

DISCRIMINATION AND HARASSMENT POLICY

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. The University also encourages persons subjected to or who witness any forms of discrimination and harassment – or retaliatory conduct arising from complaints of discrimination and harassment – to report such behaviors and incidents to appropriate University personnel as set forth more fully below.

GENERAL APPLICATION

1. **Protected Classifications:** Discrimination and harassment are prohibited against any person on the basis of race, ethnicity, national origin, sex, marital status, age, veteran status, medical condition, physical handicap, or other protected classification as defined by federal or state law.
2. **Applicable Activities:** Discrimination and harassment are prohibited in the University's admissions and educational policies, employment programs, financial affairs, student life and campus services, or any related institutionally-administered or supported programs.

FORMS OF PROHIBITED BEHAVIORS

1. **Discrimination:** Discrimination is defined as prejudicial and/or harmful actions taken against a person on the basis of a protected classification as stated in above.
2. **Harassment:** Harassment is defined as verbal, physical and/or visual conduct that creates an intimidating, offensive or hostile working or learning environment or that unreasonably interferes with a person's work or academic performance.

3. Sexual Harassment

- a. Definition: Sexual harassment is defined as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature where
 - i. Submission to such conduct is made explicitly or implicitly a term or condition of a person's employment or status in a course, program or activity; or
 - ii. Submission to or rejection of such conduct by a person is used as a basis for an academic or employment decision adversely affecting that person; or
 - iii. Such conduct has the purpose or effect of unreasonably interfering with a person's work or academic performance, or of creating an intimidating, hostile or offensive learning or work environment.

- b. Forms of Sexual Harassment: Sexual harassment can be objectively and readily identifiable, relative to the specific circumstances and relations of the persons involved, or it can be of a nature seemingly harmless to many yet subjectively perceived by some persons as unwelcome and offensive. The following constitute examples of conduct and situations representative of sexual harassment:
 - i. Physical assault;
 - ii. Direct or implied threats that submission to sexual advances will be a condition of a grade, letters of recommendation or employment retention or promotion;
 - iii. Direct or subtle propositions of a sexual nature;
 - iv. Sexual references or sexually explicit statements unrelated to legitimate matters of employment or education, including but not limited to: sexual questions, jokes, anecdotes, remarks concerning the sexual nature of

another's clothing, sexual activity, sexual preference, or speculations about a person's previous sexual experience;

- v. Unnecessary and/or unwanted touching, patting, hugging or brushing against another's body;
- vi. Displaying posters, calendars, graffiti, symbols, or other visual objects or images of a sexually explicit or suggestive nature unrelated to legitimate matters of employment or education; and
- vii. Using computers, including the Internet, E-mail, Twitter and related systems of communications to transmit or receive text or images of a sexually explicit or suggestive nature unrelated to legitimate matters of employment or education.

Retaliation: Retaliation is defined as inappropriate words or actions directed against persons who consider or register discrimination, harassment or retaliation complaints, or against persons who assist with or participate in an investigation of the reported conduct.

RESPONSIBILITIES IN RECOGNIZING AND REPORTING DISCRIMINATION OR HARASSMENT

1. **Recognizing Discrimination or Harassment:** Administrators, Faculty, Staff and Students should be alert to identifying forms of discrimination and harassment, whether such incidents take place in the course of workplace responsibilities, academic endeavors, or social activities related in any way or form to the life of the University.
2. **Reporting Responsibilities of Administrators, Faculty, and Supervisory Personnel:** Persons employed by the University as administrators, faculty members, and/or who serve the institution in a supervisory capacity have a legal obligation to immediately address, and if necessary, report discriminatory, harassing, and retaliatory behaviors or conduct to the University's Department of Human Resources (HR).

3. Reporting Discrimination and Harassment: Persons who believe that they have been subjected to a form of discrimination and/or harassment or administrators, faculty, or staff or students who have witnessed such incidents should
 - a. Inform the perpetrator, only if feasible, that the conduct is considered offensive and should be terminated; and
 - b. Notify their supervisor, or if the supervisor is the alleged perpetrator, notify the supervisor's superior to report the prohibited behavior; If the person reporting the discrimination and/or harassment is a student the term "supervisor" is defined to be the La Sierra University employee who directly oversees the area where the incident occurred; and
 - c. In consultation with the supervisor and/or HR determine if the incident warrants written documentation. If it is deemed necessary the reporting person shall state in writing, in consultation in HR, accurately and truthfully the facts of the incident(s), the date and approximate time of each event, and name(s) of the person(s) involved.
4. Deciphering Discrimination and Harassment: If a complainant or other concerned persons are in doubt about whether forms of unlawful discrimination or harassment have occurred, he or she should contact HR for clarification and assistance.

REFRAINING FROM RETALIATION AGAINST DISCRIMINATION OR HARASSMENT COMPLAINTS

Retaliation against employees or students for considering or registering complaints of discrimination or harassment, or against such persons who assist with or participate in an investigation of the complaint, shall be prohibited and subject to the same reporting and disciplinary actions set forth in Section C above.

RESPONSIBILITIES OF HR REGARDING DISCRIMINATION, HARASSMENT AND RETALIATION

1. The Obligation to Inform All Sectors of the University Regarding Discrimination, Harassment and Retaliation Matters: HR is committed to the goal of informing all sectors of the University's public regarding discrimination, harassment or retaliation matters. Specifically, HR is charged with the following responsibilities:
 - a. Distributing copies of this policy to all current members of the University community, to be included in appropriate student, faculty, and staff orientation materials, handbooks and bulletins;
 - b. Implementing mandatory training for administrators, faculty and staff regarding any conduct that is discriminatory, harassing or retaliatory;
 - c. Informing all university personnel of their responsibility to immediately report any incidents of discrimination, harassment, or retaliation.
 - d. Informing all university personnel in supervisory positions of their legal obligation to report any incidences of discrimination, harassment, or retaliation.

2. The Obligation to Act on Discrimination, Harassment and Retaliation Reporting: HR is committed to facilitating a prompt and equitable resolution regarding any discrimination, harassment, or retaliation matter. In furtherance of that objective, HR shall take the responsibility for receiving, investigating, and resolving complaints involving discrimination, harassment or retaliation. HR shall follow these procedures:
 - a. Conduct a prompt and thorough investigation, maintaining confidentiality to the fullest extent possible;
 - b. Take suitable corrective action, where warranted and in consultation with appropriate University officers, to eliminate the discrimination, harassment or retaliation by use of counseling measures, warnings, reprimands, suspensions or other disciplinary action, and if necessary, termination of the perpetrator;

- c. Take suitable corrective action, where warranted and in consultation with appropriate University officers, to discipline person(s) who falsely or misleadingly inform the University that a discrimination, harassment or retaliation incident has taken place;
- d. Take suitable corrective action, where warranted and in consultation with appropriate University officers, to discipline person(s) 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;
- e. Inform the alleged victim that he or she has the right to file a discrimination or harassment complaint with appropriate state and federal agencies.