Policy Statement Regarding Unlawful Discrimination

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

Functional Responsibility
The Human Resources Department on the Stockton campus of University of the Pacific (the “University”) is responsible for establishing and overseeing the application of this Policy Statement Regarding Unlawful Discrimination. The Human Resources Departments on the Stockton campus, at the Arthur A. Dugoni School of Dentistry, and at 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 the Human Resources Department on the Stockton campus.

Scope
All members of the University community must comply with this Policy.

Purpose
University of the Pacific is committed to maintaining the community as a place of work and study free of unlawful discrimination and retaliation for all persons, including faculty, staff and students. University of the Pacific prohibits unlawful discrimination or retaliation of any member(s) of the University community. This Policy is designed to provide procedures to assist the University to implement this commitment.

Policy
University of the Pacific does not discriminate in the administration of any educational services (including admissions, scholarships, loans, athletics or other University activities) or any employment decisions (including recruitment, training, compensation, benefits, employee relations, promotions and terminations), on the basis of race, gender, gender identity, sexual orientation, national origin, ancestry, color, religion, religious creed, age (except for minors or for bona fide occupational qualifications), marital status, cancer-related or genetic-related medical condition, disability, citizenship status, military service status, or any other status protected by law.

Any decision that is based upon an individual seeking advice concerning a matter of discrimination, filing a discrimination complaint, or otherwise participating in good faith in the processing of a discrimination or harassment complaint is a violation of this policy. The University will not retaliate against a person making a complaint of discrimination or harassment and will
Pacific encourages any individual who believes that he or she may be a victim of discrimination or retaliation in violation of this Policy, or who believes that another individual is 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 individual’s place of work or study, such as to a 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 a Dean, Associate Dean, 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 a Dean, Associate Dean, 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 of individuals 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 this Policy. 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 this policy against unlawful discrimination. If the University determines that the complaint in whole or in part shows a violation of the this Policy against unlawful discrimination, the University shall determine the appropriate corrective and/or disciplinary action to take, 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 the 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.

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

Effective November 2010, this Policy is published online on the University’s Human Resources web page and elsewhere on the University’s website; paper copies are available at each campus’ Human Resources Department; a copy is placed in each new employee and student orientation packet, along with the DFEH publication; and each current University employee and student will be provided with a copy of this Policy, along with the DFEH publication.