Policy Statement Regarding Prohibited Sexual and Other Unlawful Harassment

Date Revised: October, 2010
Date Reviewed: Date Issued:

Functional Responsibility

Human Resources on the Stockton campus is responsible for establishing and overseeing the application of this anti-harassment policy (the “Policy”). Human Resources on the Stockton campus, at the Arthur A. Dugoni School of Dentistry, and at the Pacific McGeorge School of Law are responsible for administering this Policy on each campus of the University, respectively. In case of doubt as to which Human Resources Department is responsible, please contact Human Resources on the Stockton campus.

Scope

All members of the University community must comply with this Policy. The Policy applies to all University employees and prohibits harassment by any employee, including supervisors and co-workers. It also extends to vendors, independent contractors, volunteers and others doing business with the University.

Under this Policy, student-employees may bring complaints against University employees but not against other students unless the other student is a University work supervisor. Otherwise, complaints of students regarding harassment by other students should be presented in the manner set forth in the Student-to-Student Sexual Harassment Policy, available in the Office of Student Life.

Purpose

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

Definitions

Unlawful Harassment, Including Sexual Harassment

Unlawful harassment in any form, including verbal, physical, and visual conduct, threats, demands and retaliation, is prohibited. Sexual harassment is defined by the Fair Employment and Housing Commission as “unwanted
sexual advances, or visual, verbal or physical conduct of a sexual nature.”

Unlawful harassment includes, but is not limited to:

1. Verbal conduct such as epithets, derogatory comments, slurs, or unwanted sexual advances, invitations, jokes, or comments;
2. Visual conduct such as derogatory posters, photography, cartoons, drawings, or gestures;
3. Physical conduct such as assault (unwanted touching), blocking normal movement, or interfering with work directed at an individual because of his or her sex or any other basis;
4. Threats and demands to submit to sexual requests in order to keep a job or avoid some other loss, and offers of job benefits in return for sexual favors;
5. Retaliation for having reported or threatened to report harassment; or
6. Verbal abuse of a sexual nature, graphic verbal commentaries about an individual’s body, sexually degrading words used to describe an individual, and suggestive or obscene letters, notes, or invitations.

Policy

All acts of harassment based on race, gender, gender identity, 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 law are prohibited by this Policy. Prohibited harassment in any form, including verbal and physical conduct, visual displays, threats, demands, and retaliation 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. 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.

The University will take prompt and effective corrective action in response to any complaint that results in a determination that this Policy has been violated.

Behavior that is based upon an individual 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 is prohibited by this Policy. The University will not retaliate against any person making a complaint of harassment or discrimination and will not knowingly permit retaliation to occur.

Complaint Process

Pacific encourages individuals who believe that they may be a victim of
harassment 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 below. It is expected that review of these matters will begin as expeditiously as needed and that complaints will be resolved as promptly as possible.

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:

**Stockton Campus** – Jane Lewis, Assistant Vice President for Human Resources or Sally Coleman, Associate Director of Human Resources. In their absence, the complaint should also 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.

**Arthur A. Dugoni School of Dentistry** – Kara Bell, Director of Human Resources (if the individual making the complaint is faculty, staff or another non-student) or Daniel Bender, Director of Academic Affairs (if the individual making the complaint is a student). In their absence, the complaint should also 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.

**Pacific McGeorge School of Law** – Elisa Levy, Director of Human Resources. In Ms. Levy’s absence, the complaint should also 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.

University of the Pacific 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, which may include conducting interviews and preparation of a written report.

An outcome will be determined by University of the Pacific consistent with the particular facts and circumstances of the complaint. The first relevant factor is whether the evidence shows a violation of the University’s 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, of the accused individual, and whether the accused individual abused a position of authority or power.

**Sanctions**

University of the Pacific may determine that the complaint does not show a violation of the University Policy against sexual and other unlawful harassment. If the University determines that the complaint in whole or in part does show a violation of the University’s Policy against sexual and other unlawful harassment, the University shall determine the appropriate corrective and/or disciplinary action to take against the individual who engaged in prohibited harassment, including but not limited to a warning, suspension or termination.

**DFEH EEOC OCR**

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

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 Human Resources Department of the University.

**Email and Phone Contact Information**

- Jane Lewis, Stockton campus: jlewis@pacific.edu or 209.946.2125
- Sally Coleman, Stockton campus: scoleman@pacific.edu or 209.946.3907
- Kara Bell, Arthur A. Dugoni School of Dentistry: kbell@pacific.edu or 415.929.6454
- Daniel Bender, Arthur A. Dugoni School of Dentistry: dbender@pacific.edu or 415.929.6420
- Elisa Levy, Pacific McGeorge School of Law: elevy@pacific.edu or 916.739.7343

**Distribution and Availability of Policy and DFEH Publication**

Effective November 2010, 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.