Policy Statement Regarding Prohibited Sexual and Other Unlawful Harassment and Discrimination

Introduction

University of the Pacific is committed to maintaining the community as a place of work and study, free of sexual and other unlawful harassment and discrimination. University of the Pacific prohibits unlawful harassment and discrimination of any members of the University community, including faculty, staff, students, guests and visitors. This unlawful harassment and discrimination policy (“Policy”) is designed to provide procedures to assist the University in implementing this commitment.

Scope

All members of the University community must comply with this Policy. The Policy applies to all University employees, including faculty, staff and students and prohibits harassment or discrimination of or by any employee, including supervisors and co-workers. Specifically, the policy prohibits harassment or discrimination of faculty, staff and students by other faculty, staff, students, vendors, independent contractors, volunteers, others doing business with the University or those who are present as guests or visitors.

Definitions

Unlawful harassment or discrimination in any form, including verbal, physical, and visual conduct, threats, demands and retaliation, is prohibited. The University prohibits harassment and discrimination on the basis of race, gender, gender identity or expression, sexual orientation, national origin, ancestry, color, religion, religious creed, age, marital status, medical condition, genetic information, disability, citizenship status, military service status or any other status prohibited by law, defined for purposes of this Policy as a “protected class.”

The Fair Employment and Housing Commission defines unlawful harassment and unlawful sexual harassment as including, but is not limited to:

1. Making or using derogatory comments, epithets, slurs or jokes;

2. Making comments including graphic comments about an individual’s body, or using sexually degrading words to describe an individual, or suggestive or obscene letters, notes or invitations;
3. Physical touching or assault, as well as impeding or blocking movements;

4. Unwanted sexual advances, offering employment benefits in exchange for sexual favors;

5. Actual or threatened retaliation for having reported or threatened to report harassment or discrimination; or

6. Leering, making sexual gestures, or displaying sexually suggestive objects, pictures, cartoons, or posters.

Unlawful sexual harassment is defined as unwanted sexual advances, or visual, verbal or physical conduct of a sexual nature, up to and including sexually assaultive behavior that alters the complaining party’s work environment.

Policy

All acts of harassment and discrimination based on membership in any protected class are prohibited by this Policy. Prohibited harassment and discrimination as defined above will not be tolerated.

University of the Pacific’s policies and procedures are supported by, and consistent with, federal and state law prohibiting unlawful harassment and discrimination. 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 law.

Adverse action that is based upon an individual seeking advice concerning a sexual or other unlawful harassment or discrimination matter, filing a complaint, or otherwise participating in good faith in the processing of a complaint is prohibited by this Policy as retaliatory. The University will not retaliate against any person making a complaint of harassment or discrimination and will not knowingly permit retaliation to occur.

Complaint Investigation Process

Under this Policy, complaints of harassment and discrimination may be brought forth by employees, including faculty, staff and student employees.

Individuals with a complaint of a violation of this Policy should present the complaint promptly. The complaint should be made in writing (email or written memorandum) or in person (orally) to one of the following individuals ¹:

¹ An individual who receives a complaint under this Policy has a responsibility to report the complaint to the appropriate campus Title IX coordinator.
**Stockton Campus** – Lynn King, Assistant Vice President for Student Life and University Title IX Coordinator, or Jane Lewis, Assistant Vice President Human Resources, or Sally Coleman, Associate Director of Human Resources (if the individual making the complaint is faculty, staff or another non-student) or Heather Dunn Carlton, Director of Student Conduct and Community Standards (if the individual making the complaint is a student). In their absence, the complaint may be presented to a senior Stockton campus administrator with responsibility for the place of work or study of the individual making the complaint, such as to Director, Dean, Provost or Vice President.

**San Francisco Campus** – Kara Bell, Director of Human Resources (if the individual making the complaint is faculty, staff, other non-student or a student-employee) or Kathy Candito, Associate Dean for Student Services (if the individual making the complaint is a student). In their absence, the complaint may be presented to a senior San Francisco campus administrator with responsibility for the individual’s place of work or study, such as Dean, Associate Dean or Assistant Dean or Director.

**Sacramento Campus** – Elisa Levy, Assistant Dean, Administration & Resources Management (if the individual making the complaint is faculty, staff or another non-student), or Mary McGuire, Assistant Dean for Student Affairs (if the individual making the complaint is a student). In their absence, the complaint may be presented to a senior Sacramento campus administrator with responsibility for the individual’s place of work or study, such as Dean, Associate Dean or Assistant Dean or Director.

Pacific encourages individuals who believe that they may be a victim of harassment or discrimination in violation of the University’s Policy, or are aware that another individual may be a victim of a violation of this Policy, to immediately report such information using the complaint process described above. It is expected that review of these matters will begin as expeditiously as needed and that complaints will be resolved as promptly as possible.

If any parties involved in investigation request confidentiality, the University will use its best efforts to respect this request and conduct the investigation as thoroughly as possible under the circumstances. A request for confidentiality may limit the scope of possible investigation and may impact the University’s ability to respond to the complaint. The University will assist any employee who seeks to file a criminal report, but will continue its investigation independent of any criminal proceedings.

University of the Pacific will take prompt and effective action in response to the complaint. This will include an impartial, initial investigation of the complaint, which at a minimum will include an interview with the complaining party and/or victim. When appropriate, the investigation may include representatives from the Dean of Student’s Office of the relevant
campus or the Provost’s Office to facilitate proper communication with the complaining party, accused individual or witnesses. The investigation will proceed expeditiously and appropriately, and may include conducting interviews and preparation of a written report. Both the complaining party and the accused individual will have the same opportunity to provide witness information and other evidence to the University throughout the investigation process.

Generally, the investigation process will conclude within 60 business days of the filing of a complaint. If the investigation process requires additional time, the parties involved will be notified.

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<th>Outcome of Investigation and Sanctions</th>
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<td>An outcome will be determined by University of the Pacific consistent with the particular facts and circumstances of the complaint, which will include a determination of whether a violation of this Policy has occurred and what appropriate remedial action will be taken by the University in response. The first relevant factor guiding the outcome is whether the preponderance of evidence shows a violation of the University’s Policy against unlawful harassment and discrimination. 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 of misconduct, if any, of the accused individual, and whether the accused individual abused a position of authority or power.</td>
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The University will take prompt and effective corrective action in response to any complaint. If, by a preponderance of the evidence, the University determines that a violation of this Policy has occurred, it will determine the appropriate corrective and/or disciplinary action to take. This action will be taken in compliance with existing University policies including the Faculty or Staff Handbook, Tiger Lore and/or other applicable student policies. Corrective action may include discipline, termination, training, reassignment, or assistance in relocating housing when implicated. The University will inform the complaining party and the accused individual as to whether a violation of this Policy was found. If a stay away order is issued, the complaining party will also be advised.

A complaining party or accused individual who is dissatisfied with the outcome of an investigation may appeal the decision by submitting a written request for appeal to the Human Resources Department on the appropriate campus. Appeals are typically addressed by a senior Human Resources Representative from a different campus.

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<td>Complaints by employees may also be brought to the California Department of Fair Employment and Housing (DFEH) and/or the U.S. Equal</td>
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Employment Opportunity Commission (EEOC) and/or the U.S. Department of
Education, Office of Civil Rights (OCR).

Complaints by students may also be brought to the U.S. Department of
Education, Office of Civil Rights (OCR).

Complaints by students or employees may also be brought to local law
enforcement.

The address and phone number of the nearest such government office may be
obtained from the website of the agency, the phone book, or failing that, the
University Department of Human Resources.

Email and Phone Contact Information
University Title IX Coordinator

Lynn King, Assistant Vice President Student Life, Title IX Coordinator,
Stockton campus: lynnking@pacific.edu or 209-946-2889

Title IX Deputies

Jane Lewis, Assistant Vice President of Human Resources:
jlewis@pacific.edu or 209-946-2125

Sally Coleman, Associate Director of Human Resources, Stockton
campus: scoleman@pacific.edu or 209.946.3907

Heather Dunn Carlton, Director, Student Conduct and Community
Standards, Stockton Campus: hdunncarlton@pacific.edu or 209.946.2936

Kara Bell, Director, Human Resources, San Francisco campus:
kbell@pacific.edu or 415.929.6454

Kathy Candito, Associate Dean for Student Services, San Francisco
Campus: kcandito@pacific.edu or 415.929.6495

Elisa Levy, Assistant Dean, Administration & Resources Management,
Sacramento campus: elevy@pacific.edu or 916.739.7343

Distribution
and Availability

Effective October 1, 2013, this Policy is published online on the Human
Resources web page of the University; paper copies are available at each
campus Human Resources Department; a copy is placed in each new
employee orientation packet, along with the DFEH publication; and each
current University employee will be provided with a copy of this Policy, along with the DFEH publication.

**Functional Responsibility**

Human Resources in coordination with the Title IX Coordinator on the Stockton campus is responsible for establishing and overseeing the application of this Policy. Human Resources on each campus is responsible for administering the Policy. In case of doubt as to which Human Resources Department is responsible, please contact Human Resources on the Stockton campus.