1/16/18



FREQUENTLY ASKED QUESTIONS

Supervisor Obligations

**Related Policy:** Sexual Misconduct Policy

1. When does a supervisor “know or reasonably should know” of concerns of sexual harassment, sexual assault, stalking, intimate partner violence or related retaliation (collectively, “sexual misconduct” or “prohibited conduct”)?

A supervisor “knows or reasonably should know” of prohibited conduct, and must take prompt and appropriate responsive action when:

* A supervisor observes or overhears prohibited conduct.
* A supervisor receives a report of prohibited conduct, even when the reporter does not identify the concerns as “prohibited conduct.”
* A supervisor receives information that prohibited conduct may have occurred, regardless of where the information comes from and even if the supervisor doubts that any prohibited conduct actually occurred.

1. What is “prompt” action?

A supervisor should act with reasonable promptness when learning about prohibited conduct. In some cases, a supervisor might have to act immediately upon learning about the prohibited conduct. For example, if there is an immediate safety concern, the supervisor should take immediate action. In other cases, immediate action may not be required. However, in most cases, supervisors should take some action within a few days of learning about the misconduct. Ideally, responsible employees will make reports within 24 hours of observing or learning about the prohibited conduct.

1. **What is “appropriate” action?**

The type of action a supervisor must take when learning about prohibited conduct depends on the circumstances. Below is a list with some examples of actions that a supervisor might consider. The list is not an exhaustive list of possible actions and, in some cases, taking the listed examples will not be appropriate. Supervisors should consult with appropriate resources to help determine what appropriate actions should be taken in a particular situation. Supervisors should also document any actions taken.

* Provide resources for personal support to the complainant.
* Make temporary, non-retaliatory employment changes that remove any continued impact on the complainant.
* Talk with the respondent about the prohibited conduct concerns and set expectations for future conduct.
* Initiate an investigation into the prohibited conduct in collaboration with Human Resources, AA/EEO, and their supervisor.
* Follow up with the complainant.

The supervisor should not promise confidentiality to the complainant.

1. Where can a supervisor go for guidance in fulfilling the “prompt and appropriate action” obligation?

A supervisor should consult with Human Resources, the Equal Opportunity and Affirmative Action office, a supervisor, and/or another Title IX Coordinator when determining what prompt and appropriate action should be taken.