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FLEET

SAFETY MANAGEMENT MANUAL

Title:	Prepared By:	Revision No:	Section:
Sexual Harassment in the Workplace; UCSD Policy	J. Williams	0	296
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1.0 PURPOSE

1.1 This section is a statement of UCSD policy regarding sexual harassment in the workplace. Only a portion of the policy is presented here; it is excerpted from the UCSD Policy and Procedure Manual, Section 200-10; *Sexual Harassment and Complaint Resolution*. The full policy should be referenced for detailed information and procedures for resolution of complaints. This section further describes MarFac procedures relevant to implementing this policy in the unique working and living conditions found aboard ship. In the special circumstances of life aboard ship, it is expected that a standard of conduct be maintained reflecting the intent of the UCSD policy on sexual harassment.

2.0 POLICY

2.1 The University of California, San Diego, is committed to creating and maintaining a community in which all persons who participate in UCSD programs and activities can work and learn together in an atmosphere free of all forms of harassment, exploitation, or intimidation, including sexual harassment. Every member of the UCSD community should be aware that UCSD will not tolerate sexual harassment and that such behavior is prohibited both by law and by UCSD policy. Retaliation against a person who brings a complaint of sexual harassment is also strictly prohibited and may result in separate disciplinary action. It is UCSD's intention to take whatever action may be needed to prevent, correct, and if necessary, discipline behavior which violates this policy. All members of the UCSD community, including faculty, students, and staff, are responsible for insuring an environment free of sexual harassment.

3.0 DEFINITION OF SEXUAL HARASSMENT

3.1 Sexual harassment is a form of sex discrimination which is illegal under both federal and state law. It can be verbal, visual, or physical.

3.2 Although what constitutes sexual harassment will vary with the particular circumstances, it is defined as follows: unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when --

- Submission to such conduct is made either explicitly or implicitly a term or condition of instruction, employment, or participation in a University activity; or
- Submission to or rejection of such conduct by an individual is used as a basis for evaluation in making academic or personnel decisions affecting that individual; or
- Such conduct has the effect of unreasonably interfering with an individual's performance or creating an intimidating, hostile, or offensive working or learning environment.

3.3 Sexual harassment does not include verbal expression or written material that is relevant and appropriately related to course subject matter or curriculum, and this policy shall not abridge academic freedom or UCSD's educational mission.

3.4 A determination of whether particular conduct creates an intimidating, hostile or offensive work or learning environment is assessed from the point of view of a reasonable person in the complainant's position and takes into account the totality of the circumstances, including, but not limited to, the following:

- the frequency of the offensive conduct;
- its seriousness;
- whether it is physically threatening or humiliating;
- the location of the conduct and the context in which it occurred;
- the degree to which the conduct affected the education or employment environment;
- the relationship between the parties.

4.0 ACTIONS FORBIDDEN

4.1 Physical attempts to obtain sexual favors such as assault, attempted rape or rape.

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4.2 Repeated or continued unwelcome remarks or actions of a sexually explicit nature addressed by any person to any other person. Whether a remark or action is “unwelcome” is up to the person addressed, who must so state. After such statement, continued actions or statements of the same general type by the offending party constitute “sexual harassment.”

4.3 Use of a supervisory position to obtain sexual favors.

5.0 PROCEDURES

5.1 It should be noted that because of the unique living conditions aboard ship, this policy applies to all persons regardless of the presence or absence of any supervisor/supervised relationship.

5.2 Actions by any person aboard ship toward any other person aboard, meeting the above definitions, shall be reported to the Master. Upon his investigation, the action will be reported promptly to the Marine Superintendent and (in cases that are a violation of Federal law) to the U.S. Coast Guard.

5.3 Where the offending party is an employee of UCSD, the Marine Superintendent will report the incident to the SIO Staff Complaint Resolution Officer. Where appropriate, disciplinary action will be taken. This may include within-salary-range decrease, corrective demotion, suspension without pay, or dismissal.

5.3.1 In cases where the offending party is not a UC employee, the person’s employer shall be notified and requested to investigate and take appropriate action. If action is not taken by the employer in a timely manner, no employees of that organization will be permitted aboard Scripps ships until the omission is corrected.

6.0 REFERENCE

- [UCSD Policy and Procedure Manual, Section 200-10; Sexual Harassment and Complaint Resolution](#)

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