



Prevention of Sexual and Other Unlawful Harassment Policy

University of the Pacific is committed to maintaining the campus community as a place of work and study for faculty, staff and students, free of sexual and other unlawful harassment. The University prohibits unlawful harassment of any member(s) of the University community. This policy is designed to provide procedures to assist the University to implement this commitment.

Harassment based on race, gender, sexual orientation, national origin, ancestry, color, religion, religious creed, age, marital status, cancer-related or genetic-related medical condition, disability, citizenship status, military service status, or any other status protected by federal, state or local law, ordinance or regulation is prohibited by University policy. Prohibited harassment in any form, including verbal and physical conduct, visual displays, threats, demands and retaliation is a violation of this policy and will not be tolerated.

The University's policies and procedures are supported by, and consistent with, federal and state law prohibiting unlawful harassment. This policy thus accepts the mandate set forth in Title IX of the Educational Amendments of 1972, Title VII of the Civil Rights Acts of 1964 and California State law.

All members of the University community must comply with this policy. The University will take prompt and effective corrective action in response to any complaint showing a violation of this policy. Students, faculty and staff who believe they have been the victims of harassment have access to the complaint procedures described on the following pages. Under this policy, student employees may bring complaints against employees but not against other students, except when that student is a University work supervisor. Otherwise, complaints of students regarding harassment by other students should be presented in the manner stated in the Student-to-Student Sexual Harassment Policy, available in the Office of Student Life.

Prohibited Behavior

Prohibited acts that constitute harassment may take a variety of forms. Examples of the kinds of conduct that may constitute harassment include, but are not limited to:

- Verbal conduct such as epithets, derogatory comments, slurs, or unwanted sexual advances, invitations, or comments;
- Visual conduct such as derogatory posters, photography, cartoons, drawings or gestures;
- Physical conduct such as unwanted touching, blocking normal movement, or interfering with work because of gender or any other status protected by law;
- Threats and demands to submit to sexual requests in order to keep your job or avoid some other loss, and/or offers of job benefits or conditions in return for sexual favors;
- Retaliation in the form of adverse actions for opposing, reporting or threatening to report harassment or for participating in a related investigation, proceeding or hearing.

Sexual Harassment

Sexual harassment occurs when an individual's behavior constitutes (1) unwelcome sexual advances or (2) unwelcome requests for sexual favors, or (3) other unwelcome verbal or physical behavior of a sexual nature WHERE:

- Submission to such conduct is made explicitly or implicitly a term or condition of an individual's education or employment; or
- Submission to, or rejection of, such conduct by an individual is used as the basis for academic or employment decisions affecting the individual's welfare; or
- Such conduct has the purpose or effect of unreasonably interfering with an individual's welfare, academic, residential life or work performance, or creates an intimidating, hostile, or offensive educational, living or work environment.

Complaint Process

Pacific encourages individuals who believe they may be victims of harassment in violation of University policy, or are aware that another person has allegedly engaged in sexual or other unlawful harassment, as previously defined, to report such information using the complaint process described below. It is expected that review of these matters will begin as expeditiously as needed, ordinarily no later than 14 days from the date of the filing of the complaint; and that complaints will be resolved as promptly as necessary and ordinarily no later than 30 days from initiation of review. Confidentiality will be maintained to the extent appropriate in consideration of the circumstances.

Complaints may be made orally or in writing in the following ways:

- 1) An individual may present the matter to their supervisor, the Education and Counseling Coordinator or any representative of the University. The person receiving the complaint must promptly inform the University Compliance Officer. Complainants are encouraged to meet with the individual to whom they have submitted the complaint, the individual charged with investigating the complaint, and the University Compliance Officer, as appropriate.
- 2) Should the individuals choose not to file a complaint as set forth above, they may bring the matter to the attention of the appropriate administrator or designee. The appropriate University officer is usually the Dean or Director exercising administrative responsibility for the unit at issue (or an individual designated appropriate by the Provost or Vice President, in consultation with the Dean or Director and the University Compliance Officer). This University officer or designee will review the complaint or matter, including any supporting documentation, in conjunction with the Compliance Officer.

The University will take prompt and effective action in response to the complaint. This may warrant an initial investigation of the complaint. If an investigation is conducted, the University may utilize University personnel and/or may retain an independent investigator. In either case, the investigator will proceed expeditiously and appropriately to investigate the matter, including interviews of individuals, if necessary, and will prepare a written report.

An outcome will be determined by the University Officer or designee, in consultation with the Compliance Officer, consistent with the particular facts and circumstances of the complaint. The first relevant factor is whether the evidence shows a violation of the University policy against sexual and other unlawful harassment. Other relevant factors may include but are not limited to the nature of the conduct and injury involved, the nature of the relationship between the parties, the degree of intentionality or purposefulness of the behavior, the prior history or documented misconduct, if any, and whether the accused individual abused a position of authority or power.

The University Officer or designee reviewing the complaint, in consultation with the Compliance Officer, will make a determination regarding the complaint of harassment and ordinarily will prepare a summary of the complaint, the findings and any action taken. After the investigation is completed and a determination regarding the complaint has been made, the conclusions will be communicated to the Complainant to the extent and in a form which is appropriate. The conclusions will also be communicated to the Education and Counseling Coordinator. The Office of Sexual Harassment Compliance, Counseling and Education, as part of the Department of Human Resources, is responsible for maintaining confidential files and records which are related to harassment complaints for a least five years.

Sanctions

The University may determine that the complaint does not show a violation of the University policy against sexual and other unlawful harassment. If so, the University shall so inform the involved parties.

If the University finds that the complaint in whole or in part shows a violation of the University policy against sexual or other unlawful harassment, the University Officer or designee shall determine in consultation with the Compliance Officer what corrective action is appropriate, including but not limited to disciplinary action. Violations of this policy may result in disciplinary action including but not limited to warning, suspension or termination from employment or other affiliation with the University. Disciplinary action and/or other corrective action shall be determined by the University and will be imposed in accordance with other University policy and procedures (refer to appropriate student, faculty and staff handbooks).

Such action, if necessary, shall be implemented and/or authorized by the University Officer or designee. Appropriate information regarding these actions will be provided to the Complainant.

Non-Retaliation

No faculty, administrator, staff, applicant for employment, student, or other member of the University community may be subject to interference, coercion or reprisal for seeking advice concerning a sexual or other unlawful harassment matter, filing a harassment complaint, or otherwise participating in good faith in the processing of a harassment complaint. The University will not retaliate against any person making a complaint of harassment and will not knowingly permit retaliation by any manager, supervisor, faculty or administrator.

**ADMINISTRATION OF THE SEXUAL HARASSMENT PROGRAM
OFFICE OF COMPLIANCE, EDUCATION AND COUNSELING**

To facilitate compliance with this policy, the University has established the Sexual Harassment Compliance section of the Department of Human Resources. This program will undertake to have responsibility for activities in connection with all issues of harassment, in addition to sexual harassment.

Compliance Officer:

Jane F. Lewis, Assistant Vice President for Human Resources

Education and Counseling Coordinator:

Sally Coleman, Associate Director

The Coordinator may be reached on a private extension at 209-946-2740. The Compliance Officer and other Human Resources staff may be reached at 209-946-2124.

Compliance Officer

The Compliance Officer is appointed by the President of the University. The Assistant Vice President for Human Resources will typically serve as the Compliance Officer and the term will be continuous unless deemed otherwise by the President. Complaints may be made orally or in writing to the Compliance Officer or to any representative of the University. Any person receiving a complaint must promptly inform the Compliance Officer. The Compliance Officer will monitor compliance activities under the federal, state and local legislation which apply to sexual and other unlawful harassment.

The Compliance Officer will also be the designated University official to coordinate responses to complaints filed with the Department of Fair Employment and Housing (DFEH), the Office of Civil Rights (OCR), or the Equal Employment Opportunity Commission (EEOC) and to civil suits brought by faculty, staff or students regarding alleged sexual harassment on the University of the Pacific campus.

In addition to these procedures, complaints may be filed with the Department of Fair Employment and Housing (DFEH) at 2000 "O" Street, Suite 120, Sacramento, CA (800) 884-1684 and the Equal Employment Opportunity Commission (EEOC) at Fresno Local Office (San Francisco District), 1265 West Shaw Avenue, Suite 103, Fresno, CA 93711 (559) 487-5793.

Education and Counseling Coordinator

The Sexual Harassment Education and Counseling Coordinator oversees the campus education program which includes providing information on policies and procedures. The Education and Counseling Coordinator is also responsible for seeing that University

offices which may be involved with complaints, receive appropriate information and/or training concerning the nature of sexual harassment and their responsibilities. Pacific's course in Preventing Sexual Harassment is accessible by computer through the Department of Human Resources Training and Development website at <http://web.pacific.edu/x8662.xml> .

The Education and Counseling Coordinator will frequently be the person contacted by an individual bringing forth a complaint because of his/her visibility with respect to the sexual harassment education program. It must be emphasized that the Education and Counseling Coordinator does not usually investigate or mediate grievance cases. He/she serves in an advisory capacity to all parties, which includes persons involved in the complaint process. In all cases, he/she should avoid becoming involved in a determination as to the merits of a particular complaint.

The Education and Counseling Coordinator is responsible for maintaining all confidential files and records.

Please note:

- ◆ Faculty who receive disciplinary action as a result of a complaint under this process may appeal under the processes described in the Faculty Handbook.
- ◆ Staff who receive disciplinary action as a result of a complaint under this process may appeal under the provisions of the Staff Grievance Procedure set forth in the Staff Handbook.
- ◆ The current fact sheet published by the California Department of Fair Employment and Housing is available in the Department of Human Resources and is inserted in this document.