Discrimination Complaint Processing

Reporting Discrimination or Harassment
The University understands that victims of discrimination or harassment are often embarrassed and reluctant to report these acts for fear of being blamed, concern about being retaliated against, or because it is difficult to discuss these matters openly with others. However, no student or employee should have to endure discriminatory or harassing conduct, and the University therefore encourages persons to promptly report any such incidents so that corrective action may be taken. Who to make the report to, and how to report it, is described below.

Help and Information
The University’s Director of Human Resources serves as the University’s Title IX Compliance Officer. In this role, the Director is the campus’s primary resource on issues relating to perceived discrimination or harassment. Any person who would like advice or assistance in dealing with any instance of perceived discrimination or harassment, or in understanding this policy, should contact the Director of Human Resources.

The Dean of Students and the Associate Dean for Law Student Services (“Deans of Students” for purposes of this policy) are also valuable resources for students who have concerns about discrimination or harassment. Students are encouraged to contact one or both of these Deans of Students at any point in the process for help and advice.

Making the Initial Report

1. If the accused is a student, the incident should be reported to one of the Deans of Students, and/or the Director of Human Resources.
2. If the accused is an employee of the University, the incident should be reported to the Director of Human Resources. This includes faculty and staff.
3. If the accused is a non-employee with a business relationship with the University, the incident should be reported to the Director of Human Resources. This includes vendors and contractors.
4. In other cases, if the accused is not a student or an employee of Golden Gate University, and has no business relationship with the University, and the violation did not take place in a University-related setting, the University has no authority to take disciplinary action. However, University security should be informed of any situation that may present a danger to the students, faculty, staff or other members of the University community.
Individuals may also report illegal acts and/or violations of University policy via the University’s anonymous compliance reporting system, EthicsPoint.

Any individual who has been the victim of a sexual assault is encouraged to notify the University immediately. Whether or not an individual makes an official complaint to the University, he or she is strongly urged to seek immediate help, which may include receiving medical evaluation and treatment, and obtaining information, support and counseling.

Victims of sexual assault also may choose to report the matter to appropriate law enforcement authorities. Please see the information in the attached Appendix for more specific contact information. The University will make all reasonable efforts to assist students, faculty or staff in working with law enforcement.

**Retaliation**

No individual shall be penalized in any way for having reported or threatened to report discrimination or harassment, nor for cooperating with or participating in an investigation of a complaint or at a hearing concerning discrimination or harassment. Retaliation by any member of the University community against such an individual is prohibited and shall be considered a serious violation of University policy. Retaliation includes threats, intimidation, reprisals, and any adverse actions related to an individual’s employment or education.

**Confidentiality**

Where sexual harassment or assault has been reported, the University will make every effort to preserve the complainant’s privacy and protect the confidentiality of his or her information. However, complete confidentiality cannot be guaranteed. University personnel may need to inform other individuals to protect their safety or rights, in fairness to the persons involved, or in response to legal requirements. In addition, the University is required by law to report to the police certain statistical information about incidents occurring on campus which does not disclose individual identities. Finally, as noted below, the University may on its own initiative investigate allegations of discrimination or harassment, even in situations where the victim or initial complainant does not wish to proceed with an investigation, leading to a necessary disclosure of the name of the affected person and the facts of the underlying allegations.

**Complaint Procedures**

The University has put in place complaint procedures that apply to complaints of misconduct by students, faculty and staff. The following informal and formal complaint procedures apply specifically and solely to any problem of perceived discrimination or harassment, including sexual harassment or assault.

**Informal Complaint Procedure**

Depending upon the nature and seriousness of the discrimination or harassment reported, any individual who believes that he or she has been treated inappropriately may want first to attempt to resolve the matter informally, by discussing the situation honestly,
thoroughly, respectfully, and in a timely manner, with the other person who is involved. *An attempt at an informal resolution is not, however, a prerequisite for bringing a formal complaint.*

In attempting to deal with the problem informally, the aggrieved individual may seek the advice and assistance of any appropriate University official. For example, a student may wish to speak with his/her academic advisor; a member of the faculty may wish to speak with his/her department chairperson or Dean; or a staff member may wish to speak with his/her supervisor. Alternatively, any member of the University community may consult with the Director of Human Resources.

An informal complaint need not be in writing.

- If the complaint is directed at a member of the University faculty or staff, the matter may be concluded with an informal discussion between the appropriate academic or administrative Dean, the Director of Human Resources, and the alleged offender, whom the Director of Human Resources will inform about the nature and substance of the complaint.

- If the complaint is directed at a student, the matter may be concluded with an informal discussion between the appropriate Dean of Students, the Director of Human Resources, and the student against whom the complaint was made.

- If the complaint is initiated against a Dean of Students, the matter may be concluded with an informal discussion between the Director of Human Resources, the appropriate Vice President, and the Dean of Students.

- If the complaint is initiated against the Director of Human Resources, the matter may be concluded with an information discussion between the Vice President of Operations and the Director of Human Resources.

In each case, the person against whom a complaint has been made shall be informed about the nature and substance of the complaint. The focus of the discussion shall be to raise the sensitivity of the person complained about to incidents of the kind alleged for the purpose of attempting to avoid similar incidents in the future. The discussion should be held within 30 days after the filing of the complaint.

After the discussion with the alleged offender, the Director of Human Resources, the Dean of Students, and/or an appropriate University official shall meet with and inform the complainant of the discussion and that the matter is forthwith closed, and shall confirm such fact in writing. If the complainant then wishes to pursue the matter, he or she may initiate a formal complaint at any time within one year of the date of the conduct which is the basis of the complaint.

Any University manager who becomes aware of a situation that involves alleged discrimination or harassment should keep a written record relating to the case (e.g., dates
and summaries of conversations). The manager should also contact the Director of Human Resources to ensure that the Director has an overview of all complaints that have been voiced. The University also encourages the complainant to keep a written record relating to his or her attempt to resolve the problem informally. This documentation may be helpful in cases where a problem persists despite the informal efforts to resolve it.

Any University employee who becomes aware of a situation that involves alleged discrimination or harassment should inform his or her manager of the facts regarding the case.

It is important to note that in any situation involving alleged discrimination or harassment, including sexual harassment or assault, the University owes a duty to the University community as a whole as well as to the complainant to take prompt and effective remedial action, and is obligated to conduct a thorough and timely investigation to its conclusion, even if the complainant requests that an investigation not be conducted or that an investigation be discontinued.

**Formal Complaint Procedure**

If the problem is not informally resolved to the satisfaction of the individual, or if he or she does not want to deal with the problem informally, a formal complaint may be brought. In addition, a formal complaint may be brought at any time by any member of the University community – student, faculty, or staff – who believes that discrimination or harassment has occurred. Investigation and proceedings will differ depending upon whether the alleged violator is a student, faculty or staff, or a third party.

**Formal Complaint: Investigation and Proceedings Where the Alleged Violator is Faculty or Staff**

A formal complaint may be filed with the Director of Human Resources, which should in ordinary circumstances be filed within thirty (30) days of the alleged incident of harassment or discrimination. Prompt filing is encouraged. In instances of discrimination or harassment, including sexual harassment or assault, reported against a University faculty or staff member, the Director of Human Resources will be responsible for investigation, and may, at his or her discretion refer the matter to a special investigator. A formal investigation will generally involve interviews with the complainant, with the alleged violator(s), and, where appropriate, with witnesses; and, again where appropriate, a joint meeting between the involved parties, if agreeable to all parties.

All University personnel shall make every effort to maintain confidentiality with respect to the complainant and shall only divulge the name of the complainant, the circumstances of the complaint, and the disposition of the matter, to those people who have a legitimate need to know.

Within sixty (60) working days of the filing of the complaint, if an external investigator is engaged, the investigator will issue a report to the Director of Human Resources. Within ten (10) working days of the issuance of the investigator’s report, the Director of Human Resources shall submit a written summary to the Vice President of Operations and/or the
Vice President of Academic Affairs, including a description of any recommended corrective actions to be taken. If it is one of these vice presidents against whom the complaint has been filed, the Director of Human Resources will make a determination as to the most appropriate University official to have responsibility for making a final decision about the case.

The Vice President’s decision in the case, including a description of any corrective or remedial action taken, shall be submitted in writing to each involved party (with a copy to the Director of Human Resources) within twenty (20) working days of the receipt of the recommendations of the Director of Human Resources.

Where a determination is made that an employee has engaged in actions that violates these policies or the law, or has engaged in sexual assault or complicity in sexual assault, that employee will be subject to University disciplinary procedures. Possible disciplinary action can include, but is not limited to:

1. Formal letter of reprimand
2. Suspension from employment
3. Termination of employment

**Formal Complaint: Investigation and Proceedings Where the Alleged Violator is a Student**

A formal complaint may be filed with the Dean of Students, and should in ordinary circumstances be filed within thirty (30) days of the alleged incident of harassment or discrimination. In instances of discrimination or harassment, including sexual harassment or assault, reported against a University student, the Dean of Students will be responsible for investigation, and may at his or her discretion refer the matter to a special investigator. A formal investigation will generally involve interviews with the complainant, with the alleged violator(s), and, where appropriate, with witnesses; and, again where appropriate, a joint meeting between the involved parties, if agreeable to all parties.

All University personnel shall make every effort to maintain confidentiality with respect to the complainant and shall only divulge the name of the complainant, the circumstances of the complaint, and the disposition of the matter, to those people who have a legitimate need to know.

Within sixty (60) working days of the filing of the Petition, if an external investigator is engaged, the investigator will issue a report to the Dean of Students. Within ten (10) working days of the issuance of the investigator’s report, the Dean of Students shall submit a written summary to the Vice President of Academic Affairs, including a description of any recommended corrective actions to be taken. If it is this Vice President against whom the complaint has been filed, the Dean of Students will make a determination as to the most appropriate University official to have responsibility for making a final decision about the case.
The Vice President’s decision in the case, including a description of any corrective or remedial action taken, shall be submitted in writing to each involved party (with a copy to the Dean of Students) within twenty (20) working days of the receipt of the recommendations of the Dean of Students.

Where a determination is made that a student has engaged in actions that violates these policies or the law, or has engaged in sexual assault or complicity in sexual assault, that employee will be subject to University disciplinary procedures. Possible disciplinary action can include, but is not limited to:

1. Barring of access to the campus
2. Probation
3. Suspension from admission
4. Expulsion from the University, including withholding of any degree not yet awarded
5. Revocation of any degree already awarded.

Pending his or her decision, the Dean of Students may take a variety of administrative measures against a student charged with discrimination or harassment, including restriction of privileges and services, interim suspension, exclusion from certain on-campus facilities, including classrooms, libraries or administrative areas, academic probation, suspension from the University or expulsion from the University, including withholding of any degree not yet awarded.

**Formal Complaint: Investigation and Proceedings Where the Alleged Violator is a Third Party**

In instances of discrimination or harassment, including sexual harassment or assault, reported against a vendor, contractor or any other non-employee doing business with or for the University, the Director of Human Resources will be responsible for investigation, which shall generally follow the procedures established for handling a complaint against staff, except that interim measures and disciplinary sanctions shall be appropriate to the circumstances, and may include termination of the business relationship and reporting to federal, state or local regulatory agencies. The appeal procedure available to faculty, staff or students is not available to third parties, and the decision of the Director of Human Resources will be final.

**Appeal Procedure**

An appeal procedure is available to faculty, staff or students who are not satisfied with the outcome of the disciplinary proceedings. A written request for further review must be submitted to the Director of Human Resources within ten (10) working days of the receipt of the written decision Dean of Students (for students), the Vice President of Academic Affairs (for faculty) or the Vice President of Operations (for staff).

Within ten (10) working days after the appeal is filed, all documentation relating to the investigation, including the investigator’s report, the Director of Human Resources’ or
Dean of Student’s recommendations and the Vice President of Operations or Vice President of Academic Affairs’ decisions will be sent to the office of the University President or his/her designee. These documents will constitute the appeal record. The President or his/her designee will review the appeal record, and may at his/her discretion review other facts relating to the complaint.

Within fifteen (15) working days of the receipt of the appeal documentation, the President or his/her designee will render a final decision in the matter, copies of which, including notice of any corrective action taken, will be provided to the involved parties. This decision of the President or his/her designee shall be final in all respects and not be subject to review under any other complaint procedure.

- **A NOTE ABOUT TIME FRAMES**: The University’s complaint procedures reflect the University’s commitment to resolving problems in an expeditious manner. Every reasonable attempt will be made to adhere to the time frames specified, but there may be occasions when it will be necessary to make exceptions. Such occasions could relate to the circumstances and complexity of the matter, the time demands and schedules of the parties involved, or the time of year that a complaint is filed (e.g., many faculty members and students are not available during semester breaks or over the summer months). It is the goal of the University to balance the need for an expeditious resolution with the need to make a full and accurate investigation. If it is deemed necessary to alter the time frames specified in these policies, all parties will be notified of the amended schedule.

**Other Resources / Agencies for Reporting Discrimination and Harassment**

In addition to notifying the University about harassment or retaliation complaints, affected individuals may also direct their complaints to the California Department of Fair Employment and Housing ("DFEH"), which has the authority to conduct investigations of the facts. The deadline for filing complaints with the DFEH is one year from the date of the alleged unlawful conduct. If the DFEH believes that a complaint is valid and settlement efforts fail, the DFEH may seek an administrative hearing before the California Fair Employment and Housing Commission ("FEHC"), or file a lawsuit in court. Both the FEHC and the courts have the authority to award monetary and non-monetary relief in meritorious cases. Individuals can contact the nearest DFEH office or the FEHC at the locations listed in the University's DFEH poster or by checking the state government listings in the local telephone directory.

Individuals also may file a complaint relating to prohibited harassment in employment with either the Federal Equal Employment Opportunity Commission; they also may bring a complaint concerning discrimination on the basis of race, color, national origin, gender or disability to the attention of the Office for Civil Rights in the U.S. Department of Education. Any member of the University community may seek assistance from the Director of Human Resources regarding how to contact the state and federal agencies with a claim of discrimination or harassment.
**Intentionally False Reports**

Discriminatory activity and harassment, and particularly sexual harassment or assault, often is not witnessed by others, and reports of such activity cannot always be substantiated by additional evidence. Lack of any such additional evidence should not discourage an individual from reporting any incident in violation of this policy. However, individuals who make reports that are later found to have been intentionally false or made maliciously, without regard for truth, may be subject to disciplinary proceedings and/or sanctions.