

School of Ocean and Earth Science and Technology (SOEST)

Sexual Harassment and Bullying

SOEST Policy

Sexual harassment and bullying are two different, but related, forms of intimidation that are prohibited¹ at the University of Hawai'i at Mānoa (UHM) and in the School of Ocean and Earth Science and Technology (SOEST).

- Relevant Federal laws include Title VII (civil rights in employment) and Title IX (education/students). State of Hawaii Constitution, Article 1, section 5 and Fair Employment Practices Act HRS 378-2-1-A (2010). UH policies include sexual harassment (E1.203), sexual assault (E1.204) and workplace non-violence (E9.210).
- State Law prohibits employment discrimination against victims of sexual violence.
- SOEST units may elect to identify a faculty or staff member, who does not have an automatic reporting requirement, as a point of contact to field questions and help advise on sexual harassment, intimidation, and gender equity situations.
- SOEST units are required to ensure that the existing UH/UHM policies are known, understood and embraced by all students/staff/faculty.

Procedure

Any student, staff, faculty, or other member of the SOEST community should report any instances of bullying, sexual harassment, sexual violence, or intimidation to the University of Hawaii at Mānoa Office of the Gender Equity Specialist (956-9977) http://manoa.hawaii.edu/mco/Gender_Equity/

Members of SOEST community may also report instances of bullying, sexual harassment, sexual violence, or intimidation to any faculty, department chair, or member of the Deans office under the following conditions:

- A complaint received by a faculty member from a direct reporting staff/student member must be passed along to the Dean's office as a formal complaint.
- A complaint received by a faculty member from a student or staff member that does not report to them may or may not require a formal report to the Dean.
- Any SOEST executive (Dean, Associate Dean or Director) who receives or hears of a complaint must pass it along to the Chancellor's Office and an investigation will be opened.
- Any SOEST executive can engage in hypothetical discussions without triggering a formal investigation.
- Jen Rose is a campus resource who can be consulted without triggering mandatory reporting – e.g., to respect individuals request for confidentiality.

What is Sexual Harassment?

Sexual harassment comes in many forms, each of which is prohibited by law. Sexual harassment is a form of sex discrimination that violates [Title VII of the Civil Rights Act of 1964](#). Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitutes sexual harassment when submission to or rejection of this conduct explicitly or implicitly affects an individual's employment, unreasonably interferes with an individual's work performance, or creates an intimidating, hostile or offensive work environment. Sexual harassment is illegal whether it occurs in the workplace or within an educational setting.

Sexual harassment can occur in a variety of circumstances, including but not limited to the following:

¹ The University's Executive Policy E1.203 on sexual harassment prohibits sexual harassment as a form of sex discrimination, in compliance with Title IX of the Education Amendments of 1972, Title VII of the Civil Rights Act of 1964, and the Hawai'i State Fair Employment Practices Act, Chapter 378 HRS. Executive Policy E9.210 on workplace non-violence prohibits any work-related or workplace violence against its students, faculty, staff and visitors.

- The victim or the harasser may be a woman or a man. The victim does not have to be of the opposite sex.
- The harasser can be the victim's supervisor, an agent of the employer, a supervisor in another area, a co-worker, a subordinate, or a non-employee.
- The victim does not have to be the person harassed but could be anyone affected by offensive conduct.
- Unlawful sexual harassment may occur without economic injury to or discharge of the victim.
- The harasser's conduct must be unwelcome.

For more detailed information on what defines sexual harassment, please visit:

http://manoa.hawaii.edu/mco/Gender_Equity/Sexual_Harassment/Page2.html

What is Bullying?

Bullying is a type of workplace violence that violates UH Executive Policy E9.210. Prohibited violent acts involve physical attack, property damage, as well as verbal statements and tones that express or suggest the intent to cause physical or mental harm to another person.

More specifically, violent behaviors include but are not limited to:

- Hitting, pushing and shoving; Throwing or breaking objects;
- Theft;
- Shouting or yelling, abusive or belligerent language;
- Threatening gestures or remarks;
- Disruptive or hostile actions, sabotage of equipment;
- Repetitive unwanted phone calls, notes or emails and other unwelcome aggressive behavior.

For more detailed information on what defines workplace violence, please read the university policy on workplace non-violence: <http://www.hawaii.edu/svpa/ep/e9/e9210.pdf>

What to do if you feel you are being harassed:

- If possible, ask the individual who is doing the harassing to stop either verbally or in writing. It is important to let the person know that you don't like what he/she is doing.
- Keep detailed written, dated records of your experiences: time, places, names
- Don't accept sexual harassment or bullying as the "way things are." Don't blame yourself or ignore the problem. There are laws that were written to protect you.

If you feel that you have been the victim of sexual harassment or bullying you have two fundamental options:

- 1) File an informal complaint, or
- 2) File a formal complaint.

An informal or formal complaint may be taken by simply contacting the UHM Office of the Gender Equity Specialist (956-9977) http://manoa.hawaii.edu/mco/Gender_Equity/You may determine what type of complaint you want to file while in discussion with the Office of the Gender Equity Specialist.

The University of Hawai'i has a non-retaliation policy to protect anyone filing an informal or formal complaint, serving as a witness, or participating in any manner in a complaint resolution process or investigation.

You may contact any SOEST faculty member to lodge an informal complaint. Do not contact a faculty member to whom you report if you wish to make an informal complaint. If you lodge a complaint with your supervisor or advisor they are compelled to report it to the Deans office and a formal investigation will be initiated.

Do not contact a SOEST executive (the Deans or Directors of HIGP, HIMB, HNEI) if you wish to make an informal complaint. Executives are obligated to initiate formal investigations upon notice of a complaint. They may, however, engage in hypothetical discussions of situations. See below for more information.

1. **Informal Complaint** – Often a victim of harassment wishes to remain anonymous and not instigate a formal investigation. An informal complaint allows a victim to maintain anonymity; however it limits the steps that may be taken on your behalf. An informal complaint may be filed with the following: any faculty member who is not your advisor or supervisor, chairs of the four SOEST academic departments (Atmospheric Sciences, Geology and Geophysics, Oceanography, or Ocean Resources Engineering), the UHM Gender Equity Specialist, or the UH Equal Employment/Affirmative Action Office (EEO/AA; see “Contacts” page).

Examples of actions that may be taken as a result of an informal complaint include: counseling the offender, mediating between the two parties, holding workshops for the department, distributing written information, and other preventive measures. In many cases, informal procedures are effective in stopping harassment.

2. **Formal Complaint** - This option requires a full investigation of all formal charges. Anyone who is considering filing this type of complaint is urged to do so as soon as possible. Complaints should be filed within 180 calendar days of the last incident of harassment. If the individual can show good cause for later filing, the deadline may be extended to 300 days from the last incident.

Formal complaints by employees must be filed with the EEO/AA Office; formal complaints by students must be filed with the UHM Office of the Dean of Students. In SOEST, these complaints can also be filed with the Dean's office or with the Directors of the various institutes. Individuals can receive assistance from the Gender Equity Specialist during this process.

For complete details on the sexual harassment complaint procedure please visit:
http://manoa.hawaii.edu/mco/Gender_Equity/Complaint_Procedure/Page3.html

Contacts

Filing a Formal Complaint

- SOEST Students may contact
 - Dr. Chip Fletcher, Associate Dean
SOEST Deans Office, POST 802
1680 East-West Rd., Honolulu HI
(808) 956-2582 or 956-9513 (cell: 808-294-0386, 24hrs)
fletcher@soest.hawaii.edu
 - Leona Anthony, Director of Student Services
2525 Correa Rd, HIG 135, Honolulu, HI 96822
(808) 956-8763 • Fax: (808) 956-9987
leonaa@hawaii.edu

Filing a formal or informal complaint

- Any SOEST faculty member (who is not your supervisor) or the Chairs of the four SOEST academic departments (Geology and Geophysics, Oceanography, Ocean Engineering, Atmospheric Sciences)
- UHM Gender Equity Specialist:
Queen Lili'uokalani Center for Student Services, Rm. 210
Phone: 956-9499
Email: RoseJenn@hawaii.edu
- UHM Dean of Students Office:
Queen Lili'uokalani Center for Student Services 409
2600 Campus Road
Honolulu, HI 96822
Tel: (808) 956-3290 (Voice/Text)
Fax: (808) 956-9682
- UH EEO/AA Office:
Mie Watanabe 2442 Campus Road
Administrative Services Building 1-102
Honolulu, HI 96822
tel 808-956-7077 (voice/text)
email eeo@hawaii.edu

University of Hawaii Policies, Procedures and Resources

Office of the Gender Equity Specialist (956-9977)

http://manoa.hawaii.edu/mco/Gender_Equity/

Gender Equity: Sexual Harassment Defined

http://manoa.hawaii.edu/mco/Gender_Equity/Sexual_Harassment/Page1.html

Knowing Your Rights, Responsibilities, and Resources; Informational booklet

<http://www.hawaii.edu/offices/eo/docs/wpv-manoa-brochure.pdf>

Campus Security (956-6911) emergency and crime prevention services. Blue light security posts.

Escort Safety Service (956-8211) Campus Security provides transportation or a walking escort from dusk to dawn. College or School Dean, Administrator, or Human Resources Specialist.

Counseling and Student Development Center (956-7927) counseling and testing services for students, using a holistic approach to promote wellness and personal success.

Women's Center (956-8059) a safe space for students to meet; crisis and referral services for sexual assault, partner violence.

LGBTI Student Services (956-9250) crisis response and referral services for harassment cases; Safe Zone training to assist with harassment prevention.

Office of the Vice Chancellor for Students (956-3290) assists students with special problems or concerns such as discrimination, academic grievances, and student conduct code issues

Center for Career Development and Student Employment (956-7007) assists students with concerns and grievances related to student employment.

Student Judicial Affairs (956-4416) administers Student Conduct Code; committed to upholding student rights and responsibilities to create a safe campus.

UHM Human Resources (956-0712) administers staff labor relations and human resources management.

UHM Academic Affairs, Academic Personnel (956-8447) administers faculty labor relations and academic personnel matters

Matsunaga Institute for Peace and Conflict Resolution (956-6433) confidential conflict resolution and mediation services referrals.