

Discrimination, Harassment, and Retaliation Policy

Policy Statement

La Sierra University is committed to providing an educational and employment environment that values individuals of diverse backgrounds who can advance the institution's mission and support a learning and workplace setting free from discrimination and harassment. In keeping with this commitment, the University expects all University employees and students to conform to the requirements of federal and state law as well as standards of conduct mandated by the institution concerning discrimination and harassment matters.

Specifically, La Sierra University prohibits and this policy addresses discrimination, including harassment and retaliation, on the basis of race, color, national origin, ethnicity, religion, age (over 40), disability¹, veteran status, and genetic information, and any other classification protected by state or federal law in matters of admissions, employment, housing, or services or in the educational programs or activities it operates.

The University also prohibits unlawful discrimination, harassment and retaliation on the basis of sex and gender, including gender identity, gender expression, and sexual orientation. The policy and procedures for complaints involving sexual harassment, sexual discrimination, sexual assault, stalking, dating and domestic violence, and retaliation are described in the *Sexual Misconduct Policy* and are not addressed by this policy. Such matters are handled by the Title IX Office.

All employees, students and affiliated third parties are expected to assume responsibility for maintaining a work and learning environment that is free from discrimination, harassment and retaliation. The University encourages individuals subjected to or who witness any form of discrimination and harassment or retaliatory conduct arising from complaints that violate this policy – to promptly report such behaviors and incidents to their supervisor and or the Office of Human

¹ La Sierra University recognizes and supports the obligation to reasonably accommodate employees with disabilities in order to allow those employees to perform the essential functions of their jobs. If an employee believes they need a reasonable accommodation based on disability, the employee should discuss the matter with the Office of Human Resources.

Resources, so that the conduct can be addressed and resolved immediately. Supervisors are required to promptly report conduct that violates this policy to the Office of Human Resources. The Office of Human Resources is committed to responding to alleged violations of this policy in a timely and fair manner and to taking appropriate action aimed at ending the prohibited conduct.

Applicability

This policy applies to all members of the La Sierra University community, including students, employees and affiliated third parties.

For the purposes of this policy, employees include temporary employees, student employees, part-time and full-time faculty, adjunct instructors, and all members of La Sierra University staff.

Affiliated third parties may include, but are not limited to, independent contractors, volunteers who perform work for the University, vendors, alumni, and guests or visitors to the University.

This policy pertains to acts of prohibited conduct committed by or against students, employees, and third parties when

- The conduct occurs on the campus or other property owned or controlled by the University; or
- The conduct occurs in the course of University-related business travel or off-campus programs, such as (but not limited to) domestic or international academic programs, field trips, study abroad, internship, work-related conferences, etc.; and/or
- This policy also applies to behavior conducted online, including via e-mail. Postings on blogs, web pages, social media sites, and other similar online postings can subject an individual or group to allegations of violations of this policy. The University does not regularly search for this information, but action may be taken by the University if and when such information is brought to the attention of the University.

Members of the University community have

- The right to a discrimination, harassment and retaliation-free work and academic environment;
- The right to file a complaint of discrimination, harassment or retaliation. Individuals are encouraged to report inappropriate conduct immediately and, whenever possible, to put the complaint or concern in writing;
- The right to a full, impartial and prompt investigation into allegations of conduct that would violate this policy;
- The right to be timely informed of appropriate information related to the outcome of an investigation either as a complainant or a respondent in the investigation;
- The right to be free from retaliation or reprisal after filing a complaint or participating in the complaint process;
- The right to file a complaint directly with the federal Equal Employment Opportunity Commission or other appropriate state or federal agencies.

Conduct Prohibited by this Policy/Definitions

La Sierra University prohibits and will not tolerate discrimination or harassment based on a protected category or retaliation in any form. Such violations are subject to any combination of sanctions, including suspension, dismissal, or termination of employment.

Protected Characteristics

This refers to race, color, national origin, ethnicity, religion, sex², age (over 40), disability, veteran status, and genetic information, or any other characteristic protected by applicable law.

Discrimination

As used in this policy, discrimination is defined as the unequal treatment of applicants, employees, students, as well as consultants, volunteers, vendors, and others engaged in University business based on a protected category that is sufficiently serious to unreasonably interfere with or limit the individual's ability to

²The policy and procedures for complaints involving sexual harassment, sexual discrimination, sexual assault, stalking, dating and domestic violence, and retaliation are described in the *Sexual Misconduct Policy* and handled by the Title IX Office. They are not addressed by this policy.

participate in or benefit from employment, a University program or activity or that otherwise adversely affects a term or condition of an individual's education or living environment.

Harassment

As used in this policy, harassment is defined as disrespectful or unprofessional conduct, that degrades or shows hostility towards an individual because of their protected category and/or has the intent or effect of unreasonably interfering with the individual's employment or enrollment; and/or has the purpose or effect of creating a hostile, intimidating or offensive working, living or learning environment.

Sexual Harassment

Sexual harassment is covered under the *Sexual Misconduct Policy* through the Title IX Office. Please see the *Sexual Misconduct Policy*, on page 73 of this handbook or contact the Title IX Office for complete information.

Examples of Conduct that Constitute Discrimination or Harassment in Violation of this Policy

Depending upon the circumstances and how they impact the workplace, educational programs, activities, or academic environment, examples of discrimination or harassment in violation of this policy may include, but are not limited to, the following types of conduct:

- Making decisions about a person's employment, compensation, or education based upon or motivated by the individual's protected category;
- Verbal or physical conduct (such as physically threatening another person, blocking someone's way, making physical contact in an unwelcome manner), offensive innuendo or derogatory words, (jokes, slurs, epithets, gestures, teasing) or comments concerning, based on, or motivated by an individual's protected category;
- A display of objects, pictures (symbols, cartoons, drawings, computer displays), or other media (e-mails) which create an offensive or hostile working/learning environment based on or motivated by an individual's protected category; or
- Failure to provide religious or disability-related accommodations when required by applicable law.

Retaliation

As used in this policy, retaliation is defined as any adverse action taken against an individual for reporting, providing information, exercising one's rights or responsibilities under this policy, or otherwise being involved in the process of responding to, investigating, or addressing allegations of discrimination and harassment. Retaliatory actions, such as intimidation, threats, or coercion against any individual for having engaged in the above actions, will be addressed by the Office of Human Resources. Individuals who engage in the actions discussed in this section are subject to disciplinary action that may include, but are not limited to, written warnings, suspension, termination of employment, exclusion, expulsion, or dismissal from the University.

Anyone who is aware of possible retaliation, or has other concerns regarding the response to a discrimination and or harassment complaint, should report such concerns to the Office of Human Resources who will ensure that the matter is investigated, as well as take appropriate actions in a fair and impartial manner.

Retaliation claims based on sex fall under the scope of the Title IX Office and should be reported to the Title IX Coordinator.

Confidentiality

The University will treat inquiries and complaints about prohibited discrimination, harassment, or retaliation confidential to the extent possible, in accordance with the complaint procedures referenced herein. In some circumstances, the University may be required to act on information it has received even if the person providing the information chooses not to pursue a complaint.

Reporting an Incident of Harassment, Discrimination or Retaliation

La Sierra University encourages the prompt reporting of all perceived incidents of discrimination, harassment or retaliation, regardless of the offender's identity or position, so that rapid and constructive action can be taken before relationships become irreparably strained. Therefore, while no fixed reporting period has been established, early reporting and intervention have proven to be the most effective method of resolving actual or perceived incidents of harassment, discrimination or retaliation.

Individuals who believe they have experienced or witnessed behavior that they believe violates this policy or believe they have witnessed such conduct should discuss their concerns with their immediate supervisor, and or human resources. Supervisors are required to promptly report conduct that they believe violates this policy to the Office of Human Resources. Any reported allegations of harassment, discrimination or retaliation will be investigated promptly by the Office of Human Resources.

In addition, La Sierra University encourages individuals who believe they are being subjected to such conduct to promptly advise the offender that the behavior is unwelcome and to request that it be discontinued. Often this action alone will resolve the problem. La Sierra University recognizes, however, that an individual may prefer to pursue the matter through complaint procedures.

When a complaint alleges violation of this policy against any protected status (with the exception of sex and gender, including gender identity, gender expression, and sexual orientation – in such cases refer to the *Sexual Misconduct Policy* or the Title IX Office for more information), the Office of Human Resources will make the initial determination whether there is cause to proceed with an investigation of potential discrimination, harassment, or retaliation. If cause is found, the Office of Human Resources will conduct a prompt and thorough investigation.

The Office of Human Resources will take appropriate steps to address problems identified by anonymous disclosures. However, the Office of Human Resources ability to respond, impose discipline, and or assist the complainant will be significantly limited if they choose to remain anonymous.

Each investigation will depend on the facts, circumstances, and witnesses. Generally, the investigation will include individual interviews with the parties involved and, where necessary, with individuals who may have observed the alleged conduct or may have other relevant knowledge or information deemed relevant, as well as a review of any evidence provided or identified by witnesses. Interim measures to protect complainants or other affected parties will be made available.

All investigations will be fair, impartial, timely and completed by qualified personnel using the preponderance of evidence standard (more likely than not).

The amount of time needed to conduct the investigation will depend in part on the nature of the allegations and the evidence to be investigated.

Retaliation against an individual for reporting harassment or discrimination or for participating in an investigation of a claim of harassment or discrimination is a serious violation of this policy and, like harassment or discrimination itself, will be subject to disciplinary action. Acts of retaliation should be reported immediately to the Office of Human Resources and will be promptly investigated and addressed.

Misconduct constituting harassment, discrimination or retaliation will be dealt with appropriately, with suitable corrective action, where warranted and in consultation with appropriate University officers, to discipline individuals who discriminate, harass, or retaliate against any person who considers or registers a discrimination, harassment, or retaliation complaint, or persons who assist with or participate in an investigation of the reported conduct.

Any party may submit a written request for appeal of the Office of Human Resources decision to the Provost's Office within 14 calendar days from the date of the mailing of the decision from the Office of Human Resources. Within a 14 calendar days of the receipt of appeal, the Provost shall make a decision based on the written complaint, the written response, the Office of Human Resources decision, the written request for appeal, any written response to the request for appeal, any meeting the Provost held in regard to the appeal, and any other material or evidence relevant to the appropriate grounds for appeal. Whether to grant a meeting with the complainant and/or respondent shall be the sole discretion of the Provost. All parties and Human Resources shall receive a copy of the reviewing Provost's decision.

False and malicious complaints of harassment, discrimination or retaliation (as opposed to complaints that, even if inaccurate, are made in good faith) may be the subject of appropriate disciplinary action.

Individuals may file formal complaints of discrimination, harassment, or retaliation with the agency listed below. Individuals who wish to pursue filing with these agencies should contact them directly to obtain further information about their processes and time limits.

U.S. Equal Employment Opportunity Commission
1-800-669-4000 or 510-735-8909 (Deaf/hard-of-hearing callers only)
<http://www.eeoc.gov>