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# 1997 - 1998 SEXUAL HARASSMENT ANNUAL REPORT

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June 1999

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## UNITED STATES SUPREME COURT ISSUES MAJOR RULINGS ON SEXUAL HARASSMENT IN 1998

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In the last year the U.S. Supreme Court, during its 1997-98 term, issued three decisions addressing central issues in developing sexual harassment law. What follows is a summary of the cases, with analysis by, Melvin W. Beal, University Council of the Regents.

In the Title IX case, *Gebser v. Lago Vista Independent School District* (96-1866), the Court considered school district liability for the sexually harassing behavior of a high school teacher toward a student. In the two Title VII cases, *Faragher v. City of Boca Raton* (97-282) and *Burlington Industries v. Ellerth* (97-569), the Court considered employer liability for the sexually harassing behavior of a supervisor towards a subordinate employee. The following is a brief summary of the three cases.

### **GEBSER v. LAGO VISTA INDEPENDENT SCHOOL DISTRICT, June 1998**

Gebser was a high school student who had a sexual relationship with one of her teachers. She did not report the relationship to school officials. After she and her teacher were discovered having sex the teacher was arrested, and the school district terminated his employment. At the time the district had not promulgated or distributed an official grievance procedure for lodging sexual harassment complaints, nor did it have a formal anti-harassment policy as required by federal regulations. Gebser filed an action for damages against the school district under Title IX of the Education Amendments of 1992.

The Supreme Court held that damages may not be recovered for teacher-student sexual harassment in an implied private action under Title IX unless a school district official who, at a minimum, has authority to institute corrective measures on the districts behalf, has actual notice of, and is deliberately indifferent to, the teachers

misconduct. The Court distinguishes Title VII in which there is a prohibition against employment discrimination which runs against "an employer" and explicitly defines "employer" to include "any agent." Title IX contains no comparable reference to an educational institution's "agents" and so does not expressly call for application of agency principles. In its analysis the Court concluded that it would "frustrate the purposes" of Title IX to permit a damages recovery against a school district for a teachers sexual harassment of a student based on principles of respondeat superior or constructive notice, i.e., without actual notice to a school district official.

The Court states that Congress enacted Title IX in 1972 with two principle objectives in mind: "to avoid the use of federal resources to support discriminatory practices" and "to provide individual citizens effective protection against those practices." Title IX conditions an offer of federal funding (under

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Congress spending power) on a promise by the recipient not to discriminate. Essentially, a contract exists between the government and the recipient of the funds. If the recipient institution discriminates based on sex, then it has breached the contract and funding may be terminated. This contractual framework distinguishes Title IX from Title VII. Title VII is not framed in terms of a condition but of an outright prohibition against discrimination. Title IX provides an opportunity for educational institutions to comply with statutory requirements before the federal agency can begin enforcement proceedings to cut off federal funding.

The Court concludes: "It would be unsound, we think, for a statute express system of enforcement to require notice to the recipient and an opportunity to come into voluntary compliance while a judicially implied system of enforcement permits substantial liability without regard to the recipients knowledge or its corrective actions upon receiving notice."

Finally, the Court determined that the express remedial scheme under Title IX is predicated upon notice to an "appropriate person" and an opportunity to rectify any violation. An "appropriate person" is, "at a minimum, an official of the recipient entity with authority to take corrective action to end the discrimination." Moreover, the institutions response must amount to "deliberate indifference to discrimination."

"The administrative enforcement scheme presupposes that an official who is advised of a Title IX violation refuses to take action to bring the recipient into compliance. The premise, in other words, is an official decision by the recipient not to remedy the violation."

The lower courts have been all over the legal map on the issues of an educational institutions vicarious liability for the harassing behavior of teachers and on the issue of whether constructive, rather than actual notice, is sufficient to impose liability on an institution. The Supreme Court has laid that controversy to rest. And, the Court goes even further by stating that, even if the appropriate official has actual notice, there must be a refusal to remedy the violation. It may still be an open question whether a half-hearted attempt to remedy is the equivalent of a refusal.

## **Update On GEBSER v. LAGO VISTA, February 1999**

The U.S. Supreme Court case of *Gebser v. Lago Vista* Independent School Dist in which the court held that before liability will be imposed on a school district for the sexually harassing behavior of a teacher directed at a student, plaintiff must establish actual notice and "deliberate indifference" to the behavior. This seemed like a very high standard to meet and we thought that this would significantly lessen potential liability. That may still be the case but at least one court, after

*Gebser*, has ruled that the reaction of a university to the repeated behavior over time might lead a jury to find that there was deliberate indifference. The case is a good wake-up call and a warning that where we have problematic behavior over time and our response is inadequate, the deliberate indifference standard might be met.

In *Chontos v. Rhea & Indiana University* (Federal District Court, Northern District of Indiana, November, 1998) the court held that a jury could find deliberate indifference under the following circumstances: 1. Rhea (faculty member) was involved with two incidents with female students in 1989. The university's response was to issue a reprimand.

2. Later in 1989 another incident occurred involving swatting on the buttocks a 17 year old high school student who was in a university program. The University recommended that Rhea get psychological counseling and that if he was involved in another incident he would be suspended or dismissed. Documents relating to these cases were sealed and placed in Rhea's personnel file.

3. In 1994 Rhea made advances toward a female student. A former supervisor of Rhea, "acting as a friend", told him to clean up his act. No other action occurred.

4. In 1996, Rhea forcibly grabbed Chontos (plaintiff in this lawsuit), tried to kiss her on the

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mouth and put his tongue in her mouth, pulled up her shirt and bra, grabbed at her breasts, put his mouth on them, grabbed her buttocks and moved his hand around her genitals. About a month later, Rhea was suspended and told to stay off campus.

5. In 1997 a faculty committee recommended that dismissal proceedings against Rhea should commence. He was allowed to resign with full benefits, and he did so.

The court held "that a reasonable jury could find that the university was deliberately indifferent to Rhea's sexually harassing conduct. Accordingly, summary judgment on the Title IX claim is not appropriate."

## **FARAGHER v. CITY OF BOCA RATON, June 1998**

After resigning as a lifeguard, Beth Ann Faragher brought a Title VII employment discrimination action against her immediate supervisors and the city. She alleged that the supervisors had created a sexually hostile atmosphere at work by repeatedly subjecting her and other female lifeguards to uninvited and offensive touching, by making lewd remarks, and by speaking of women in offensive terms.

The issue before the Court was the identification of the circumstances under which an employer may be held liable under Title VII of the Civil Rights Act of 1964, for the acts of a supervisory employee whose sexual harassment of

subordinates has created a hostile work environment amounting to employment discrimination. The court held that an employer is subject to vicarious liability to a victimized employee for an actionable hostile environment created by a supervisor with immediate (or successively higher) authority over the employee. When no tangible employment action is taken, a defending employer may raise an affirmative defense to liability or damages, subject to proof by a preponderance of the evidence. The defense comprised two necessary elements: (a) that the employer exercised reasonable care to prevent and correct promptly any sexually harassing behavior, and (b) that the plaintiff employee unreasonably failed to take advantage of any preventive or corrective opportunities provided by the employer or to avoid harm otherwise. No affirmative defense is available, however, when the supervisor's harassment culminates in a tangible employment action, such as discharge, demotion, or undesirable reassignment.

The opinion of the Court outlines in detail the various bases, asserted by lower courts, on which liability may be imposed on an employer for the actions of a supervisor. Various theories of agency are discussed, as well as the concept of "scope of employment." Among the reasons given by the Court for holding employers vicariously liable is that "there is a sense in which a harassing supervisor is always assisted in his misconduct by the supervisory relationship."

The agency relationship affords contact with an employee subjected to a supervisor's sexual harassment, and the victim may well be reluctant to accept the risks of blowing the whistle on a superior. The supervisor's actions "necessarily draw upon his superior position over the people who report to him, or those under them, whereas an employee generally cannot check a supervisors abusive conduct the same way that she might deal with abuse from a co-worker." Whereas one can walk away from a co-worker, it may be difficult to do so in the case of a supervisor. Recognition of employer liability is underscored by the fact that the employer has a greater opportunity to guard against misconduct by supervisors than by other workers; employers have greater opportunity and incentive to screen them, train them, and monitor their performance.

As to the affirmative defense, the Court states that it would implement clear statutory policy and complement the governments Title VII enforcement efforts to recognize the employers affirmative obligation to prevent violations and give credit to employers who make reasonable efforts to discharge their duty. "Indeed, a theory of vicarious liability for misuse of supervisory power would be at odds with the statutory policy if it failed to provide employers with some such incentive." Likewise, the Court says, the requirement to show that the employee has failed in a coordinated duty to

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avoid or mitigate harm reflects an equally obvious policy imported from the general theory of damages, that a victim has a duty to use such means as are reasonable under the circumstances to avoid or minimize the damages that result from violations of the statute. The victim should not recover damages that could have been avoided if she had done so.

The language of the Court relating to the victims obligation, given the current status of the University's well established sexual harassment policies and procedures, is encouraging: "An employer may, for example, have provided a proven, effective mechanism for reporting and resolving complaints of sexual harassment, available to the employee without undue risk or expense. If the plaintiff unreasonably failed to avail herself of the employer's preventive or remedial apparatus, she should not recover damages that could have been avoided if she had done so. If the victim could have avoided harm, no liability should be found against the employer who had taken reasonable care, and if damages could reasonably have been mitigated no award against a liable employer should reward a plaintiff for what her own efforts could have avoided."

## **BURLINGTON INDUSTRIES v. ELLERTH, June 1998**

Kimberly Ellerth, a salesperson at one of Burlington's divisions, filed a Title VII action alleging that she had been sexually harassed which forced her

constructive discharge. The harassing behavior was that of her supervisor who engaged in repeated boorish and offensive remarks and gestures, including threats to deny her tangible job benefits.

The Court held that under Title VII, an employee who refuses the unwelcome and threatening sexual advances of a supervisor, yet suffers no adverse, tangible job consequences, may recover against the employer without showing the employer is negligent or otherwise at fault for the supervisor's actions, but the employer may interpose an affirmative defense. The Court's specific language in its holding in Burlington is exactly the same as that in Faragher.

The Court takes the opportunity in this case to clarify its view regarding the distinction between quid pro quo and environmental harassment. Following mention of these concepts in the landmark Meritor Savings Bank v. Vincent the lower courts and the EEOC, for the most part, followed the principle that an employer was subject to vicarious liability in the case of quid pro quo sexual harassment, but not in the case of environmental harassment. Thus, plaintiffs attempted to stretch the concept of quid pro quo harassment in order to reap the benefits of vicarious liability. Ellerth did so in fashioning the question before the Court. The Court categorically rejected the notion that the quid pro quo/hostile environment distinction has any utility beyond making a rough demarcation between cases in which threats

are carried out and those where they are not or where they are absent altogether. In Meritor, according to the Court, the distinction was not discussed for its bearing upon an employer's liability for an employee's discrimination. As the cases developed after Meritor the standard of employer liability usually turned on which type of harassment occurred. In the Burlington case, the Court concluded that unfulfilled threats ought to be characterized as a hostile work environment claim that requires a showing of severe or pervasive conduct. The issue of vicarious liability still remains.

The Court reviews a number of imputed liability issues (scope of employment, master-servant, "apparent authority" standard, "aided in the agency relation" standard). Ultimately, the Court believes the concept of a "tangible employment action" is central.

"[W]e think it prudent to import the concept of a tangible employment action for resolution of the vicarious liability issue we consider here. A tangible employment action constitutes a significant change in employment status, such as hiring, firing, failing to promote, reassignment with significantly different responsibilities or a decision causing a significant change in benefits."

For Title VII purposes, a tangible employment action taken by the supervisor becomes the act of the employer. The Court states that it would be implausible to

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interpret agency principles to allow an employer to escape liability. Stated in a different way, where a tangible employment action occurs, the Court is adopting the old quid pro quo vicarious liability standard.

Of course, the more difficult and interesting question is whether the agency relation aids in commission of supervisor harassment that does not culminate in a tangible employment action. The Court recognizes that on the one hand, a supervisor's power and authority invests his or her harassing conduct with a particular threatening character, "and in a sense, a supervisor always is aided by the agency relation." Quoting Justice Marshall in *Meritor*: "It is precisely because the supervisor is understood to be clothed with the employer's authority that he is able to impose unwelcome sexual conduct on subordinates." On the other hand, supervisors can commit harassing acts that are the same as a co-worker might commit and where the supervisor's status makes no difference. The Court then adopts the vicarious liability standard for supervisor's acts even where no tangible employment action results.

The Court concludes: "In order to accommodate the agency principles of vicarious liability for harm caused by misuse of supervisory authority, as well as Title VII's equally basic policies of encouraging forethought by employers and saving action by objecting employees . . . ." and

goes on to adopt the identical holding as that expressed in *Faragher*. There is vicarious liability for all sexually harassing acts of supervisors, but an affirmative defense where those harassing acts do not culminate in a tangible employment action.

One final point: It is important to keep in mind that the three decisions of the Supreme Court interpret federal statutes. Civil actions under California law, e.g., under Fair Employment and Housing Act, are not affected by these decisions. However, we might anticipate that in the future California courts will follow the lead of the U.S. Supreme Court in defining sexual harassment and the scope of employer liability.

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## **SEXUAL HARASSMENT and the TITLE IX OFFICE**

UC Santa Cruz takes the issues of sexual assault and sexual harassment very seriously and is committed to ensuring that our campus community is free of violence, discrimination and harassment. The Title IX Coordinator/Sexual Harassment Officer (Title IX/SHO) for the University of California, Santa Cruz campus is responsible for providing an environment free from discrimination or harassment on the basis of sex for all students, staff and faculty. The goal of the Title IX office is to ensure that students, staff, faculty, and persons participating in University sponsored programs and events can learn, work, and enjoy the benefits and

opportunities offered by the campus, free from any uninvited, unwelcome, unsolicited, and unwanted conduct directed at them because of their sex. The Title IX/SHO is authorized by the Chancellor to conduct the administrative investigation of all reports of sexual assault filed by students, staff, and faculty. Additionally the Title IX/SHO receives and resolves reports and complaints of sexual harassment.

### **What is Title IX?**

Title IX of the Education Amendments Act of 1972 forbids sex discrimination in all University student services, academic programs, and employment. This includes, but is not limited to, admissions, financial aid, academic advising, housing, athletics, recreational services, college residential life programs, health services, counseling and psychological services, registrar, classroom assignments, grading and discipline. The United States Supreme Court has ruled that sexual assault and harassment are types of sex discrimination and thus a violation of Title IX.

### **The Title IX office and Sexual Assault, including Rape.**

### ***COMPLETELY PRIVATE HELP IS AVAILABLE***

The Title IX officer is responsible for receiving and conducting the administrative investigation of all complaints of sexual assault filed on campus by students. She is available to discuss options, provide support, and explain university policies

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and procedures. A Title IX investigation is not a criminal procedure. If a survivor would like to file criminal charges she/he should contact the University Police at 459-2231 as soon as possible. The Title IX officer will not initiate an investigation without the written consent of the survivor. The Title IX office treats all conversations with students, faculty, and staff with the highest level of confidentiality, and will always respects a survivor's request for anonymity.

Early, professional, rape crisis counseling (which is completely confidential) is available to all members of the campus community from Counseling and Psychological Services (CPS) at extension 459-2628. CPS provides same day services for students who are in crisis, due to rape, relationship violence, sexual harassment, or any other crisis. Licensed professional counselors are located in each of the colleges and at the Health Center.

Rape crisis intervention services are also available at the following community women's crisis centers. Defensa De Mujeres-24 hours-685-3737 and Women's Crisis Support-24 hours-429-1478. Bi-lingual, in person and telephone counseling, shelter, advocacy, and assistance with temporary restraining orders are available at both organizations.

## What is Sexual Harassment?

The only threshold a student, staff or faculty must meet to receive assistance from the Title IX/SHO is; if you are the target of uninvited or unwelcome or unsolicited or unwanted conduct which is being directed at you because of your sex

If you have questions or just want to inquire about sexual harassment or sex discrimination. If you want to make a report or file a complaint. If you want an educational seminar for any campus group or if you want information, advice, referrals, and/or copies of UCSC's *Sex Offense Policy and Procedures for Reports of Sexual Assault(s) and Sexual Harassment* or copies of the *Sexual Harassment Annual Report* please contact the Title IX/Sexual Harassment Office at (408) 459-2462 or email [rew@cats.ucsc.edu](mailto:rew@cats.ucsc.edu). **WEB [www2.ucsc.edu/title9-sh](http://www2.ucsc.edu/title9-sh)**

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## WHAT LAWS AND UNIVERSITY POLICIES PROHIBIT SEXUAL HARASSMENT?

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Title IX of the Education Amendments Act of 1972, Title VII of the Civil Right Act of 1964, the California Fair Employment and Housing Act, the Student Code of Conduct, and UCSC's *Sex Offense Policy and Procedures For Reports of Sexual Assault(s) and Sexual Harassment* prohibit sexual harassment. Existing provisions of the University's Personnel Policies for; Staff Members, Students, and Academic

Appointees, as well as union contracts, prohibit discrimination on the basis of sex, including sexual harassment and sexual assault and provide for disciplinary action when these policies are violated.

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Although all persons who wish to report incidents of sexual assault and sexual harassment are strongly encouraged to consult directly with the Title IX/SHO, they may choose to inform another University Official instead. Such persons may be able to achieve an informal resolution, but they must always consult with the Title IX/SHO for guidance on University Policy and appropriate resolution, and inform the Title IX/SHO of any actions taken to resolve the report. If a student or employee wishes to file a complaint they should be referred immediately to the Title IX/SHO. In any situation, University officials must consult with the Title IX/SHO as soon as possible.

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## WHAT CAN YOU DO IF YOU BELIEVE YOU HAVE BEEN SEXUALLY HARASSED?

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If you believe you are the target of sexual harassment you can receive confidential information about your options, make a report, or file a complaint by calling the Title IX/SHO at 459-2462 or email

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rew@cats.ucsc.edu. A report of sexual harassment may be resolved informally either by the Title IX/SHO or by any other University official in consultation with the Title IX/SHO. Persons reported and found to have committed sexual harassment may voluntarily agree to the appropriate corrective action proposed by the Title IX/SHO such as apologies, leave without pay, or resignations, without going through formal disciplinary procedures. A complaint, on the other hand, is written and signed; requires an investigation by the Title IX/SHO; and may result in disciplinary or corrective action if it is found that harassment has taken place. University disciplinary actions range from a written warning to dismissal.

## University Formal Grievance Procedures:

University nondiscrimination policies and applicable collective bargaining agreements prohibit discrimination on the basis of sex. A formal grievance may be based on an allegation that discrimination on the basis of sex occurred in the form of sexual harassment or sexual assault. Filing a report or complaint with the Title IX/SHO may constitute the informal or first step of applicable formal grievance procedures, however, a formal grievance may be filed directly if the informal step of the grievance process has been satisfied in accordance with applicable grievance procedures. Contact Labor Relations at 459-2017, or Academic Human Resources at 459-4300.

## External Agency complaint Resolution Procedures:

Complaints of sex discrimination, including sexual assault and sexual harassment may be filed with the Department of Education's Office for Civil Rights (OCR) within 180 days from the last incident or outcome of the internal grievance process. They may also be filed with the California Department of Fair Employment and Housing (DFEH) within 365 days of the alleged unlawful conduct. If the DFEH determines that a complaint has merit and settlement efforts fail, the DFEH may seek an administrative hearing before the California Fair Employment and Housing Commission (FEHC), or file a lawsuit in court. Both the FEHC and the courts have the authority to award monetary and non-monetary relief in meritorious cases. Finally, a complaint may be filed with the Equal Employment Opportunity Commission (EEOC) within 300 days of the last incident of harassment. Staff, academic appointees, and students may also file a civil lawsuit against the offending party. Contact the Title IX/Sexual Harassment office for further information on State and Federal agencies. This annual report satisfies the University's obligation mandated by *The California Fair Employment and Housing Act*, section 12950.

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## Summary Of Cases July 1, 1997 to June 30, 1998:

"Requested confidentiality" means that the person's identity was protected with respect to the action taken.

**"Other" means the person has no established relationship with the University.**

"Unknown" means that the University could not identify or contact the person.

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**Complainant:** Female Summer Session Student

**Respondent:** Male Summer Session Student

**Summary of Allegations:** Sexually threatening comments and actions.

**Action Taken:** Removed from apartment where he lived with complainant. Released from program.

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**Complainant:** Female Undergraduate

**Respondent:** Male Undergraduate & Summer session male

**Summary of Allegations:** Sexual comments, jokes, and touching.

**Action Taken:** Written warning and housing probation. Complainant moved at her request.

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**Complainant:** Female Staff

**Respondent:** Male Temporary Staff

**Summary of Allegations:** Massage, grabbed body, kissed on cheek, and sexual comments.

**Action Taken:** Temporary appointment ended.

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**Complainant:** Female Staff

**Respondent:** Male Staff

**Summary of Allegations:** Sexual innuendoes, comments, and gifts.

**Action Taken:** Complainant wanted advice on how to speak with respondent. No further complaints.

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**Complainant:** Female Summer Session Student

**Respondent:** Male Summer Session Student

**Summary of Allegations:** Staring, leering, and looking complainant's body up and down.

**Action Taken:** Education and warning.

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**Complainant:** Female Undergraduate

**Respondent:** Male Summer Session Student

**Summary of Allegations:** Summer RA initiated sexual relationship with program participant under his supervision in violation of his RA responsibilities.

**Action Taken:** RA released from program and denied any further participation.

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**Complainant:** Female Staff

**Respondent:** Male Undergraduate

**Summary of Allegations:** Male student employee left pornographic picture on complainant's computer.

**Action Taken:** Apology and education.

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**Complainant:** Female Undergraduate

**Respondent:** Male Staff

**Summary of Allegations:** Romantic advance, invasion of space, and sexual comments.

**Action Taken:** Warning and education by Title IX/SHO and supervisor.

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**Complainant:** Female Undergraduate  
(Requested Confidentiality)

**Respondent:** Male Other

**Summary of Allegations:** Vulgar note left on car windshield.

**Action Taken:** Police spoke to possible respondent. No further complaints.

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**Complainant:** Female Staff

**Respondent:** Male Temporary Staff

**Summary of Allegations:** Pervasive requests for a date despite numerous refusals.

**Action Taken:** Temporary appointment ended.

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**Complainant:** Female Supervisor

**Respondent:** Female Undergraduate

**Summary of Allegations:** Comments such as "I'm obsessed with you" and "You're breaking my heart".

**Action Taken:** Complainant asked for advice on speaking to respondent herself.

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**Complainant:** Female Undergraduate  
(Requested Confidentiality)

**Respondent:** Male Other

**Summary of Allegations:** Sexual comments and physical contact by supervisor at off campus job.

**Action Taken:** Complainant and Title IX office sent letter to owners of business.

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**Complainant:** Female Undergraduate

**Respondent:** Male Undergraduate

**Summary of Allegations:** Attempted kissing after being told no.

**Action Taken:** Education and warning.

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**Complainant:** Female Undergraduate

**Respondent:** Male Undergraduate

**Summary of Allegations:** Obsessive romantic interest, letter, poems, following, and phone calls.

**Action Taken:** No contact restriction and education.

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**Complainant:** Female Undergraduate

**Respondent:** Male Lecturer

**Summary of Allegations:** Attempted romantic relationship.

**Action Taken:** Fact-finding. Dismissed-no evidence to support allegations.

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**Complainant:** Male Staff  
(Requested Confidentiality)

**Respondent:** Female Staff

**Summary of Allegations:** Rumors about sexual activity.

**Action Taken:** Unable to determine source of rumors and protect confidentiality of complainant.

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**Complainant:** Female Undergraduate  
(Requested Confidentiality)

**Respondent:** Unknown male

**Summary of Allegations:** Masturbating in public.

**Action Taken:** Police contacted. Unable to locate suspect.

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**Complainant:** Female Staff  
(Requested Confidentiality)

**Respondent:** Female Supervisor

**Summary of Allegations:** Physical touching that made complainant uncomfortable.

**Action Taken:** Education. No further complaints.

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**Complainant:** Female Undergraduate

**Respondent:** Male Undergraduate

**Summary of Allegations:** Pervasive contact after breakup of relationship.

**Action Taken:** No contact restriction, warning, and education.

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**Complainant:** Male Undergraduate

**Respondent:** Male Other

**Summary of Allegations:** Harassing & intimidating sexualized email messages.

**Action Taken:** Letter sent to respondent by Title IX notifying him to stop. Messages stopped.

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**Complainant:** Female Undergraduate

**Respondent:** Male Associate Professor at other UC.

**Summary of Allegations:** Attempted romantic relationship.

**Action Taken:** Complainant did not want formal complaint. Respondent warned and educated by department chair.

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**Complainant:** Male Staff

**Respondent:** Male Supervisor

**Summary of Allegations:** Sexual jokes, vulgar comments, & physical contact.

**Action Taken:** Written warning.

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**Complainant:** Male Undergraduate  
(Requested Confidentiality)

**Respondent:** Female Temporary Staff

**Summary of Allegations:** Pervasive personal attention. Sexual innuendoes and phone calls.

**Action Taken:** Appointment ended.

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**Complainant:** Female Undergraduate  
(Requested Confidentiality)

**Respondent:** Male Other

**Summary of Allegations:** Relationship violence.

**Action Taken:** Complainant moved at her request. Referred to police and court for restraining order.

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**Complainant:** Female Undergraduate  
(Requested Confidentiality)

**Respondent:** Male Undergraduate

**Summary of Allegations:** Rape.

**Action Taken:** Complainant requested assistance with housing and medical resources.

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**Complainant:** Female Undergraduate  
(Requested Confidentiality)

**Respondent:** Unknown male

**Summary of Allegations:** Masturbating in the library.

**Action Taken:** Police contacted. Unable to locate suspect.

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**Complainant:** Female Undergraduates

**Respondent:** Male Other

**Summary of Allegations:** Massage, request for dates, pervasive personal attention toward female students while they studied at the Science Library.

**Action Taken:** Respondent banned from all campus libraries.

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**Complainant:** Female Undergraduate

**Respondent:** Male Undergraduate

**Summary of Allegations:** Sexual comments, sexualized physical contact, and invasion of space.

**Action Taken:** Warning and education.

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**Complainant:** Female Alum  
(Requested Confidentiality)

**Respondent:** Male Employer

**Summary of Allegations:** Requests for dates, sexual comments & graffiti.

**Action Taken:** Mailed complainant information on state complaint options and Santa Cruz County resources.

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**Complainant:** Female Undergraduate  
(Requested Confidentiality)

**Respondent:** Male Other

**Summary of Allegations:** Obscene and annoying phone calls.

**Action Taken:** Placed trap on phone through campus police.

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**Complainant:** Female Undergraduate

**Respondent:** Male Undergraduate

**Summary of Allegations:** Pervasive personal attention and multiple requests for a date.

**Action Taken:** Warning and education from Title IX/SHO.

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**Complainant:** Female Undergraduate  
(Requested Confidentiality)

**Respondent:** Male Assistant Professor

**Summary of Allegations:** Offensive materials in office and on WEB page.

**Action Taken:** No action taken-academic freedom.

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**Complainant:** Female Undergraduate  
(Requested Confidentiality)

**Respondent:** Male Resident Assistant

**Summary of Allegations:** Sexual comments and touching.

**Action Taken:** Complainant wanted information on how to resolve it herself.

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**Complainant:** Female Undergraduate

**Respondent:** Male Undergraduate

**Summary of Allegations:** Unwanted contact from ex-boyfriend.

**Action Taken:** Complainant wanted information on mediation. Referred to Conflict Resolution Center.

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**Complainant:** Female Undergraduates

**Respondent:** Male Other

**Summary of Allegations:** Sexualized email message many women on campus (SPAM).

**Action Taken:** CATS and Title IX filed complaint with sender's system administrator.

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**Complainant:** Female Undergraduate

**Respondent:** Male Undergraduate

**Summary of Allegations:** Verbal and physical abuse.

**Action Taken:** Housing contract canceled. No contact restriction.

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**Complainant:** Female Undergraduate

(Requested Confidentiality)

**Respondent:** Unknown males

**Summary of Allegations:** Sexual comments and innuendoes.

**Action Taken:** Unable to identify respondents.

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**Complainant:** Female Associate Professor

**Respondent:** Unknown male

**Summary of Allegations:** Sexually vulgar graffiti in bathroom.

**Action Taken:** Physical Plant responded immediately and removed it. Unable to identify respondent.

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**Complainant:** Female Undergraduate

(Requested Confidentiality)

**Respondent:** Male Undergraduate

**Summary of Allegations:** Invasion of personal space, touching, and intimidating comments.

**Action Taken:** Respondent educated and warned.

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**Complainant:** Female Undergraduate

**Respondent:** Male Other

**Summary of Allegations:** Stalking type behavior from ex-boyfriend.

**Action Taken:** Restricted from campus areas as law and policy allow.

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# 1998 SEXUAL HARASSMENT ANNUAL REPORT

**Complainant:** Female Graduate Student  
(Requested Confidentiality)

**Respondent:** Female Professor

**Summary of Allegations:** Touching and sexual innuendoes.

**Action Taken:** Complainant wanted advice on how to handle it herself.

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**Complainant:** Female Staff

**Respondent:** Unknown male

**Summary of Allegations:** Obscene & annoying phone calls.

**Action Taken:** Trap placed on phone line by police.

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**Complainant:** Female Undergraduate

**Respondent:** Male Other

**Summary of Allegations:** Sexual assault by high school teacher.

**Action Taken:** Complainant wrote letter and sent education materials to principal of high school.

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**Complainant:** Female Undergraduate  
(Requested Confidentiality)

**Respondent:** Female Landlord

**Summary of Allegations:** Sexual comments and visuals when complainant was checking into rental.

**Action Taken:** Off campus housing spoke with landlord about appropriate conduct with UCSC students.

---

**Complainant:** Female Undergraduate

**Respondent:** Male Undergraduate

**Summary of Allegations:** Hugging, sexual innuendoes, and physical touching.

**Action Taken:** Warning and education.

---

**Complainant:** Female Undergraduate  
(Requested Confidentiality)

**Respondent:** Male Undergraduate

**Summary of Allegations:** Rape.

**Action Taken:** Academic, counseling, and housing assistance to complainant.

---

**Complainant:** Female Staff  
(Requested Confidentiality)

**Respondent:** Female Staff

**Summary of Allegations:** Discussion of sex life, sexual jokes, innuendoes, and touching.

**Action Taken:** Verbal warning and education by Title IX/SO.

---

**Complainant:** Female Undergraduate  
(Requested Confidentiality)

**Respondent:** Male Professor

**Summary of Allegations:** Ogling and leering.

**Action Taken:** Department Chair spoke with faculty. No further complaints.

---

# 1998 SEXUAL HARASSMENT ANNUAL REPORT

**Complainant:** Male Undergraduate

**Respondent:** Female Associate Professor

**Summary of Allegations:** Sexual comments, comments about physical appearance, and innuendoes.

**Action Taken:** Warning and education by Title IX/SHO.

---

**Complainant:** Female Undergraduate  
(Requested Confidentiality)

**Respondent:** Female Undergraduate

**Summary of Allegations:** Intimidating sexualized comments.

**Action Taken:** Education. No further complaints.

---

**Complainant:** Female Undergraduate  
(Requested Confidentiality)

**Respondent:** Male Undergraduate

**Summary of Allegations:** Sexist and racist comments and behavior.

**Action Taken:** Written warning and education by Residential Life Coordinator. Complainant moved at her request.

---

**Complainant:** Female Teaching Assistant  
(Requested Confidentiality)

**Respondent:** Male Undergraduate

**Summary of Allegations:** Sexual comments, personal questions, and a request for a date.

**Action Taken:** Complainant requested advice on how to handle it herself.

---

**Complainant:** Female Undergraduate

**Respondent:** Male Teaching Assistant

**Summary of Allegations:** Sexual innuendoes.

**Action Taken:** Warning and education.

---

**Complainant:** Female Supervisor  
(Requested Confidentiality)

**Respondent:** Unknown male

**Summary of Allegations:** Obscene phone call.

**Action Taken:** Staff have permission to terminate obscene calls.

---

**Complainant:** Female Undergraduate

**Respondent:** Male Undergraduate

**Summary of Allegations:** Abusive & threatening verbal comments.

**Action Taken:** Formal warning and no contact restriction.

---

**Complainant:** Female Undergraduate

**Respondent:** Male Undergraduate

**Summary of Allegations:** Angry and threatening behavior from ex-boyfriend.

**Action Taken:** Complainant wanted advice on how to resolve it herself.

---

# 1998 SEXUAL HARASSMENT ANNUAL REPORT

**Complainant:** Female Undergraduate

**Respondent:** Male Undergraduates

**Summary of Allegations:** Offensive sexual email and then retaliation when complainant stated she was filing a complaint.

**Action Taken:** Disciplinary probation, permanent loss of campus housing, community service, and no contact restriction.

---

**Complainant:** Female Supervisor  
(Requested Confidentiality)

**Respondent:** Male Undergraduate

**Summary of Allegations:** Derogatory sex based comments.

**Action Taken:** Education.

---

**Complainant:** Female Staff

**Respondent:** Male Undergraduates

**Summary of Allegations:** Demeaning and sexually vulgar written remarks.

**Action Taken:** Fact-finding. Disciplinary censure. Dismissed on appeal.

---

**Complainant:** Female Undergraduate

**Respondent:** Male Other

**Summary of Allegations:** Intimidating and threatening conduct from ex-husband.

**Action Taken:** Referred to University Police. Advised to get restraining order. Request from Title IX officer to not contact complainant.

---

**Complainant:** Female Undergraduate  
(Requested Confidentiality)

**Respondent:** Male Undergraduate

**Summary of Allegations:** Obscene phone calls.

**Action Taken:** Warning and education. No further calls.

---

**Complainant:** Female Resident Assistant  
(Requested Confidentiality)

**Respondent:** Male Undergraduate

**Summary of Allegations:** Pervasive requests to "go out" and to "marry him". Physical contact.

**Action Taken:** Complainant wanted advice on options and actions she could take herself.

---

**Complainant:** Female Undergraduate  
(Requested Confidentiality)

**Respondent:** Unknown male

**Summary of Allegations:** Complainant caught unknown male staring at her in the shower in the residence hall.

**Action Taken:** Unable to identify respondent.

---

# 1998 SEXUAL HARASSMENT ANNUAL REPORT

**Complainant:** Female Undergraduate

**Respondent:** Male Undergraduate

**Summary of Allegations:** Demeaning sexualized comments and physical assault.

**Action Taken:** Complainant chose to file assault charges with Police. Respondent arrested.

---

**Complainant:** Female Staff

**Respondent:** Female Other

**Summary of Allegations:** Pornographic email.

**Action Taken:** Complaint filed with sender's system administrator.

---

**Complainant:** Female Graduate Students  
(Requested Confidentiality)

**Respondent:** Male faculty in department

**Summary of Allegations:** Sexual jokes, sexual innuendoes, and sexist comments during meetings.

**Action Taken:** Department Chair discussed with faculty at a department meeting.

---

**Complainant:** Female Undergraduate

**Respondent:** Male Undergraduate

**Summary of Allegations:** Annoying phone calls.

**Action Taken:** Proctor spoke with respondent and he agreed to stop. No further complaints.

---

**Complainant:** Male Resident Assistant  
(Requested Confidentiality)

**Respondent:** Male Undergraduate

**Summary of Allegations:** Threatening and intimidating sexualized conduct.

**Action Taken:** Preceptor educated and warned respondent.

---

**Complainant:** Female Undergraduate  
(Requested Confidentiality)

**Respondent:** Male Alum

**Summary of Allegations:** Illegal access to email account by ex-boyfriend. Threatening and intimidating messages.

**Action Taken:** Notice to respondent to stop. Cancellation of UCSC account.

---

**Complainant:** Female Undergraduate  
(Requested Confidentiality)

**Respondent:** Male Other

**Summary of Allegations:** Pervasive contact and intimidating behavior.

**Action Taken:** Complainant pursued restraining order.

---

**Complainant:** Female Graduate Student  
(Requested Confidentiality)

**Respondent:** Male Professor

**Summary of Allegations:** Touching that made the complainant uncomfortable.

**Action Taken:** Education. No further complaints.

---

# 1998 SEXUAL HARASSMENT ANNUAL REPORT

**Complainant:** Female Undergraduate

**Respondent:** Female Undergraduate

**Summary of Allegations:** Threatening & intimidating conduct by ex-girlfriend to new girlfriend.

**Action Taken:** Police and college investigated. Disciplinary warning.

---

**Complainant:** Female Undergraduate

**Respondent:** Unknown male

**Summary of Allegations:** Indecent exposure.

**Action Taken:** Police investigation. Unable to identify suspect.

---

**Complainant:** Female Undergraduate  
(Requested Confidentiality)

**Respondent:** Male Undergraduate

**Summary of Allegations:** Unidentified male resident looking into complainant's shower.

**Action Taken:** Warning posted in all bathrooms. Unable to identify respondent.

---

**Complainant:** Female Undergraduate  
(Requested Confidentiality)

**Respondent:** Male Undergraduate

**Summary of Allegations:** Rape.

**Action Taken:** Support services requested & provided.

---

**Complainant:** Female Undergraduate

**Respondent:** Unknown male

**Summary of Allegations:** Obscene phone calls.

**Action Taken:** Police and Pacific Bell contacted. Trap placed on phone.

---

**Complainant:** Female Undergraduate

**Respondent:** Male Undergraduate

**Summary of Allegations:** Vulgar and lewd sexual remarks. Threatening conduct and comments.

**Action Taken:** Formal warning and housing probation.

---

**Complainant:** Female Undergraduate

**Respondent:** Male Undergraduate

**Summary of Allegations:** Threatening and lewd conduct directed at complainant.

**Action Taken:** Education, warning, and housing probation.

---

**Complainant:** Female Undergraduate

**Respondent:** Unknown male

**Summary of Allegations:** Sexually vulgar phone calls.

**Action Taken:** SCS and police responded to complaints. Unable to identify caller.

---

**Complainant:** Female Undergraduate  
(Requested Confidentiality)

**Respondent:** Male Staff

**Summary of Allegations:** Complainant subjected to sexual jokes and innuendoes.

**Action Taken:** Counseling memo and education.

---

# 1998 SEXUAL HARASSMENT ANNUAL REPORT

**Complainant:** Female Undergraduate  
(Requested Confidentiality)

**Respondent:** Male Teaching Assistant

**Summary of Allegations:** "Flirting" with female students in class. Overly personal questions.

**Action Taken:** Professor spoke to respondent about appropriate professional conduct.

---

**Complainant:** Female Instructor  
(Requested Confidentiality)

**Respondent:** Male Supervisor

**Summary of Allegations:** Insistent requests for a date under guise of establishing a contract for services.

**Action Taken:** For this and other reasons respondent is no longer with UCSC.

---

**Complainant:** Female Other

**Respondent:** Male Other

**Summary of Allegations:** Offensive and vulgar comments sent to chat room.

**Action Taken:** Complainant's thought email originated at UCSC. Unable to determine that the email came from UCSC.

---

**Complainant:** Female Undergraduate

**Respondent:** Male Other

**Summary of Allegations:** Threatening and intimidating sexualized messages over email.

**Action Taken:** Complaint filed with server's system administrator.

---

**Complainant:** Female Other

**Respondent:** Male undergraduates

**Summary of Allegations:** Sexually offensive and lewd conduct while intoxicated.

**Action Taken:** Disciplinary probation, attendance at AOD class and education.

---

**Complainant:** Female Undergraduate

**Respondent:** Male Undergraduate

**Summary of Allegations:** Physical advance and other sexual requests.

**Action Taken:** University warning and housing probation.

---

**Complainant:** Female Undergraduate  
(Requested Confidentiality)

**Respondent:** Male Other

**Summary of Allegations:** Catcalls and whistling by construction crew on campus.

**Action Taken:** Unable to identify respondent(s). Physical Planning and Construction reminded all construction crews of the University's prohibition of this conduct.

---

**Complainant:** Male Staff  
(Requested Confidentiality)

**Respondent:** Female Staff

**Summary of Allegations:** Overly personal interest and inappropriate remarks.

**Action Taken:** Complainant requested advice on how to handle it himself.

---

# 1998 SEXUAL HARASSMENT ANNUAL REPORT

**Complainant:** Female Undergraduate

**Respondent:** Male Other

**Summary of Allegations:** Daily attempts at contact, in person and by phone, by ex-boyfriend after numerous requests by complainant to stop.

**Action Taken:** Title IX letter to respondent requesting that he stop and what actions the complainant and the campus may take if he doesn't.

---

**Complainant:** Female Undergraduates  
(Requested Confidentiality)

**Respondent:** Male Undergraduate

**Summary of Allegations:** Sexualized degrading and demeaning statements to female residents.

**Action Taken:** Warning and education to respondent. No further complaints.

---

**Complainant:** Female Staff

**Respondent:** Male Other

**Summary of Allegations:** Overly personal and intrusive email-professions of love.

**Action Taken:** Complainant confronted respondent and told him not to contact her again. No further contact.

---

**Complainant:** Female Undergraduate

**Respondent:** Male Undergraduate

**Summary of Allegations:** Pervasive attempts at contact after being told by the complainant that she did not want to date him.

**Action Taken:** Respondent warned to leave complainant alone and to stop all contact.

---

**Complainant:** Female Undergraduate  
(Requested Confidentiality)

**Respondent:** Male Staff

**Summary of Allegations:** Respondent stares at and follows complainant.

**Action Taken:** Respondent warned, educated, and relocated away from complainant.

---

**Complainant:** Female Undergraduate  
(Requested Confidentiality)

**Respondent:** Male Temporary Staff

**Summary of Allegations:** Vulgar and salacious sexual comments to complainant and about other female students.

**Action Taken:** Temporary appointment ended.

---

**Complainant:** Female Undergraduate

**Respondent:** Male Alum

**Summary of Allegations:** Pervasive attempts at contact, "stalking" type behavior.

**Action Taken:** UCSC Police contacted respondent and told him to stay away from complainant. No further complaints.

---

# 1998 SEXUAL HARASSMENT ANNUAL REPORT

**Complainant:** Female Staff  
(Requested Confidentiality)

**Respondent:** Male Staff

**Summary of Allegations:** Written message of a sexual nature about complainant posted in workplace.

**Action Taken:** Message removed. Education session for staff.

---

**Complainant:** Female Undergraduate

**Respondent:** Male Undergraduate

**Summary of Allegations:** Vitriolic actions and comments directed at complainant. Pervasive proclamations about masturbation.

**Action Taken:** Cancellation of housing contract, university warning, and education.

---

**Complainant:** Female Undergraduate  
(Requested Confidentiality)

**Respondent:** Male Other

**Summary of Allegations:** Sexual assault.

**Action Taken:** Referred to appropriate police department. Assistance with academics and housing.

---

**Complainant:** Female Undergraduate  
(Requested Confidentiality)

**Respondent:** Male Other

**Summary of Allegations:** Pervasive and sexualized email messages.

**Action Taken:** Complaint filed with sender's system administrator and police. Emails stopped.

---

**Complainant:** Female Undergraduate

**Respondent:** Male Staff

**Summary of Allegations:** Overly personal comments and contact.

**Action Taken:** Education for respondent. No further complaints.

---

**Complainant:** Female Undergraduate  
(Requested Confidentiality)

**Respondent:** Male Other

**Summary of Allegations:** Sexual assault.

**Action Taken:** Complainant requested academic and counseling assistance.

---

**Complainant:** Female Undergraduate

**Respondent:** Female Undergraduate

**Summary of Allegations:** Nonconsensual sex under the influence of drugs and alcohol.

**Action Taken:** Title IX fact-finding. Dismissed-no finding.

---

**Complainant:** Male Undergraduate

**Respondent:** Female Undergraduate

**Summary of Allegations:** Malicious and demeaning rumors about sexual assault.

**Action Taken:** Fact-finding. No finding. No contact restriction between parties and referred to AOD.

---

# 1998 SEXUAL HARASSMENT ANNUAL REPORT

**Complainant:** Female Undergraduate

**Respondent:** Male Undergraduate

**Summary of Allegations:** Respondent took negatives of nude & semi-nude pictures of complainant.

**Action Taken:** Respondent returned negatives to complainant.

---

**Complainant:** Female Undergraduate

**Respondent:** Male Undergraduate

**Summary of Allegations:** Threatening sexualized conduct toward complainant while under the influence of drugs.

**Action Taken:** Respondent warned and educated. Referred to AOD.

---

**Complainant:** Female Undergraduate  
(Requested Confidentiality)

**Respondent:** Male Undergraduate

**Summary of Allegations:** Rape.

**Action Taken:** Complainant sought assistance from college staff.

---

**Complainant:** Male Staff

**Respondent:** Male Supervisor

**Summary of Allegations:** Sexually explicit comments and jokes.

**Action Taken:** Warning and education.

---

# 1998 OTHER TITLE IX COMPLAINTS

**Complainant:** Female Undergraduate  
(Requested Confidentiality)

**Respondent:** Male Professor

**Summary of Allegations:** Verbal abuse & sex based hostile environment in classroom.

**Action Taken:** Complainant sought counseling resources and requested nothing further be done.

---

**Complainant:** Female Staff  
(Requested Confidentiality)

**Respondent:** Male Professor

**Summary of Allegations:** Verbal abuse, threatening & intimidating conduct directed only at females.

**Action Taken:** Complainant requested advice on how to handle it herself.

---

**Complainant:** Female Lecturer

**Respondent:** Male Undergraduate

**Summary of Allegations:** Verbal and written sex based intimidating and threatening behavior.

**Action Taken:** Formal probation, removed from class, and housing probation.

---

**Complainant:** Female Staff  
(Requested Confidentiality)

**Respondent:** Female Supervisor

**Summary of Allegations:** Complainant feels that supervisor values male staff more than female staff. Discriminatory assignment of projects.

**Action Taken:** Complainant wanted advice on how to deal with it herself.

---

**Complainant:** Male Staff

**Respondent:** Female Supervisor

**Summary of Allegations:** Discriminatory conduct in personal treatment and work assignments.

**Action Taken:** Title IX fact-finding. No finding. Referred to unit management for review.

---

**Complainant:** Female Graduate  
(Requested Confidentiality)

**Respondent:** Academic Department

**Summary of Allegations:** Discriminatory assignment of TAships-males only-by certain male faculty.

**Action Taken:** Complainant did not want to file complaint. Referred to appropriate resources.

---