Welcome to UTSA’s Discrimination & Harassment Prevention Training!
Brought to you by UTSA’s Equal Opportunity Services (EOS) and Training & Development (T&D).

Every two years, you must complete this course in order to create a more positive academic and work environment for everyone

AND

to enable UTSA to be compliant with the Texas Workforce Commission (TWC) Civil Rights Division, Chapter 819 Administrative code on discrimination training.

At the end of this course, you will be required to pass a quiz with a score of 80% or better. You will be given three attempts to pass the quiz.

The estimated average time to complete this lesson and the quiz at the end is 45 minutes.

As you go through the lesson, be sure to scroll down to the bottom of the page to locate and click on “Next Page” to proceed. You may exit this course at anytime. For your convenience, be sure to note the last page you viewed to continue the lesson.

Click the button below to begin this lesson!
Objectives

In this module you will learn how to identify, prevent and properly report unlawful discriminatory and harassing behaviors. You will learn how to:

- Define unlawful discrimination
- Identify your rights and responsibilities under federal law and UTSA policy
- Prevent discrimination and harassment
- Identify UTSA personnel to contact for complaints and/or to report an act of sexual violence

Pay close attention - there is a quiz at the end!
Unlawful Discrimination

What is Discrimination?

Discrimination, including harassment, is defined as conduct that subjects an individual or group to treatment that adversely affects employment or education because of:

Protected classes covered under federal law:
- Race or Color
- Sex or Gender
- National Origin (Citizenship)
- Age
- Religion
- Disability
- Veteran Status

Additional protected classes covered under UTSA policy:
- Sexual Orientation
- Gender Identity
- Gender Expression
Harassment

What is Harassment?
Harassment, as a form of discrimination, is defined as verbal or physical conduct by a co-worker, supervisor, third-party, student or a non-employee that is unwelcome, pervasive/persistent and offensive.

If this behavior is directed at an individual or group because of race/color, sex/gender (includes pregnancy), national origin (citizenship), age, religion, disability, veteran status, sexual orientation, gender identity or gender expression then it is considered a violation of UTSA policy.

Harassing behaviors are illegal when conduct:

- Is severe, pervasive or persistent
- Interferes with an individual’s or group’s academic or work performance
- Creates an intimidating, hostile and/or offensive academic or working environment
Protected Classes

Protected Classes are groups protected under law and policy due to a past history of discrimination. UTSA policy prohibits discrimination against faculty, staff, students and visitors in all areas of service.

EEO = Equal Employment Opportunity

Accommodation = any change in the work or study environment to assist a person with a disability
**Matching Learning Activity**

Drag and drop the protected class next to the appropriate description.

<table>
<thead>
<tr>
<th>A. National Origin</th>
<th>Physical or mental impairment that substantially limits a major life activity</th>
</tr>
</thead>
<tbody>
<tr>
<td>B. Race or Color</td>
<td>An individual’s physical or emotional attraction to the same or opposite gender</td>
</tr>
<tr>
<td>C. Sex or Gender</td>
<td>Male, female, a sense of one’s own identity, includes pregnancy, marital status</td>
</tr>
<tr>
<td>D. Sexual Orientation</td>
<td>Where someone is from, part of the world, country, includes accent, ethnicity</td>
</tr>
<tr>
<td>E. Disability</td>
<td>Skin complexion, physical characteristics, heredity, cultural heritage</td>
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*Press and hold on a word to drag it.*
Case Study - 1

A staff member complains to his supervisor that a co-worker uses ethnic slurs and makes offensive comments as jokes when referring to minority students.

What should the supervisor do?

Click here
Case Study - 1

Choose your answer. The supervisor should:

Choice 1
...assure the staff member that comments such as these violate UTSA policy and that the complaint will be reviewed by Equal Opportunity Services (EOS).

Choice 2
...wait to see if there are any other complaints before acting.

Choice 3
...tell the staff member that the slurs are not meant to be offensive, they are part of the co-worker’s sense of humor.

Click here to revisit the case study
Correct!

The supervisor should assure the staff member that comments such as these violate UTSA policy and that the complaint will be reviewed by Equal Opportunity Services (EOS).

Click Next Page to continue.
Case Study - 2

You are the director of a large department at UTSA. A staff member (Hispanic male) complains to you about the new office manager. The staff member says the new office manager has unfairly evaluated his performance and has made several negative comments about his country of origin and his accent.

As department director, what should you do?
Choose your answer. As department director, you should:

Choice 1: 
...inform the staff member that he may need to improve his performance.

Choice 2: 
...inform the staff member that the office manager is new and comments about national origin are not part of performance evaluations.

Choice 3: 
...inform the staff member that you will contact EOS for review and that he may also contact EOS directly.

Click here to revisit the case study.
Correct!

As department director, you should inform the staff member that you will contact EOS for review and that he may also contact EOS directly.

Click Next Page to continue.
Sexual Harassment

Sexual Harassment is a form of sex discrimination and includes unwelcome sexual advances, requests for sexual favors, and verbal or physical conduct of a sexual nature when:

- Submission to the unwelcome conduct is made a term or condition of employment or student status
- Submission to (or rejection of) the conduct is used in personnel or academic decisions affecting the individual
- The conduct unreasonably interferes with the individual’s job performance
- The conduct creates an intimidating, hostile or offensive environment
Sexual Harassment – Two Types

Hostile Environment Sexual Harassment

- Unwelcome sexual behavior
- Can involve anyone in work or academic setting
- Behavior is severe (very offensive single incident) or pervasive
  (pattern of behavior involving repeated incidents)

Quid Pro Quo Sexual Harassment

- Someone in a position of authority (supervisor, manager, faculty)
  pressures a subordinate for sexual favors
- A single incident is considered unlawful
ACK 8.0 - Discrimination & Harassment Prevention

Sexual Misconduct

• Unwelcome sexual advances

• Requests for sexual favors

• Comments or actions of a sexual nature

• Sexual misconduct does not rise to the level of severe or pervasive (as with sexual harassment)

• Considered unprofessional, inappropriate, will not be tolerated at UTSA

• Subject to disciplinary action in accordance with the Handbook of Operating Procedures (HOP)
Sexual Harassment Examples

Unwelcome sexual behavior that could be considered sexual harassment or sexual misconduct (partial list):

- Touching, patting, hugging
- Sexual propositions
- Sexual jokes, comments, questions
- Pictures, graphics, images with sexual content
- Blocking or restricting someone’s movements
- Sexual violence (Title IX provision, will be discussed later)
Third-Party Harassment

Third-parties are individuals who are indirectly affected by harassment in the workplace. For example, a potential third-party sexual harassment is shown in the scene to the left.

Another example would be a person who is not directly involved in the conversation but is negatively impacted by hearing racist or sexist jokes shared between other co-workers.

A third-party may be negatively affected by actions or comments from co-workers, students, independent contractors, vendors, a member of the public or any other individual in the workplace.

For this reason, always be aware of your surrounding environment and always act in a respectful manner toward others.
ACK 8.0 - Discrimination & Harassment Prevention

UTSA's Consensual Relationship Policy

At UTSA, romantic or sexual relationships are prohibited between a faculty member and a student who is enrolled in the faculty member’s course or who is otherwise under the supervision of the faculty member.

The policy is not meant to discourage appropriate, ethical interactions between faculty/student and supervisors/employees.

The policy is intended to clarify that romantic relationships often:

- Lead to sexual harassment or sexual misconduct
- Represent conflict of interest
- Involve favoritism
- Contribute to low morale

Consider the possible consequences of an office romance before initiating one (such as tension after the relationship ends).

For more information, click the following link:
UTSA HOP 9.04 Consensual Relationships
The only female employee in her department is told by her supervisor that she may not participate in any overtime work because “women should be at home in the evening to assist their families” and “men need the extra pay because it’s a man’s responsibility to provide for his family”.

Do the supervisor’s comments and actions violate UTSA policy?
Choose your answer. Do the supervisor’s comments and actions violate UTSA policy?

Choice 1: No, the supervisor has a right to his opinion that a woman’s place is in the home.

Choice 2: No, the employee should accept the supervisor’s comments and actions because they are meant to be helpful.

Choice 3: Yes, the supervisor’s comments and actions are a violation of UTSA policy and the employee should contact EOS for guidance.

Click here to revisit the case study
Correct!

The supervisor’s comments and actions are a violation of UTSA policy and the employee should contact EOS for guidance.

Click Next Page to continue.
An employee informs you that her manager did not allow her to attend a conference because the manager indicated that travel to and from the conference would be too difficult for the employee due to the employee’s disability.

Do the manager’s comments and actions violate UTSA policy?
Choose your answer. Do the manager’s comments and actions violate UTSA policy?

No, approving conference attendance is within the manager’s discretion.

Yes, if the manager’s decision is based on the employee’s disability, this is a violation of UTSA policy.

No, the manager is considering the fact that the employee missed work due to health issues after returning from a previous conference.

Click here to revisit the case study
Correct!

If the manager’s decision is based on the employee’s disability, this is a violation of UTSA policy.

Click Next Page to continue.
If you or anyone you know at UTSA experiences discrimination, report it! To create a workplace free from discrimination and harassment, put the following tips into action.

**TIP 1: Be aware of how you communicate**
Communication and perception vary from person to person. Be aware of and sensitive to diverse cultures, values, experiences, personalities and attitudes.

**TIP 2: Object clearly and honestly**

**TIP 3: Speak directly to the offender, if comfortable**

**TIP 4: Listen and respond professionally**

**TIP 5: Use common sense**
Best Practices for Prevention

Click each button below for best practices to prevent discrimination and harassment in the workplace.

**Do’s**
- Be respectful
- Be aware of your environment
- Remember the protected classes
- Consider the possible consequences of an office romance
- Report discrimination or harassment to EOS

**Don’ts**
Best Practices for Prevention

Click each button below for best practices to prevent discrimination and harassment in the workplace.

**Do’s**

- Make fun of another person’s background or culture
- Display offensive materials
- Send sexual emails or texts
- Make sexual advances

**Don’ts**

- Offer a promotion or better grade in exchange for sexual favors
Reporting Complaints

UTSA encourages any person who believes that he/she has been subjected to discrimination or harassment to immediately report the incident to EOS.

UTSA's Handbook of Operating Procedures (HOP) states faculty, staff, students or visitors must file a complaint with EOS within 30 calendar days from the date of the alleged incident.

Every supervisor is responsible for promptly reporting incidents to EOS of any type of prohibited discrimination or harassment that comes to their attention.

Various avenues for reporting are:

- Your supervisor
- Other senior staff (when complaint involves your supervisor)
- Equal Opportunity Services (EOS): Ext. 4120
- Title IX Coordinator (for student complaints of discrimination and sexual harassment/sexual violence): Ext. 4120
- The Office of Student Conduct and Community Standards (when a student is accused): Ext. 4720
- UTSA Police Department
  
  210.458.4242 - Non-Emergencies
  210.458.4911 - Emergencies

- For disability accommodations, contact the Americans with Disabilities Act (ADA) Coordinator: Ext. 4031
- For disability discrimination and/or harassment, contact EOS: Ext. 4120
ACK 8.0 - Discrimination & Harassment Prevention

Reporting Compliance Process

The Texas Labor Code Chapter 21 indicates that persons in this state shall be free from discrimination in certain employment transactions, in order to protect their personal dignity.

- An individual claiming international employment discrimination has the right to file a complaint with the Texas Workforce Commission’s Civil Rights Division (CRD), a local referral agency, or the EEOC.
- The Civil Rights Division of TWC (state level) accepts complaints up to 180 days after the date of the alleged act of discrimination.
- The EEOC (federal level) accepts complaints within 300 days of the alleged act of discrimination.
Complaint Process - Two Types

Contact EOS to report or seek guidance regarding discriminatory or harassing behaviors. EOS reviews and determines which of the following two complaint processes is most appropriate:

Informal complaint process:
- Conduct is not serious nor repetitive
- Disciplinary action is not required
- Strategies are needed to resolve the issue
- Manager needs to modify the situation

Formal complaint process:
- Complaint is serious and/or repetitive
- Involves interviews and review of documentation
- Disciplinary action is required

UTSA will maintain confidentiality, to the extent possible by law, during an investigation.
Multiple Choice Learning Activity

How many days do you have to file a complaint with Equal Opportunity Services (EOS) about an incident of alleged discrimination or sexual harassment?

- 40 calendar days
- 10 calendar days
- 20 calendar days
- 30 calendar days
Multiple Choice Learning Activity

Which office do you contact about ADA accommodations for employees?

- Student Health Services
- Student Disability Services
- EOS
- ADA Coordinator
True/False Learning Activity

When a supervisor becomes aware of a complaint of discrimination or harassment, he/she must notify EOS about the complaint.

- True
- False
Title IX – Sexual Harassment and Sexual Violence

- Title IX of the Education Amendments of 1972 is a federal law that prohibits gender discrimination in educational institutions receiving federal financial aid.
- The Department of Education Office of Civil Rights issued new guidance in 2011 strengthening Title IX regarding sexual harassment and sexual violence.
- Requires universities and colleges to take immediate action to eliminate sexual harassment (including sexual violence), prevent it and address its effects.
- Sexual violence refers to physical sexual acts against a person’s will or where a person is incapable of giving consent due to:
  - the victim’s age
  - use of drugs or alcohol
  - an intellectual or other disability
Title IX Responsibilities

All UTSA employees (faculty, staff and student employees) must report incidents of discrimination and sexual harassment covered under Title IX to the Title IX Coordinator:

Leonard Flaum, Senior Equal Opportunity Investigator and Title IX Coordinator

Phone: 210-458-4120
Email: leonard.flaim@utsa.edu
Office Location: NPB
San Antonio, Texas 78249

All reported complaints of sexual harassment and sexual violence against students, faculty, and staff will be investigated by EOS.

More information: [http://utsa.edu/eos/titleix.html](http://utsa.edu/eos/titleix.html)
Retaliati

- Retaliation is illegal and against UTSA policy

- Example, a supervisor takes an adverse action (termination or denial of promotion) against an employee who makes a complaint or participates in an EEO investigation

- Be sure to report retaliation to EOS

- Only discuss details of retaliation with EOS (refrain from talking with others in the workplace)

- If you are part of an investigation, be sure to treat everyone involved equally, fairly and with respect to avoid retaliation or the appearance of retaliation

Additional Resources on Retaliation

- UTSA HOP 9.01 Nondiscrimination and Sexual Harassment and Sexual Misconduct

- U.S. Equal Employment Opportunity Commission
<table>
<thead>
<tr>
<th>Resources</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Discrimination &amp; Harassment Resources</strong></td>
</tr>
</tbody>
</table>
| U.S. Equal Employment Opportunity Commission (EEOC)  
http://www.eeoc.gov/abouteeo/overview_practices |
| UTSA Handbook of Operating Procedures (HOP)  
http://www.utsa.edu/hop/chapter9/9-1.html |
| UTSA’s Office of Equal Opportunity Services (EOS)  
http://www.utsa.edu/eos/discrimination.html |
| EOS Policy References  
http://www.utsa.edu/eos/policy.html#Regulations |
| ADA Disability Resources at UTSA  
http://www.utsa.edu/ADA |
| UTSA Student Conduct & Community Standards  
http://utsa.edu/studentlife/conduct/ |
| Student Disability Services  
http://utsa.edu/disability/ |
| Optional classroom courses for more detailed information |
| For Supervisors:  
Discrimination and Sexual Harassment, Your role as a UTSA supervisor  
(SU 317)  
Discrimination Prevention, Applied Learning Scenarios  
(SU 330) |
| For Non-Supervisors:  
Discrimination and Sexual Harassment, Your role as a UTSA employee  
(SD 309) |
| Register for class: https://mytraining.utsa.edu |
Good job! You are ready for the final quiz to receive credit for the Discrimination and Harassment Prevention Module.

Remember:

- Minimum quiz score is 80% within three (3) attempts!

- If you don’t pass or don’t complete this module, you will be required to attend classroom training.

Questions?

- Office of Institutional Compliance & Risk Services: Ext. 2667 (COMP)

- Training and Development: Ext. 4658
Discrimination and Harassment Prevention Quiz

Quiz Instructions

Start the Quiz
To begin your first quiz attempt, click the Attempt quiz now button.

Retaking the Quiz
If you failed your first attempt, you can retake the quiz by clicking the Re-attempt quiz button. Remember, you have 3 attempts to try to pass the quiz and your number of attempts are indicated below.

Returning to a Saved Quiz
You can save your answers without submitting the quiz and return to it at a later time. If you have saved a quiz and would like to continue, click the Continue the last attempt button.

Certificate of Completion
Once you have passed the quiz, instructions will be provided for you to print your certificate.

Attempts allowed: 3
Grading method: Highest grade

Attempts: 54
Preview quiz now
1. Which of the following is NOT considered a violation of UTSA's nondiscrimination policy for the prevention of sexual harassment and/or sexual misconduct?

Choose one:
- a. Telling sexual jokes
- b. Excluding foreign nationals from a job that requires U.S. citizenship
- c. Harassing an employee or student outside of UTSA hours through Facebook, YouTube, text messages or other social media
- d. Sending sexual emails or notes
- e. Making a sexual advance or proposition

2. A female student tells her academic advisor that, while on a department sponsored off-campus trip, she was drinking with other students. When she left to go back to her room, a male student said he would go with her. The female student told her advisor that she was sexually assaulted by the male student. The female student says she does not want to formally report the incident and instead wants to drop her classes and go home.

Should the academic advisor honor the female student's request and not report this incident?

Choose one:
- a. Yes, because the female student has the right to privacy under FERPA, a federal law that protects the privacy of student records
- b. No, the academic advisor must report the allegations to UTSA's Title IX Coordinator and also should provide the female student with campus resources
- c. Yes, because this was an off-campus incident and the local police should take care of it

3. A staff member complains to his supervisor that a co-worker uses ethnic slurs and makes offensive comments as jokes when referring to minority students.

What should the supervisor do?

Choose one:
- a. Tell the staff member the slurs are not meant to be offensive, they are part of the co-worker's sense of humor
- b. Assure the staff member that comments such as these violate UTSA policy and the complaint will be reviewed by Equal Opportunity Services (EOS)
- c. Wait to see if there are any other complaints before acting
4. Which of the following is NOT a tip that can help you prevent discrimination and harassment at UTSA?

Choose one:
- a. Speak directly to the offender, if you are comfortable doing so
- b. Respond professionally if your actions offend someone
- c. Use common sense
- d. Just do your job and don’t say anything to stay out of trouble
- e. Object clearly and honestly to things that offend you
- f. Treat others with respect

5. How many days do you have to file a complaint with Equal Opportunity Services (EOS) about an incident of alleged discrimination or sexual harassment?

Choose one:
- a. 40 calendar days
- b. 20 calendar days
- c. 30 calendar days
- d. 10 calendar days

6. Select the correct listing of all protected classes covered under UTSA’s Nondiscrimination and Sexual Harassment and Sexual Misconduct Policy (HOP General Provisions 9.01):

Choose one:
- a. Race, Color, Sex, Religion, National Origin (Citizenship)
- b. Body type, Married/Divorced, Political Ideology, Youth at Work
- c. Race/Color, Sex/Gender, National Origin (Citizenship), Age, Religion, Disability, Veteran Status, Sexual Orientation, Gender Identity, Gender Expression

7. There are two types of complaint resolution processes available to UTSA staff, faculty, students and visitors: informal and formal

Answer:
- True
- False
Any complaint of discrimination and/or sexual harassment involving students must be reported to the Title IX Coordinator, who is housed in the EOS office.

Answer:  
- True  
- False

All UTSA staff and faculty, including student employees, are responsible for reporting alleged incidents of discrimination and sexual harassment as defined by Title IX, other federal statutes, and UTSA policy.

Answer:  
- True  
- False

Select ALL the appropriate UTSA contacts or offices for reporting a complaint of discrimination or sexual harassment:

Select all that apply.  
- a. Title IX Coordinator  
- b. Student Conduct and Community Standards (when a student is the respondent)  
- c. Co-workers  
- d. Equal Opportunity Services (EOS)  
- e. Disbursements and Travel  
- f. Your supervisor or other senior staff  
- g. Student Life  
- h. UTSA Police Department (if you feel in danger)
End of Discrimination Lesson