they get the support that they need.

THANK YOU FOR YOUR PARTICIPATION!

If you have questions or concerns about anything related to discrimination, please call and speak to someone in our office. We are happy to assist and/or serve as a resource!

AAEO main line	656-3368
Jes Kraus, Associate Chief HR Officer	656-2909
Nick Stanton, Title IX Coordinator	656-1262
Kate Spence, Investigator	656-8291
Emily McCarthy, Investigator	656-5879
Amber Fulcher, ADA Coordinator	656-0945