

UNIVERSITY OF CALIFORNIA, LOS ANGELES



OFFICE OF THE CHANCELLOR

DANIEL NEUMAN
EXECUTIVE VICE CHANCELLOR AND PROVOST

January 26, 2005

DEANS, DIRECTORS, DEPARTMENT CHAIRS AND ADMINISTRATIVE OFFICERS

Re: New University of California Policy on Sexual Harassment and Procedures for Responding to Reports of Sexual Harassment and Mandatory Sexual Harassment Training for Supervisors

Two major developments with respect to sexual harassment will affect UCLA this year and in the future. First, the University of California has revised the system-wide policy and procedures, replacing both existing University and campus practices. Second, the State of California enacted a law, signed by the Governor, requiring all employers in the state with 50 or more employees, including the University of California, to provide specified sexual harassment training to all supervisory employees. While many employers already voluntarily had begun providing this type of training to supervisors in order to promote an environment free of harassment and in light of the substantial risks faced in litigation, doing so is now mandatory. UCLA is required by law to provide training to all supervisors, including those holding academic appointments. The training obligation will apply to many, if not most, faculty members, even those who do not hold specific supervisory titles.

New Policy and Procedures

A new University of California Policy on Sexual Harassment and the associated Procedures for Responding to Reports of Sexual Harassment have been issued and are now in effect. The newly revised Policy and Procedures apply to all members of the University community and supersede both previous system-wide policy and procedures and UCLA policy and procedure. The various UCLA campus policy offices will be developing local procedures for their respective constituencies in accordance with the new Policy.

The new UC Policy and Procedures and a letter from President Dynes explaining the revisions are attached. Included among the major components of the Policy and Procedures are the following:

- Each campus must designate a Title IX compliance officer. (UCLA's current Title IX compliance officer is Pamela Thomason who can be reached at 206-3417 or pthomason@conet.ucla.edu.)
- The updated definition of sexual harassment is not limited to conduct that is "severely or pervasively" abusive.

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- Supervisors and managers are required to report suspected harassment immediately and to take preventive and corrective steps. Failure to do so may make supervisors and managers subject to disciplinary action.
- The University will respond to all reports of sexual harassment. The response may include formal investigation, early resolution, and targeted training or educational programs where appropriate.
- Filing intentionally false reports is a violation of the Policy.
- The Policy prohibits retaliation.
- All locations must provide to the Office of the President, for submission to the Board of Regents, an annual report of sexual harassment complaint activity.
- Complainants must be informed of investigation findings but not of individual disciplinary actions.

Mandatory Sexual Harassment Training for Supervisors

On September 29, 2004, Governor Schwarzenegger signed Assembly Bill 1825 (new Government Code Section 12850.1), requiring employers to train supervisors every two years about sexual harassment prevention.

The new law requires covered employers to provide a minimum of two hours of sexual harassment training to all supervisory employees. The initial training must be completed by January 1, 2006. In addition, each supervisory employee must receive compliant training every two years, and each new supervisory employee must be trained within six months of assuming a supervisory position.

Government Code section 12926(r) defines a “supervisor” as anyone having the authority “to hire, transfer, suspend, lay off, recall, promote, discharge, assign, reward, or discipline other employees, or the responsibility to direct them, or to adjust their grievances, or effectively to recommend that action....” Many academic employees meet this definition, even if they do not have supervisory titles. At minimum, department chairs, deans, and principal investigators and those faculty working with teaching and research assistants, fall within the statutory definition and are required to attend training. Many others, even though they may not have ultimate authority to hire, promote, reward, or discipline employees, may have the ability effectively to recommend those actions and thus fall within the statutory definition.

The new law sets forth specific criteria for the mandatory training. Supervisory employees who received such training in or after 2003 are exempt from the initial requirement, but are subject to the retraining requirement every two years. Current options for meeting the initial training requirement are listed below:

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- Attend the workshop “Preventing and Correcting Sexual Harassment for Supervisors” offered through Campus Human Resources prior to January 1, 2006. You may use *SkillNet*, the online enrollment system to enroll. Go to www.chr.ucla.edu and click on the classes tab to your left. You will find Sexual Harassment workshops in the Supervisory Development category. You may also contact a Training Assistant at (310) 794-0850 if you need additional assistance. The next sessions are scheduled for February 22 and March 22, 2005.
- Prior to January 1, 2006, complete an on-line course (now being modified to comply with the statutory requirements) available at <http://www.newmedialearning.com/psh/ucla/index.shtml>.
- Arrange individualized school, divisional, or departmental briefings through the Title IX compliance officer, Pamela Thomason, at 206-3417 or pthomason@conet.ucla.edu. This option can be utilized where at least 20 supervisory personnel will attend and can be arranged on an as-available basis. As with the other options, it must be arranged and completed before January 1, 2006.

I strongly encourage all of you to familiarize yourselves with the new UC Policy and Procedure and the new law regarding supervisor training, and to ensure that supervisors complete the necessary training. Managers and supervisors—whether in academic or staff appointments—play a vital role in the prevention of and response to sexual harassment, and in fostering an educational and work environment that is free of harassment. Their actions, or lack thereof, may create significant individual and institutional liability. It is, therefore, vital that they understand their role, their responsibilities, and the resources available to them.

If you have any questions regarding the new policies and procedures, please contact the Title IX compliance officer, Pamela Thomason.

Sincerely,

Daniel Neuman
Executive Vice Chancellor and Provost

cc: Chancellor Carnesale
Administrative Vice Chancellor Blackman
Academic Senate Chair Komar
Assistant Vice Chancellor Levin
Vice Chancellor Legal Affairs Mandel
Associate Administrative Vice Chancellor Morabito
Title IX Officer Thomason
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