

**Understanding
Stanford's Policy on
Sexual Harassment
and Consensual
Relationships**

2008-09



**Stanford University
Sexual Harassment Policy Office
(650) 723-1583**

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- California law requires all faculty & supervisors complete 2+ hours sexual harassment training, every two years.
- Contact your Human Resources Manager, Faculty Affairs Officer/Administrator to enroll in training.
- Questions about Faculty/Supervisor Harassment Prevention Training, contact: SHPO-Training@stanford.edu or 725-0646.

LETTER FROM THE PROVOST

September 2008

Dear Students, Faculty, and Staff,

We are pleased to provide you with a copy of this brochure which contains important information about Stanford's policy on sexual harassment and guidance on resources, should you need them.

We ask that you take the time to read the brochure, even if you are familiar with the policy. Please pay particular attention to the consensual or romantic relationships section of the policy; see description starting on page 16.

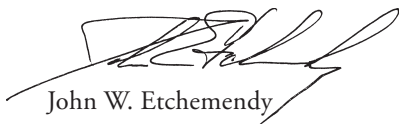
Stanford is committed to providing a place of work and study that is free of sexual harassment and all forms of intimidation or exploitation. The policy and procedures described in the brochure represent a visible sign of that commitment, but to fully achieve our goal requires understanding, good will and effort on the part of the entire University community.

Dr. Laraine Zappert is serving as the Director of the Sexual Harassment Policy Office and may be reached at (650) 723-1583 or

E-mail: harass@stanford.edu.

We encourage you to call on her with your concerns and suggestions.

Sincerely,



John W. Etchemendy

DEALING WITH HARASSMENT AT STANFORD

In a society of differing generations, cultures and backgrounds, what is acceptable behavior to one person may be unacceptable to another. Furthermore, the behavior may be illegal.

If you believe you are being sexually harassed, or know someone who is, you should act promptly. Correcting the situation immediately, or at least talking with someone familiar with the issues and ways to respond, is in everyone's best interest. Ignoring the situation and hoping that it will correct itself allows the harassment to continue.

Nor should you be afraid that if you talk with someone about the situation, you will be subject to retaliation, particularly if the person causing the harassment has power over you (a supervisor, a teacher, etc.). **Under no circumstances will Stanford allow reprisals** against a person who in good faith reports or provides information about sexual harassment or behavior that might constitute sexual harassment.

In some instances, you may simply want to talk to someone. Perhaps you are not sure that the other person's behavior is wrong, or maybe you know that it is wrong, but you are unsure what to do about it. Similarly, if you are not sure about your own interactions with someone in your office, classroom or dormitory and are concerned that they have been misunderstood, you should consider talking with someone to see how the situation can be resolved.

As the attached policy indicates, there are several ways that you can talk with people on campus, including anonymously, to help you sort out your own thoughts or decide what action can be taken to correct the situation. **Sexual harassment advisers are available to help you understand your options.** Each school, administrative unit and student housing unit has an

adviser. While these advisers may be most familiar with the issues and options for a particular setting, you are free to seek consultation from any adviser. A list of advisers can be found at the end of the policy statement starting on page 25.

In addition to confidential discussions, the policy describes other options, including intervention by neutral third parties, and the formal grievance and disciplinary procedures.

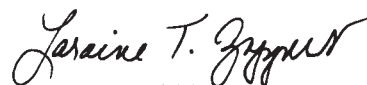
This is how Stanford defines sexual harassment: "Unwelcome sexual advances, requests for sexual favors, and other visual, verbal or physical conduct of a sexual nature constitute sexual harassment when:

1. It is implicitly or explicitly suggested that submission to or rejection of the conduct will be a factor in academic or employment decisions or evaluations, or permission to participate in a University activity; or
2. The conduct has the purpose or effect of unreasonably interfering with an individual's academic or work performance or creating an intimidating or hostile academic, work or student living environment."

If you think someone is sexually harassing you or someone you know, or if you are troubled by the definition quoted above as it may apply to your own behavior, you should read the following policy and consider what actions are appropriate.

I encourage you to take advantage of the resources described in the policy and take responsibility for getting the situation corrected.

Sincerely,



Dr. Laraine T. Zappert

Director, Sexual Harassment Policy Office

A WORD ABOUT CONFIDENTIALITY

Many people who have a concern about sexual harassment want assurances about confidentiality.

If you feel intimidated unless discussions can take place in confidence, faculty and others will respect such a request to the extent feasible. As stated more specifically in the policy, one way to help assure confidentiality is for you not to identify the person who is the alleged wrongdoer, at least during your preliminary discussions. Another way is to talk with persons, as identified in the “Resources Section” within the policy, who have an independent “privilege” under the law.

Nevertheless, we hope you will understand that in order to correct the situation, not only for yourself but for others in the future, it is probably in everyone’s interests that some form of intervention take place.

Sometimes this can be accomplished without necessarily confronting the person. For example, efforts can be made to increase the amount of training that is directed to a department, work unit or living unit regarding behavior, without ever indicating that some one specific person’s behavior is a problem. Other appropriate methods of intervention often can be developed on a case-by-case basis.

As stated very clearly in the policy, the University will take vigorous action against anyone who retaliates against you or others because a legitimate concern or complaint is raised. With this in mind, experience indicates that the best way to resolve a current issue, and to protect others in the future, is to have frank and open discussion with the alleged wrongdoer, either directly or through mediation or other third party intervention.

Here, too, confidentiality generally can be maintained, especially since, in most cases, all of the persons involved usually prefer to resolve the matter in a confidential setting.

One final point should be remembered. Stanford does not exist in isolation from the rest of the world. If there is an independent investigation or lawsuit in a matter you have raised, or in an incident wholly unrelated to yours, there are times when you or others may be required by law to provide documents or testimony. Thus, even where everyone involved in a given situation may wish to preserve confidentiality, sometimes such confidentiality cannot be guaranteed absolutely. Other instances where confidentiality may not be possible include situations where someone reasonably believes a complainant or other parties are clearly in risk of being subjected to further harassing behavior that will create significant emotional or other harm, or where the University needs to intervene because of its own potential liability for failing to do so.

UNDERSTANDING STANFORD'S SEXUAL HARASSMENT AND CONSENSUAL SEXUAL OR ROMANTIC RELATIONSHIPS POLICY

Stanford University strives to provide a place of work and study free of sexual harassment, intimidation or exploitation. Where sexual harassment is found to have occurred, the University will act to stop the harassment, prevent its recurrence, and discipline those responsible.

For the complete text of the current applicable version of this policy, see Administrative Guide Memo 23.2, Policy on Sexual Harassment and Consensual Sexual or Romantic Relationships at: adminguide.stanford.edu/23_2.pdf. The policy is also published online in the Judicial Affairs Office website: <http://judicialaffairs.stanford.edu>.

See also: Sexual Harassment Policy Office web page at: harass.stanford.edu.

Applicability and Sanctions for Policy Violations

This policy applies to all students, faculty and staff of Stanford University, as well as to others who participate in Stanford programs and activities both on and off-campus, including overseas programs. Individuals who violate this policy are subject to discipline up to and including discharge, expulsion, and/or other appropriate sanction or action.

Respect for Each Other – Stanford University strives to provide a place of work and study free of sexual harassment, intimidation or exploitation. It is expected that students, faculty, staff, and other individuals covered by this policy will treat one another with respect.

Prompt Attention – Reports of sexual harassment are taken seriously and will be dealt with promptly. The specific action taken in any particular case depends on the nature and gravity of the conduct reported, and may include intervention, mediation, investigation and the initiation of grievance and disciplinary processes as discussed more fully below. Where sexual harassment is found to have occurred, the University will act to stop the harassment,

prevent its recurrence, and discipline and/or take other appropriate action against those responsible.

Confidentiality – The University recognizes that confidentiality is important. Sexual harassment advisers and others responsible to implement this policy will respect the confidentiality and privacy of individuals reporting or accused of sexual harassment to the extent reasonably possible. Examples of situations where confidentiality cannot be maintained include circumstances when the University is required by law to disclose information (such as in response to legal process) and when disclosure is required by the University's outweighing interest in protecting the rights of others.

Protection Against Retaliation – Retaliation and/or reprisals against an individual who in good faith reports or provides information in an investigation about behavior that may violate this policy are against the law and will not be tolerated. Intentionally making a false report or providing false information, however, is grounds for discipline.

Relationship to Freedom of Expression – Stanford is committed to the principles of free inquiry and free expression. Vigorous discussion and debate are fundamental to the University, and this policy is not intended to stifle teaching methods or freedom of expression generally, nor will it be permitted to do so. Sexual harassment, however, is neither legally protected expression nor the proper exercise of academic freedom; it compromises the integrity of the University, its tradition of intellectual freedom and the trust placed in its members.

WHAT IS SEXUAL HARASSMENT?

Unwelcome sexual advances, requests for sexual favors, and other visual, verbal or physical conduct of a sexual nature constitute sexual harassment when:

1. It is implicitly or explicitly suggested that submission to or rejection of the conduct will be a factor in academic or employment decisions or evaluations, or permission to participate in a University activity;

or

2. The conduct has the purpose or effect of unreasonably interfering with an individual's academic or work performance or creating an intimidating or hostile academic, work or student living environment.

Determining what constitutes sexual harassment depends upon the specific facts and the context in which the conduct occurs. Sexual harassment may take many forms—subtle and indirect, or blatant and overt. For example,

- It may be conduct toward an individual of the opposite sex or the same sex.
- It may occur between peers or between individuals in a hierarchical relationship.
- It may be aimed at coercing an individual to participate in an unwanted sexual relationship or it may have the effect of causing an individual to change behavior or work performance.
- It may consist of repeated actions or may even arise from a single incident if sufficiently egregious.

The University's Policy on Sexual Assault (see Guide Memo 23.3, Sexual Assault, adminguide.stanford.edu/23_3.pdf) may also apply when sexual harassment involves physical contact.

WHAT TO DO ABOUT SEXUAL HARASSMENT

Individuals seeking further information should contact the following resources:

- The Sexual Harassment Policy Office
Mariposa House
585 Capistrano Way
Stanford, CA 94305-8210
(650)723-1583
 - Email: harass@stanford.edu
 - For information/consultation, advice, or
 - To lodge a complaint.
 - Anonymous inquiries can be made to the SHPO by phone during business hours.

- The Sexual Harassment Policy Office website harass.stanford.edu
- Any designated Sexual Harassment Adviser or resource person listed below.

The following are the primary methods for dealing with sexual harassment at Stanford. They are not required to be followed in any specific order. However, early informal methods are often effective in correcting questionable behavior.

Consultation – Consultation about sexual harassment is available from the Sexual Harassment Policy Office, sexual harassment advisers (including residence deans), human resources managers, employee relations specialists, counselors at Counseling and Psychological Services (CAPS) or the Help Center, chaplains at Memorial Church, ombudspersons and others. A current list of sexual harassment advisers is available from the Sexual Harassment Policy Office and at harass.stanford.edu/SHadvisers.html. Consultation is available for anyone who wants to discuss issues related to sexual harassment, whether or not “harassment” actually has occurred, and whether the person seeking information is a complainant, a person who believes his or her own actions may be the subject of criticism (even if unwarranted), or a third party.

Often there is a desire that a consultation be confidential or “off the record”. This can usually be achieved when individuals discuss concerns about sexual harassment without identifying the other persons involved, and sometimes even without identifying themselves. Confidential consultations about sexual harassment also may be available from persons who, by law, have special professional status, such as:

- **Counselors at Counseling and Psychological Services (CAPS)**, caps.stanford.edu
- **Counselors at the Help Center**, www.stanford.edu/dept/ocr/helpcenter
- **Chaplains at Memorial Church** <http://stanford.edu/group/religiouslife/aboutORL.html>

- **The University Ombudsperson,**
www.stanford.edu/dept/ombuds
- **The Medical School Ombudsperson,**
www.med.stanford.edu/ombuds

In these latter cases, the level of confidentiality depends on what legal protections are held by specific persons receiving the information and should be addressed with them before specific facts are disclosed.

Direct Communication – An individual may act on concerns about sexual harassment directly, by addressing the other party in person or writing a letter describing the unwelcome behavior and its effect and stating that the behavior must stop. A Sexual Harassment Adviser can help the individual plan what to say or write, and likewise can counsel persons who receive such communications. Reprisals against an individual who in good faith initiates such a communication violate this policy.

Third Party Intervention – Depending on the circumstances, third party intervention in the workplace, student residence or academic setting may be attempted. Third party intervenors may be the sexual harassment advisers, human resources professionals, the ombudspersons, other faculty or staff, or sometimes mediators unrelated to the University.

When third party intervention is used, typically the third party (or third parties) will meet privately with each of the persons involved, try to clarify their perceptions and attempt to develop a mutually acceptable understanding that can insure that the parties are comfortable with their future interactions. Other processes, such as a mediated discussion among the parties or with a supervisor, may also be explored in appropriate cases.

Possible outcomes of third party intervention include explicit agreements about future conduct, changes in workplace assignments, substitution of one class for another, or other relief, where appropriate.

Formal Grievance, Appeal, and Disciplinary Processes – Grievance, appeal, or disciplinary processes may be pursued as applicable. The

applicable procedure depends on the circumstances and the status of the person bringing the charge and the person against whom the charge is brought. Generally, the process consists of the individual's submission of a written statement, a process of fact-finding or investigation by a University representative, followed by a decision and, in some cases, the possibility of one or more appeals, usually to Stanford administrative officers at higher levels. The relevant procedure (see below) should be read carefully, since the procedures vary considerably.

If the identified university fact-finder or grievance officer has a conflict of interest, an alternate will be arranged, and the Director of the Sexual Harassment Policy Office or the Director of Employee and Labor Relations can help assure that this occurs.

In most cases, grievances and appeals must be brought within a specified time after the action complained of. While informal resolution efforts will not automatically extend the time limits for filing a grievance or appeal, in appropriate circumstances the complainant and the other relevant parties may mutually agree in writing to extend the time for filing a grievance or appeal.

NOTE: Here is the list of the grievance and appeal procedures. Copies may also be obtained from the Sexual Harassment Policy Office. For web access, go to hrweb.stanford.edu/elr/policies/list_grievance_procedures.html

List of Student, Faculty & Staff Grievance Procedures

Academic Staff

- **Libraries:** Section IV of the booklet, Personnel Program, Academic Staff-Libraries (January 1, 1994), available from the Library Human Resources Office in Green Library.
- **Research:** Research Policy Handbook 9.2

Continued

- **Teaching:** Handbook for Academic Council Faculty, Medical Center Line Faculty, Academic Staff-Teaching and Other Teaching Staff, Chapter 8

Bargaining Unit

- **United Stanford Workers,** Collective Bargaining Agreement, Article 1c
- **Stanford Deputy Sheriffs' Association** Agreement

Regular Non-academic Staff: Staff Dispute Resolution, Administrative Guide Memo 22.10

Faculty Appeal Procedures: Handbook for Academic Council Faculty, Medical Center Line Faculty, Academic Staff-Teaching and Other Teaching Staff. Chapter 4.

Students

- **Student Academic** Grievance Procedure: see the Stanford University Bulletin, Academic Policies and Statements.
- **Student Non-academic** Grievance Procedure pursuant to Title IX: consult the University's Title IX Officer
- **Student ADA (Americans with Disabilities Act):** Stanford University Student ADA, Section 504 Grievance Procedure

Postdoctoral Scholars: Research Policy Handbook, section 9-4A

Librarians and Academic Staff- Research Associates”

- “The Dispute Resolution Process (A User’s Guide)”

Disciplinary Procedures – In appropriate cases, disciplinary procedures may be initiated. The applicable disciplinary procedure depends on the status of the individual whose conduct is in question. For example, faculty are subject to the Statement on Faculty Discipline, www.stanford.edu/dept/provost/faculty/policies/handbook/ch4.html and students to the Fundamental Standard. For additional information related to student judicial affairs, see www.stanford.edu/dept/vpsa/judicialaffairs.

The individuals referenced in this section are available to discuss these options and differing methods for dealing with sexual harassment.

PROCEDURAL MATTERS

Investigations – If significant facts are contested, an investigation may be undertaken. The investigation will be conducted in a way that respects, to the extent possible, the privacy of all of the persons involved. In appropriate cases, professional investigators may be asked to assist in the investigation. The results of the investigation may be used in the third party intervention process or in a grievance or disciplinary action.

Recordkeeping – The Sexual Harassment Policy Office will track reports of sexual harassment for statistical purposes and report at least annually to the University President concerning their number, nature and disposition.

The Sexual Harassment Policy Office may keep confidential records of reports of sexual harassment and the actions taken in response to those reports, and use them for purposes such as to identify individuals or departments likely to benefit from training so that training priorities can be established. No identifying information will be retained in cases where the individual accused was not informed that there was a complaint.

Copies of the following may be obtained from Employee & Organizational Services:

- “Solving Workplace Problems at Stanford: Understanding the Staff Dispute Resolution Policy”
also at hrweb.stanford.edu/forms/staffresolution.pdf.
- “Solving Workplace Problems at Stanford: Information for Academic Staff-

Indemnification and Costs – The question sometimes arises as to whether the University will defend and indemnify a Stanford employee accused of sexual harassment. California law provides, in part, “An employer shall indemnify [its] employee for all that the employee necessarily expends or loses in the direct consequences of the discharge of his [or her] duties as such....” The issue of indemnification depends on the facts and circumstances of each situation. Individuals who violate this policy, however, should be aware that they and/or their schools, institutes, or other units may be required to pay or contribute to any judgments, costs, and expenses incurred as a result of behavior that is wrongful and/or contrary to the discharge of the employee’s duties. In general, see Administrative Guide Memo 15.7 (adminguide.stanford.edu/15_7.pdf).

RESOURCES FOR DEALING WITH SEXUAL HARASSMENT

Advice – Persons who have concerns about sexual harassment should contact the Sexual Harassment Policy Office, any Sexual Harassment Adviser (see list beginning on page 25), or one of the other individuals listed below. Reports should be made as soon as possible: the earlier the report, the easier it is to investigate and take appropriate remedial action. When reports are long delayed, the University will try to act to the extent it is reasonable to do so, but it may be impossible to achieve a satisfactory result after much time has passed.

Likewise, anyone who receives a report or a grievance involving sexual harassment should promptly consult with the Sexual Harassment Policy Office or with a Sexual Harassment Adviser.

There are a number of individuals specially trained and charged with specific responsibilities in the area of sexual harassment. In brief, they are:

- **Sexual Harassment Advisers** serve as resources to individuals who wish to discuss issues of sexual harassment, whether because they have been harassed or because they want information about the University’s policy and procedures. Advisers

are also authorized to receive complaints. There is usually at least one Adviser assigned to each of the schools at the University and to each large work unit; in addition the residence deans have been appointed as Sexual Harassment Advisers.

- **The Director of the Sexual Harassment Policy Office** is responsible for the implementation of this policy. The Director’s Office also provides advice and consultation to individuals when requested; receives complaints and coordinates their handling; supervises the other Advisers; encourages and assists prevention education for students, faculty, and staff; keeps records showing the disposition of complaints; and generally coordinates matters arising under this policy. Because education and awareness are the best ways to prevent sexual harassment, developing awareness, education and training programs, and publishing informational material are among the most important functions of the Sexual Harassment Policy Office (harass.stanford.edu).
- As stated above, individuals with concerns about sexual harassment may also discuss their concerns informally with psychological counselors (for example, through CAPS or the Help Center), chaplains (through Memorial Chapel), or University or Medical School ombudspersons.
- **External Reporting** – Sexual Harassment is prohibited by state and federal law. In addition to the internal resources described above, individuals may pursue complaints directly with the government agencies that deal with unlawful harassment and discrimination claims, e.g., the U.S. Equal Employment Opportunity Commission (EEOC), the Office for Civil Rights (OCR) of the US Department of Education, and the State of California Department of Fair Employment and Housing (DFEH). These agencies are listed in the Government section of the telephone book. A violation of this policy may exist even where the conduct in question does not violate the law.

NOTE: Particular attention is called to the following policy provision:

CONSENSUAL SEXUAL OR ROMANTIC RELATIONSHIPS

In General – There are special risks in any sexual or romantic relationship between individuals in inherently unequal positions, and parties in such a relationship assume those risks. In the University context, such positions include (but are not limited to) teacher and student, supervisor and employee, senior faculty and junior faculty, mentor and trainee, adviser and advisee, teaching assistant and student, coach and athlete, and the individuals who supervise the day-to-day student living environment and student residents. Because of the potential for conflict of interest, exploitation, favoritism, and bias, such relationships may undermine the real or perceived integrity of the supervision and evaluation provided, and the trust inherent particularly in the teacher-student context. They may, moreover, be less consensual than the individual whose position confers power believes. The relationship is likely to be perceived in different ways by each of the parties to it, especially in retrospect.

Moreover, such relationships may harm or injure others in the academic or work environment. Relationships in which one party is in a position to review the work or influence the career of the other may provide grounds for complaint by third parties when that relationship gives undue access or advantage, restricts opportunities, or creates a perception of these problems. Furthermore, circumstances may change, and conduct that was previously welcome may become unwelcome. Even when both parties have consented at the outset to a romantic involvement, this past consent does not remove grounds for a charge based upon subsequent unwelcome conduct.

Where such a relationship exists, the person in the position of greater authority or power will bear the primary burden of accountability, and must ensure that he or she—and this is particularly important for teachers—does not exercise any supervisory

or evaluative function over the other person in the relationship. Where such recusal is required, the recusing party must also notify his or her supervisor, department chair or dean, so that such chair, dean, or supervisor can exercise his or her responsibility to evaluate the adequacy of the alternative supervisory or evaluative arrangements to be put in place. Staff members may instead, as an option, notify their local human Resources Managers. To reiterate, the responsibility for recusal and notification rests with the person in the position of greater authority or power. Failure to comply with these recusal and notification requirements is a violation of this policy, and therefore grounds for discipline. The University has the option to take any action necessary to insure compliance with the spirit of this recusal policy, including transferring either or both employees in order to minimize disruption of the work group. In those extraordinarily rare situations where it is programmatically infeasible to provide alternative supervision or evaluation, the cognizant Dean or Director must approve all evaluative and compensation actions.

With Students – At a university, the role of the teacher is multifaceted, including serving as an intellectual guide, counselor, mentor and advisor; the teacher's influence and authority extend far beyond the classroom. Consequently and as a general proposition, the University believes that a sexual or romantic relationship between a teacher and a student, even where consensual and whether or not the student would otherwise be subject to supervision or evaluation by the teacher, is inconsistent with the proper role of the teacher, and should be avoided. The University therefore very strongly discourages such relationships.

POLICY REVIEW AND EVALUATION

This policy went into effect on October 6, 1993, and was amended on November 30, 1995, and on May 30, 2002. It is subject to periodic review, and any comments or suggestions should be forwarded to the Director of the Sexual Harassment Policy Office.

POLICY REFERENCE

Stanford's policy on Sexual Harassment and Consensual or Romantic Relationships is published in its entirety as Administrative Guide Memo 23.2. The online version is linked to the Sexual Harassment Policy Office homepage: harrass.stanford.edu, or available online directly at: adminguide.stanford.edu/23_2.pdf. The Administrative Guide is a public document; local personnel administrators have hard copies that are available for review.

Additional written information on sexual harassment is available at the Sexual Harassment Policy Office, tel: (650) 723-1583. Copies of the University policy on sexual assault, which complements the sexual harassment policy, as well as all other documents mentioned in this brochure, are also available at this office, Mariposa House, 585 Capistrano Way, Stanford, CA 94305-8210

All faculty, staff and students who have questions regarding this policy and its enforcement can consult with a sexual harassment adviser or can be directed to the local Personnel Officer or Regional Human Resources Manager. Faculty members should contact their Dean or Department Chair, and students should contact the Dean of Student Affairs.

WHAT CAN BE DONE TO STOP SEXUAL HARASSMENT

If you feel you have been sexually harassed, do not remain silent. Ignoring sexual harassment does not make it go away. Indeed, it may make it worse, as the harasser may misinterpret a lack of response as approval of the behavior. There are several things that can be done to stop sexual harassment:

Know your rights. Sexual harassment is illegal. Stanford University has a specific policy prohibiting sexual harassment. Familiarize yourself with this policy.

Speak up. If you can, tell the person to stop. State clearly and firmly that you want a particular behavior to cease. This is not a time to be polite or vague.

There is a chance that the harasser does not realize that a particular behavior is offensive. If you feel you cannot speak up, talk with one of the resource persons listed at the back of this brochure for further help and guidance.

Get information and support. Sexual harassment advisers can provide support and advice about Stanford's policy and procedures. An adviser can help you understand your options and explore ways of resolving your particular situation. They will review with you the informal and formal steps available for dealing with issues of sexual harassment. If you choose to file a formal complaint, it will be investigated by the appropriate University officer. Sexual harassment advisers can assist in informal resolutions which might include any of the following:

- *Writing a letter.*¹ In some instances, people have successfully stopped sexual harassment by writing a letter to the harasser. The letter should include a factual account of the offending behavior, a description of how the behavior was experienced by the writer, and a simple statement that the writer wants that particular behavior to stop. The letter should be polite, low-key and factual. A copy should be kept by the writer. In the unlikely event that the letter fails to achieve its purpose, it could be used as evidence in support of a formal complaint or lawsuit. Copies should be sent to no one else. If the letter is to work, it must be a private communication between the persons involved. The recipient of the letter rarely writes back and usually the sexual harassment stops immediately.
- *A moderated discussion.* If you request this (and the other party agrees), a moderated discussion can be set up to assist in resolving the situation. A more structured mediation is also possible, if both parties agree.
- *Direct intervention on your behalf.* If you wish, a University officer and/or adviser could speak to the other party in order to assist in resolving the situation.

¹ Hughes and Bernice Sandler, *In Case of Sexual Harassment... A Guide for Women Students*, Center for Women Policy Studies, 1986.

Keep records or a journal. Save any letters, e-mail, or notes received, as they can be helpful if the harassment persists. Record dates, places, times, witnesses and the nature of the harassment—what was said when, and how you responded.

WHAT NOT TO DO

- **Do not blame yourself.** Sexual harassment is not something one brings on oneself.
- **Do not delay.** Delay in action in cases of sexual harassment only increases the probability that the harassing behavior will continue.
- **Do not hesitate to seek help.** Being quiet about sexual harassment enables it to continue. Chances are very good that you are not the only one who has been harassed. Speaking up may prevent others from being harmed.

DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING INFORMATION

The following text is excerpted from the DFEH pamphlet:

DEFINITION OF SEXUAL HARASSMENT

The Fair Employment and Housing Act (FEHA) defines harassment sexual harassment as harassment based on sex or of a sexual nature; gender harassment; and harassment based on pregnancy, childbirth, or related medical conditions. The definition includes many forms of offensive behavior, including harassment of a person of the same sex as the harasser.

EMPLOYER LIABILITY

All employers, regardless of the number of employees, are covered by the harassment section of the FEHA. Employers are generally liable for harassment by their supervisors or agents. Harassers, including both supervisory and nonsupervisory personnel, may be held personally liable for harassing an employee or coworker or for aiding and abetting harassment

Additionally, the law requires employers to take “all reasonable steps to prevent harassment from occurring.” If an employer has failed to take such

preventive measures, that employer can be held liable for the harassment. A victim may be entitled to damages, even though no employment opportunity has been denied and there is no actual loss of pay or benefits.

In addition, if an employer knows or should have known that a non-employee (e.g., Client or customer) has sexually harassed an employee, applicant, or person providing services for the employer and fails to take immediate and appropriate corrective action, the employer may be held liable for the actions of the nonemployee.

AN EMPLOYER MIGHT AVOID LIABILITY IF

- the harasser is not in a position of authority, such as a lead, supervisor, manager or agent;
- the employer had no knowledge of the harassment;
- there was a program to prevent harassment; and
- once aware of any harassment, the employer took immediate and appropriate corrective action to stop the harassment.

FILING A COMPLAINT

Employees or job applicants who believe that they have been sexually harassed may, file a complaint of discrimination with the DFEH within one year of the harassment.

DFEH serves as a neutral fact-finder and attempts to help the parties voluntarily resolve disputes. If DFEH finds sufficient evidence to establish discrimination occurred and settlement efforts fail, the Department may file a formal accusation. The accusation will lead to either a public hearing before the Fair Employment and Housing Commission or a lawsuit filed by DFEH on behalf of the complaining party.

If the Commission finds that discrimination has occurred, it can order remedies including:

- Fines or damages for emotional distress from each employer or person found to have violated the law.
- Hiring or reinstatement
- Back pay, or promotion
- Changes in the policies or practices of the involved employer

Employees can also pursue the matter through a private lawsuit in civil court after a complaint has been filed with DFEH and a Right-to-Sue Notice has been issued.

**STATE OF CALIFORNIA THE DEPARTMENT OF
FAIR EMPLOYMENT AND HOUSING**

For more information, contact DFEH toll-free at:
1-800-884-1684

TTY: 1-800-700-2320

or visit the DFEH website at www.dfeh.ca.gov

SEXUAL HARASSMENT POLICY ADVISERS

SEXUAL HARASSMENT POLICY OFFICE

Tel: (650) 723-1583

E-mail: harass@stanford.edu

Website: harass.stanford.edu

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Clinical Professor, Psychiatry &
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E-mail: zappert@stanford.edu

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E-mail: nan.andrews@stanford.edu

Susyn Almond, Project Manager

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E-mail: salmond@stanford.edu

Virginia Pollard, Training Data Base Manager

Tel: 725-0646

E-mail: SHPO-Training@stanford.edu

SEXUAL HARASSMENT POLICY ADVISERS

Please consult harass.stanford.edu for a current listing of Sexual Harassment Advisers.

■ **Athletics**

Ron Coverson, Director of Human Resources
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- **Dean of Research & Graduate Policy**
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■ **Office of Technical Licensing, ITS**

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■ **Vice Provost for Undergraduate Education (VPUE)**

Laura David, Human Resources Manager
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RESOURCES AT STANFORD

In addition to the Sexual Harassment Advisers listed, the following resources are available to Stanford students, faculty, and staff:

Emergency

Stanford Police: on-campus, dial 9-911
Director Public Safety, Laura Wilson
723-9633 laura.wilson@stanford.edu

Confidential Resources

The level of confidentiality depends on what legal protections are held by specific persons receiving the information and should be addressed with them before specific facts are disclosed.

■ Associate Dean for Religious Life

Liaison for Sexual Harassment
Rabbi Patricia Karlin-Neumann
725-0010 rabbipkn@stanford.edu

■ Ombudspersons

University: David Rasch
723-3682 rasch@stanford.edu

Medical School: Keith I. Smith
498-5744 keith.smith@stanford.edu

■ Counseling Services

Students:
Counseling and Psychological Services (CAPS)
723-3785

Faculty and Staff:

Help Center
723-4577

Confidential Resource in cases of Sexual Assault:

- YWCA Sexual Assault Center at Stanford, dedicated 24 hour telephone line
(650) 725-9955
<http://vaden.stanford.edu/ywca>

The Center provides services and assistance 24 hours a day to Stanford students, staff, faculty, spouses, domestic partners, summer students and campers who are victims of sexual assault.

Additional Resources for Students, Faculty, and Staff

- Deans
- Department Chairs
- Stanford's Nondiscrimination Policy
LaDoris Cordell
725-8395

Additional Resources for Faculty

- Ellen Waxman, Director of Faculty Relations
School of Medicine
724-7743 ewaxman@stanford.edu

Additional Resources for Staff

- Administrative Unit Heads
- Supervisors
- SLAC Personnel Director, 926-2283
- Human Resources Managers
- Labor Relations
Liaison for Sexual Harassment
Ann Allison Marsh, Senior Employee & Labor Relations Manager
725-1051 ann.allison-marsh@stanford.edu

Additional Resources for Students

- Dean of Students
723-2733
- Health Promotion Services
Sally Baird, Manager, Sexual Assault Prevention Program
725-4211 sally.baird@stanford.edu
- Title IX Compliance Officer
LaDoris Cordell
725-8395
- Judicial Affairs 725-2485

- California law requires all faculty & supervisors complete 2+ hours sexual harassment training, every two years.
- Contact your Human Resources Manager, Faculty Affairs Officer/Administrator to enroll in training.
- Questions about Faculty/Supervisor Harassment Prevention Training, contact:
SHPO-Training@stanford.edu or 725-0646.