

THE MANAGER'S RESPONSIBILITIES REGARDING HARASSMENT

AS A SUPERVISOR YOU HAVE A DUTY TO RESPOND.
FIRST STEP IS LISTEN.
FIRST RESPONSE IS *CEASE AND DESIST*.

Be clear and consistent about the discriminatory harassment policy. Post it. Let coworkers know by your behavior that harassment is neither acceptable nor condoned.

***NOTE: you can provide privacy but you can not promise total confidentiality
unless you are a counselor or a minister acting in that role.***

Federal guidelines say that the institution must *take immediate and appropriate corrective action by doing whatever is necessary to end the harassment, make the victim whole by restoring lost employment [educational] benefits or opportunities, and prevent the misconduct from reoccurring.*

OVERALL

Your response to any complaint must be *reasonably calculated to prevent further harassment*. The remedy should be *assessed proportionately to the seriousness of the offense*. The supervisor must take care that the remedial steps do not adversely affect the complainant, in other words, we can't revictimize the victim.

If discipline is applied, it should reflect the severity of the conduct. The supervisor should make follow-up checks to ensure that the harassment has not resumed and that there has been no retaliation.

Even if an allegation isn't substantiated all parties must be reminded of the seriousness of the issue, of the policy and the procedures for response, and be warned against any retaliatory action.

YOUR FIRST NOTICE OF A PROBLEM

If someone approaches you about an alleged problem, LISTEN LISTEN LISTEN. Let the person tell you what he/she has to say. Do not ignore it. If this person is motivated enough to talk to you there is probably plenty of reason for you to listen. Harassment, real or perceived, will not go away by itself.

Listen to the person raising the concern / making the complaint.

Take the person seriously.

Reserve your own judgement.

Put aside your personal biases and emotional response.

Assure the person that appropriate response will be made in a timely fashion –
and mean it.

DOCUMENT what you heard and any response that you take. Handwritten notes are fine, but include relevant details such as date and time. Your documentation has to make sense and be helpful. AVOID OPINIONATING AND GENERALIZING.

THE FIRST IMPORTANT RESPONSE, after making sure that the alleged victim is OK (safety and medical issues **must take precedence**) is to achieve a CEASE AND DESIST state, that is, make sure the alleged offending behavior stops and stops completely and immediately.

What if the alleged victim does not want his/her identify revealed? You may have to find an intermediate means of protecting the person until such time that you can take action. IF THERE IS ANY DANGER TO THE ALLEGED VICTIM OR TO OTHERS you can not agree to wait – you must act.

CEASE AND DESIST ACTIONS

In implementing an immediate cease and desist there are two routes open:

(1) A cease and desist that does not require an investigation, hence there is no attempt to prove or disprove anything. In this situation you let the alleged perpetrator know that, if such and such behavior **had** ever happened it would have been unacceptable and therefore, from this moment on, it can never happen. There is no finding of guilt, hence no discipline, just a statement of “not ever before, not ever again”. Add no retaliation (see below).

(2) A second route involves an immediate cease and desist as a first step to investigating the situation, where a finding of guilt may result and discipline may result. The message that is delivered is: *Such and such behavior has been reported. I/we/ person X will be investigating the allegation. In the meantime you must understand that such and such behavior is totally unacceptable, if it has happened it must cease immediately and completely and it will not be tolerated from this moment on. Add no retaliation.*

If the alleged victim wants solely to have the behavior stopped, and can talk to the alleged perpetrator himself/herself, that is a good way to proceed. Person to person communication is often the most effective if the alleged victim has been empowered and can be clear. If this is the route tried, be sure that both people, especially the person raising the concern, are satisfied that this has taken care of the situation. Let the alleged victim know that the situation can be revisited if there is any new information or new behavior of concern.

If the person can't talk to the alleged perpetrator you have to, or find someone who can. If you need help in preparing to talk to someone about an alleged problem, or if you need help in making a decision about what to do, don't hesitate to get that assistance from your supervisor or Sue Cypert.

IF AN INVESTIGATION WILL FOLLOW

You may be the person to handle the investigation, or you may need to / want to turn it over to another person – your supervisor or call Sue Cypert. Don't hesitate to ask for help!

Where an investigation is possible or probable you or someone must talk to the alleged offender. In that talk the alleged offender is told what the accusation is. In this discussion be, again, an active listener and withhold your own judgement. Be unbiased, let the facts come out.

NO RETALIATION !!!

As part of ANY response to an allegation you must protect all parties involved from retaliation. Include a notice of no retaliation to all parties and note that that has been delivered. A notice of no retaliation says:

<p>There is to be no avoidable negative or threatening contact, behavior, or action of any kind taken by, or on behalf of, a party to the allegation that affects someone who has been involved in the investigation and complaint procedure. It is the civil right of any individual to lodge a complaint, and it is the duty of everyone who might be asked to do so to cooperate with resultant investigations.</p>
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If the alleged victim and/or the alleged perpetrator wants to talk to someone else help make that possible – your supervisor or Sue Cypert. Employees can use the Employee Assistance Program: students can talk to someone at the Counseling Center [but note that counselors can NOT take action – a counselor listens and provides support, but NOT response]. Assist the person in finding someone to talk to and to find a way to respond. External agencies are also always an option – we can never discourage anyone from seeking outside support and advice.

DISCIPLINE AS NEEDED

If a complaint is investigated and there is a positive finding - a violation did occur – the response is dependent on the nature and severity of the violation.

Make it clear that no further violations will be tolerated.

Counseling or education of the violator may be needed.

Ensure that any action that is taken HAS NO adverse effect on the complainant.

The response should have the effect of making the complainant “made whole” with any other remedies as needed.

DOCUMENT DOCUMENT DOCUMENT each step of the process with details about what happened, dates, times, who was present, etc., etc..

OVER TIME

Educate as necessary to improve the situation.

Monitor to be sure the problem does not reoccur.