

DISCRIMINATION & HARASSMENT, SEXUAL HARASSMENT, TITLE IX POLICY

Statement of Policy

Golden Gate University is committed to creating a university-wide environment free of all forms of discrimination, harassment, exploitation, or intimidation. As members of an organization that holds high the principals of mutual respect, teamwork, and honest communications, each of us shares in the responsibility for ensuring an atmosphere in which students, faculty, and staff are consistently treated with both consideration and respect, and are protected from unlawful discrimination or harassment, including sexual harassment or assault.

Summary of Policy

This policy provides members of the University community with information about applicable federal and state standards that apply to this policy; behaviors that constitute unlawful discrimination, harassment and sexual assault; the University's guidelines on interpersonal relationships among students, faculty and staff; reporting and investigation procedures in the event of a complaint; and additional resources in the event of sexual assault.

University employees and students are expected to read and follow this policy in its entirety.

Applicable Standards

In accordance with federal and state law, Golden Gate University policy prohibits discrimination or harassment based on race, color, national origin, ancestry, gender, gender identity, sexual orientation, marital status, pregnancy, childbirth, medical condition related to pregnancy or childbirth, religion, religious creed, age, veteran's status, physical or mental disability, medical condition, or any other basis that is protected by law. Under the law, these forms of description are referred to as one's membership in a "Protected Class" of people. Applicable laws governing these prohibitions include Titles VI and VII of the Civil Rights Act of 1964, the Age Discrimination in Employment Act of 1967, Title IX of the Education Amendments of 1972, Section 504 of the Rehabilitation Act of 1973, the Americans With Disabilities Act of 1990, and the California Fair Employment and Housing Act.

For the purpose of this policy, "discrimination" is any decision, act, or failure to act which interferes with or limits a person's or group's ability to participate in or benefit from the services, privileges, or activities of the University when such decision, act, or failure to act is based on the person's status as a member of a Protected Class.

Claims for harassment that are *not* based on an individual's membership in a Protected Class shall be handled under the applicable disciplinary process.

The University's policy prohibiting discrimination and harassment applies to all individuals involved in University operations, including students, faculty and staff; applicants for admission or employment; and any persons doing business with or for the University.

Harassment

Harassment on the basis of any protected characteristic is strictly prohibited. Under this policy, harassment is verbal, written or physical conduct that denigrates or shows hostility or aversion toward an individual because of his or her race, color, religion, sex, sexual orientation, gender identity or expression, national origin, age, disability, marital status, citizenship, genetic information, or any other characteristic protected by law, or that of his or her relatives, friends or associates, and that: a) has the purpose or effect of creating an intimidating, hostile or offensive work or educational environment, b) has the purpose or effect of unreasonably interfering with an individual's work or educational performance, or c) otherwise adversely affects an individual's employment or educational opportunities.

Harassing conduct includes, but is not limited to:

- *Verbal conduct*, such as racial, ethnic, gender-based, religious, disability-based, or epithets, derogatory jokes or comments, slurs that apply to any protected characteristic;
- *Visual conduct*, such as derogatory posters, photography, cartoons, drawings, or gestures;
- *Misuse of property*, such as using University computers, e-mail, or web services as a mode of communicating prohibited verbal or visual messages;
- *Unprofessional conduct*, such as creating an academic or employment environment that could reasonably be perceived as intimidating, hostile, or abusive.

Sexual Harassment

Sexual harassment may be viewed as a particular type of gender-based discrimination. Prohibited forms of sexual harassment include but are not limited to the following kinds of behavior:

- *Verbal conduct*, such as sexual epithets, derogatory jokes or comments, slurs, or unwanted sexual advances;
- *Visual conduct*, such as derogatory or sexually-oriented posters, photography, cartoons, drawings, or gestures;
- *Physical conduct*, such as assault, unwanted touching, or blocking/interfering with an individual's ordinary movement or activities;

- *Misuse of property*, such as using University computers, e-mail, or web services as a mode of communicating prohibited verbal or visual messages;
- *Abuse of authority*, such as making submission to sexual advances a term or condition of an individual's academic advancement or employment;
- *Unprofessional conduct*, such as creating an academic or employment environment that could reasonably be perceived as intimidating, hostile, or abusive.

Sexual harassment may take many forms. It may be subtle and indirect or blatant and overt. It may be conduct affecting an individual of the opposite sex or conduct affecting an individual of the same sex. It may occur between peers or between individuals in a hierarchical relationship. The fact that someone did not intend to sexually harass an individual is no defense to a complaint of sexual harassment. Regardless of intent, it is the effect and characteristics of the behavior that determine whether the behavior constitutes sexual harassment.

Sexual Misconduct

The following examples of sexual misconduct are prohibited, and include, but are not limited to:

- *Sexual Assault*: Having or attempting to have sexual contact with another individual:
 - By force or threat of force;
 - Without effective consent; or
 - Where the individual is incapacitated
- *Non-Consensual Sexual Contact* (or attempts to commit the same): Any intentional sexual touching, however slight, with any object, by any person upon any other person, that is without consent and/or is by force. "Person" is regardless of gender status.
- *Non-Consensual Sexual Intercourse* (or attempts to commit the same): Any sexual intercourse, with any object or body part, by any person upon any other person, that is without consent and/or is by force. "Person" is regardless of gender status.
- *Sexual Exploitation*: Taking non-consensual or abusive sexual advantage of another person for one's own advantage or benefit, or to the benefit or advantage of another person. Examples of sexual exploitation include:
 - Causing or attempting to cause another person to become drunk, drugged or otherwise incapacitated with the intent of engaging in a sexual behavior;
 - Recording, photographing or transmitting images of sexual activity and/or the intimate body parts (groin, genitalia, breasts or buttocks) of another person without their consent;
 - Allowing third parties to observe sexual acts and voyeurism (spying on people who are engaging in sexual acts or who are doing other intimate activities such as undressing, showering, etc.);
 - Exposing one's genitals in non-consensual circumstances or inducing someone to expose their genitals;
 - Knowingly transmitting a sexually transmitted disease or virus to another person without his or her knowledge; or
 - Sexually-based stalking and/or bullying.
- *Domestic Violence*: Violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a

person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction.

- *Dating Violence*: Violence committed by a person:
 - who is or has been in a social relationship of a romantic or intimate nature with the victim; and
 - where the existence of such a relationship shall be determined based on a consideration of the following factors:
 - The length of the relationship.
 - The type of relationship.
 - The frequency of interaction between the persons involved in the relationship.
- *Stalking*: A course of physical or verbal contact directed at another individual that would cause a reasonable person to:
 - Fear for his or her safety or the safety of others; or
 - Suffer substantial emotional distress.

Interpersonal Relationships

Golden Gate University seeks to maintain a professional educational environment. Actions of faculty members and employees that are unprofessional or appear to be unprofessional are inconsistent with the University's educational mission. It is essential that those in a position of authority not abuse, nor appear to abuse, the power and influence with which they are entrusted. Therefore, it is in the University's interest to provide clear direction and education with regard to interpersonal relationships among faculty, staff and students.

Romantic and sexual relationships, including those which are consenting or appear to be consenting, between Supervisor (meaning any person in authority over another to hire and/or make employment or salary recommendations or oversee task performance or who are in a position to influence employment determinations by other supervisors) and Employee (meaning any person reporting to the supervisor or reporting within the chain of command to the supervisor); between any instructional staff and a student; and between any employee and a student have the potential for extremely serious consequences and must be avoided.

Potential for Abuse of Authority & Influence

Individuals entering into a consensual relationship must recognize that:

- a. the reasons for entering such a relationship may be a function of a difference in authority and influence between the individuals;
- b. where the difference in authority and influence exists, even in a seemingly consensual relationship, there are limited after-the-fact defenses against charges of sexual harassment; and

- c. the individual with the greater authority and influence in the relationship may bear the burden of responsibility.

Codes of ethics for many professional associations forbid professional-client relationships, and the relationships enumerated above should be viewed in this context. In the case of instructor and student, for example, the respect and trust accorded the instructor by the student, as well as the controlling influence exercised by the instructor in giving grades, academic advice, evaluations, and recommendations for further employment greatly diminish the student's actual freedom of choice in an amorous or sexual relationship.

Conflict of Interest

Conflicts of interest may arise in connection with consensual romantic and/or sexual relationships between instructional staff and students, supervisors and subordinates, or between employees and students. It is a generally accepted ethical principle in our society, reflected in the University's "Employment of Relatives" policy that individuals are precluded from evaluating the work of others with whom they have intimate familial relationship, or from making hiring, salary or similar financial decisions concerning such persons. The same principle applies to consensual romantic and/or sexual relationships.

Responsibility for Reporting Relationships between Employees

Faculty, supervisors and other employees should understand that there are substantial risks in even an apparently consenting relationship. This is particularly evident where a difference in influence or authority exists. Even if the conflict of interest issues are resolved, charges of sexual harassment or violation of the University's "Employment of Relatives" policy may develop, even when both parties have consented to the relationship. The faculty member, supervisor or other employee may, by virtue of his or her position of authority and responsibility, bear the burden of accountability.

If a proscribed romantic and/or sexual relationship exists or develops, the parties involved shall report it to an appropriate supervisor. For example, a faculty member must report the matter immediately to the department chair and/or Dean; an employee must report the matter to his/her supervisor. Once notified, the supervisor, in conjunction with HR, will assess individual situations for the protection of individual and University interests. Failure to report such a relationship may result in disciplinary action, up to and including termination.

Any member of the University community who is troubled by an apparent romantic and/or sexual relationship between employees of the University should contact the Vice President of Human Resources. The Human Resources department will make inquiries consistent with the informal sexual harassment complaint procedure described below. At any time, the Vice President of Human Resources may initiate a formal complaint as described below.

Relationships between Faculty or Staff and Students

Golden Gate University should embody the highest standards of professionalism, integrity, and mutual respect. The professional obligations of a University employee include refraining from any conduct that poses a serious risk of undermining the educational environment for any student at the University. Faculty/staff members must be free to evaluate and assist students

fairly and without favoritism. All students must be free to engage intellectually with faculty/staff. Relationships formed between faculty/staff and students are affected by the context of the University environment, which includes the unequal distribution of power between faculty/staff and students.

For these reasons, and in furtherance of a positive educational and professional environment, the University prohibits relationships of a sexual and/or romantic nature between faculty/staff and students. These relationships have profound effects upon the student body, other faculty/staff members, and the involved students and faculty/staff members themselves. They inappropriately take the student-faculty/staff relationship out of an academic context and complicate that relationship with issues of a romantic and/or sexual nature. They also may create a hostile, discriminatory and/or unacceptable environment for other members of the University community.

The prohibition on romantic or sexual relationships between students and faculty or staff is intended to dispel any unfairness or appearance of unfairness that can be caused by such relationships. Rather than chilling meaningful personal relationships between faculty/staff and students, these policies are intended to enhance the roles of professors, administrators and staff, as teachers, scholars, counselors, mentors, and friends of students. These rich personal relationships between faculty/staff and students are an important strength of the University community.

This prohibition shall not apply to consensual situations where the faculty or staff member had a sexual and/or romantic relationship with the student in question prior to the time that the student enrolled at the University. However, a faculty or staff member with such a pre-existing relationship with a student normally should avoid roles with direct academic, supervisory or professional responsibility for that student and must disclose the existence of that relationship to the Vice President of Human Resources at the time of the student's enrollment.

If a proscribed romantic and/or sexual relationship exists or develops, the parties involved are required to report it to the Vice President of Human Resources promptly. Failure to report such a relationship may result in disciplinary action, up to and including termination of the involved employee and up to and including expulsion of the student from the University.

Any member of the University community who is troubled by an apparent romantic and/or sexual relationship between an employee of the University and a student should contact the Vice President of Human Resources. The Human Resources department will make inquiries consistent with the informal sexual harassment complaint procedure described below. At any time, the Vice President of Human Resources may initiate a formal complaint as described below.

Sexual Assault & Consent

Sexual assault may be defined as the imposition of non-consensual sexual conduct, including but not limited to sexual intercourse, oral copulation, penetration by a foreign object, or touching of the intimate parts of another. Sexual assault is absolutely prohibited, and any member of the

University community found guilty of its commission may be subject to the sanctions hereinafter described. In addition, criminal and civil penalties may be imposed by state or federal authorities.

Consent generally means positive cooperation. The person must act freely and voluntarily and have knowledge of the nature of the act involved. Consent cannot be inferred from the absence of a “no”; a clear “yes,” verbal or otherwise, is necessary. Consent to some sexual acts does not constitute consent to others, nor does past consent to a given act constitute present or future consent. Consent means “affirmative consent,” which means affirmative, conscious, and voluntary agreement to engage in sexual activity.

It is the responsibility of each person involved in the sexual activity to ensure that he or she has the affirmative consent of the other or others to engage in the sexual activity. Lack of protest or resistance does not mean consent, nor does silence mean consent. Affirmative consent must be ongoing throughout a sexual activity and can be revoked at any time. The existence of a dating relationship between the persons involved, or the fact of past sexual relations between them, should never by itself be assumed to be an indicator of consent.”

Consent cannot be obtained by threat, coercion, or force. Agreement under such circumstances does not constitute consent.

Consent cannot be obtained from someone who is asleep or otherwise mentally or physically incapacitated, whether due to alcohol, drugs, or some other condition. A person is mentally or physically incapacitated when that person lacks the ability to make or act on considered decisions to engage in sexual activity. Engaging in sexual activity with a person whom you know – or reasonably should know – to be incapacitated constitutes sexual misconduct.

Acquaintance rape, or date rape, is sexual intercourse undertaken by a friend or acquaintance without the consent of the other. Acquaintance rape is punishable in the same manner and to the same degree as similar conduct between strangers. Similarly, other acts of sexual assault are not affected by any acquaintanceship between the parties involved.

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 Vice President of Human Resources serves as the University’s Title IX Coordinator. In this role, the Vice President 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 Vice President of Human Resources.

The Dean of Students and the Associate Dean for Law Student Support (“Deans of Students” for purposes of this policy) serve as Title IX Deputy Coordinators, and 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 Vice President of Human Resources.
2. *If the accused is an employee of the University*, the incident should be reported to the Vice President of Human Resources. This includes faculty and staff.
3. *If the accused has a business relationship with the University*, the incident should be reported to the Vice President 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 might not have authority to take disciplinary action, but the matter must still be reported to the Vice President of Human Resources.

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 discrimination, harassment, 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.

Confidentiality: Students

The University encourages victims of sexual violence to talk to somebody about what happened so victims can get the support they need, and so the University can respond appropriately. Different employees on campus have different abilities to maintain a student victim's confidentiality.

- Some are required to maintain near complete confidentiality; talking to them is sometimes called a “privileged communication.”
- Other employees may talk to a victim in confidence, and generally only report to the University that an incident occurred without revealing any personally identifying information. Disclosures to these employees will not trigger a University investigation into an incident against the victim's wishes.
- Thirdly, some employees are required to report all the details of an incident (including the identities of both the victim and alleged perpetrator) to the Title IX coordinator. A report to these employees (called “responsible employees”) constitutes a report to the University – and generally obligates the University to investigate the incident and take appropriate steps to address the situation.

This policy is intended to make students aware of the various reporting and confidential disclosure options available to them, so they can make informed choices about where to turn should they become a victim of sexual violence. This policy also is intended to inform employees of their obligations as they relate to confidentiality for students who may be the victim of sexual assault or sexual violence. The University encourages victims to talk to someone identified in one or more of these groups.

The Options

Privileged and Confidential Communications

- *Professional Counselors.*
Professional, licensed counselors and pastoral counselors who provide mental-health counseling to members of the school community (and including those who act in that role under the supervision of a licensed counselor) are not required to report any information about an incident to the Title IX coordinator without a victim's permission.

**Director of Wellness Resources
415-442-6578**

- *Non-Professional Counselors and Advocates*

Individuals who are not “professional counselors” as defined above, but who work in the on-campus Wellness Resources area, including front desk staff and students, can generally talk to a victim without revealing any personally identifying information about an incident to the University. A victim can seek assistance and support from these individuals without triggering a University investigation that could reveal the victim’s identity or that the victim has disclosed the incident.

While maintaining a victim’s confidentiality, these individuals or their office should report the nature, date, time, and general location of an incident to the Title IX Coordinator. This limited report – which includes no information that would directly or indirectly identify the victim – helps keep the Title IX Coordinator informed of the general extent and nature of sexual violence on and off campus so the coordinator can track patterns, evaluate the scope of the problem, and formulate appropriate campus-wide responses. Before reporting any information to the Title IX Coordinator, these individuals will consult with the victim to ensure that no personally identifying details are shared with the Title IX Coordinator.

Following is contact information for these non-professional counselors:

Wellness Resources General Office
wellness@ggu.edu

A victim who speaks to a professional or non-professional counselor or advocate must understand that, if the victim wants to maintain confidentiality, the University will be unable to conduct an investigation into the particular incident or pursue disciplinary action against the alleged perpetrator.

Even so, these counselors and advocates will still assist the victim in receiving other necessary protection and support, such as victim advocacy, academic support or accommodations, disability, health or mental health services, and changes to living, working or course schedules. A victim who at first requests confidentiality may later decide to file a complaint with the school or report the incident to local law enforcement, and thus have the incident fully investigated. These counselors and advocates will provide the victim with assistance if the victim wishes to do so.

NOTE: While these professional and non-professional counselors and advocates may maintain a victim’s confidentiality vis-à-vis the University, they may have reporting or other obligations under state law.

ALSO NOTE: If the University determines that the alleged perpetrator(s) pose a serious and immediate threat to the University community, University Security may be called upon to issue a timely warning to the community. Any such warning should not include any information that identifies the victim.

Reporting to “Responsible Employees”

A “responsible employee” is a University employee who has the authority to redress sexual violence, who has the duty to report incidents of sexual violence or other student misconduct, or who a student could reasonably believe has this authority or duty.

When a victim tells a responsible employee about an incident of sexual violence, the victim has the right to expect the University to take immediate and appropriate steps to investigate what happened and to resolve the matter promptly and equitably.

A responsible employee must report to the Title IX coordinator all relevant details about the alleged sexual violence shared by the victim and that the University will need to determine what happened – including the names of the victim and alleged perpetrator(s), any witnesses, and any other relevant facts, including the date, time and specific location of the alleged incident.

To the extent possible, information reported to a responsible employee will be shared only with people responsible for handling the University’s response to the report. A responsible employee should not share the victim’s identity with law enforcement without the victim’s consent or unless the victim has also reported the incident to law enforcement, absent a subpoena or similar legal requirement.

The following employees (or categories of employees) are the University’s responsible employees:

- All University Administrators, Managers, Supervisors
- Full Time Faculty
- Adjunct Faculty
- Vice President, Human Resources
- All Human Resources Staff
- Dean of Students
- All Student Affairs Staff (Except Wellness Resources)
- Associate Dean of Law Students
- All Law Student Support and Law Career Development Staff
- All Academic Advisors
- All University Security Staff in Business Services

Before a victim reveals any information to a responsible employee, the employee should ensure that the victim understands the employee’s reporting obligations – and, if the victim wants to maintain confidentiality, direct the victim to confidential resources.

If the victim wants to tell the responsible employee what happened but also maintain confidentiality, the employee should tell the victim that the University will consider the request, but cannot guarantee that the University will be able to honor it. In reporting the details of the incident to the Title IX Coordinator, the responsible employee will also inform the Coordinator of the victim’s request for confidentiality.

Responsible employees will not pressure a victim to request confidentiality, but will honor and support the victim's wishes, including for the University to investigate fully an incident, but will let the victim know how confidentiality can limit what action the University can take. By the same token, responsible employees will not pressure a victim to make a full report if the victim is not ready to.

Requesting Confidentiality From the University: How the University Will Weigh the Request and Respond.

If a victim discloses an incident to a responsible employee but wishes to maintain confidentiality or requests that no investigation into a particular incident be conducted or disciplinary action taken, the University must weigh that request against the University's obligation to provide a safe, non-discriminatory environment for all students, including the victim.

If the University honors the request for confidentiality, a victim must understand that the University's ability to meaningfully investigate the incident and pursue disciplinary action against the alleged perpetrator(s) may be limited.

Although rare, there are times when the University may not be able to honor a victim's request in order to provide a safe, non-discriminatory environment for all students.

The University has designated the following individual(s) to evaluate requests for confidentiality once a responsible employee is on notice of alleged sexual violence:

Vice President, Human Resources

When weighing a victim's request for confidentiality or that no investigation or discipline be pursued, s/he will consider a range of factors, including the following:

- The increased risk that the alleged perpetrator will commit additional acts of sexual or other violence, such as:
 - whether there have been other sexual violence complaints about the same alleged perpetrator;
 - whether the alleged perpetrator has a history of arrests or records from a prior school indicating a history of violence;
 - whether the alleged perpetrator threatened further sexual violence or other violence against the victim or others;
 - whether the sexual violence was committed by multiple perpetrators;
- whether the sexual violence was perpetrated with a weapon;
- whether the victim is a minor;
- whether the University possesses other means to obtain relevant evidence of the sexual violence (e.g., security cameras or personnel, physical evidence);
- whether the victim's report reveals a pattern of perpetration (e.g., via illicit use of drugs or alcohol) at a given location or by a particular group.

The presence of one or more of these factors could lead the University to investigate and, if appropriate, pursue disciplinary and/or other action. If none of these factors is present, the University will more likely respect the victim's request for confidentiality.

If the University determines that it cannot maintain a victim's confidentiality, the University will inform the victim prior to starting an investigation and will, to the extent possible, only share information with people responsible for handling the University's response.

The University will remain ever mindful of the victim's well-being, and will take ongoing steps to protect the victim from retaliation or harm and work with the victim to create a safety plan. Retaliation against the victim, whether by students or University employees, will not be tolerated. The University will also:

- assist the victim in accessing other available victim advocacy, academic support, counseling, disability, health or mental health services, and legal assistance both on and off campus (see portion of policy identifying these);
- provide other security and support, which could include issuing a no-contact order, helping arrange a change of living or working arrangements or course schedules (including for the alleged perpetrator pending the outcome of an investigation) or adjustments for assignments or tests; and
- inform the victim of the right to report a crime to campus or local law enforcement – and provide the victim with assistance if the victim wishes to do so.

The University may not require a victim to participate in any investigation or disciplinary proceeding.

Because the University is under a continuing obligation to address the issue of sexual violence campus-wide, reports of sexual violence (including non-identifying reports) will also prompt the University to consider broader remedial action – such as increased monitoring, supervision or security at locations where the reported sexual violence occurred; increasing education and prevention efforts, including to targeted population groups; conducting climate assessments/victimization surveys; and/or revisiting its policies and practices.

If the University determines that it can respect a victim's request for confidentiality, the University will also take immediate action as necessary to protect and assist the victim.

Complaint Procedures

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

Informal Complaint Resolution

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 Vice President 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 Vice President of Human Resources, and the alleged offender, whom the Vice President 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 Vice President 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 Vice President of Human Resources, the Dean of the Law School or the Vice President of Academic Affairs, and the respective Dean of Students.
- If the complaint is initiated against the Vice President of Human Resources, the matter may be concluded with an informal discussion between the President and the Vice President 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 Vice President 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 Vice President 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, and is often 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 Vice President 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 Vice President 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.

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 Vice President of Human Resources. Within

ten (10) working days of the issuance of the investigator's report, the Vice President of Human Resources shall submit a written summary to the President, including a description of any corrective actions to be taken.

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 within twenty (20) working days after submission to the President of the written investigation summary.

Where a determination is made that an employee has engaged in unlawful discrimination or harassment, or 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.

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 unlawful discrimination or harassment, or sexual assault or complicity in sexual assault, that student 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 person doing business with or for the University, the Vice President 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 Vice President 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 Vice President of Human Resources within five (5) working days of the receipt of the written decision of the Dean of Students (for students), the Vice President of Academic Affairs (for faculty) or the Vice President of Human Resources (for staff).

Within five (5) working days after the appeal is filed, all documentation relating to the investigation, including the investigator's report, the Dean of Student's recommendations and the Vice President of Human Resources' 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 Vice President 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.

APPENDIX

RESOURCE GUIDE FOR VICTIMS OF SEXUAL ASSAULT

ASSAULT AWARENESS AND PREVENTION

Sexual assault can happen anywhere. Research findings suggest that approximately 25 percent of women and 5 to 10 percent of men have been raped. (Psychology of Women Quarterly, Vol. 20, 1996.) The research further suggests that the highest number of assaults occur among 18 to 21 year-old women. (Journal of American University Health, Vol. 45, 1997.) Sexual assault is a widespread problem on University campuses across the country, with as many as one in five female students being victimized during their undergraduate careers according to government statistics. Because less than 5 percent of these students report their assault to the police, the response of University's to this problem is extremely important. This guide is offered as a means of becoming aware of the issues involved, the actions you can take to prevent or respond to a sexual attack, and the resources available to victims, their families and friends.

WHAT TO DO IF YOU ARE SEXUALLY ASSAULTED

The following are actions you can take after a rape or other sexual assault:

- Get to a safe place immediately.
- Leave the scene of the crime as is. Do not drink, eat, shower, douche, wash your hands, comb your hair, brush your teeth, or change your clothes. Such activities destroy physical evidence that could be used in the possible prosecution of the perpetrator.
- Contact a friend who can help you and support you.
- Contact the campus or community resources listed below for treatment and counseling.
- **Get medical attention right away.** Even if you do not want to report the event to the police, you may have injuries, sexually transmitted diseases, or a pregnancy that requires medical care. Take a change of clothes to the hospital because those worn during the assault may be collected as evidence. Hospitals can also provide you with emergency contraception upon request.
- Consider contacting Community Violence Solutions (800-670-7273) to advocate on your behalf at the hospital. If you wish, the police may also meet you at the hospital.
- When you get a quiet moment, record everything that you remember happening in detail. This may help you through your own healing process as well as with any legal action you may decide to take.

The importance of seeking immediate medical attention cannot be overstated. While Wellness Resources will support and act as a resource for any student, the most comprehensive, complete medical care is available at a local hospital emergency room.

HOSPITAL EMERGENCY NUMBERS

San Francisco General Hospital

415-206-8000

UCSF Medical Center

415-476-1000

Kaiser Permanente San Francisco Medical Center

415-833-2000

RIGHTS OF A SURVIVOR

- You have the right to receive medical care and mental health treatment.
- You have the right to participate in legal procedures only after giving informed consent.
- You have the right not to be asked questions about prior sexual experiences.
- You have the right to keep your name from the media.
- You have the right to be protected against future assaults.
- You have the right to report to the police.
- You have the right not to report to the police.
- You have the right to be given as much credibility as a victim of any other crime.
- You have the right to be treated with dignity and respect.

HOW TO HELP A FRIEND

- Give your friend the chance to talk about the experience and her or his feelings. Be supportive and thoughtful in your responses. Do not overreact. Do not question your friend's actions or judgment. Believe your friend, and let your friend know you do.
- Show interest, but do not pry or ask for specific details which may make the survivor relive the experience. Allow your friend to be silent. You do not have to speak when she or he stops talking.
- Support your friend in making decisions about whom to tell and how to proceed, but recognize your own limitations. No one expects you to be an expert in counseling or sexual assault; therefore, avoid making strong recommendations to the survivor. Instead, listen and then ask how you can help.
- Do not touch or hug your friend without permission.
- Realize that as a friend you yourself may need counseling to cope with the events your friend may have shared with you.

REPORTING THE ASSAULT

San Francisco Police:

911 or 415-553-0123 (anytime)

Domestic Violence Reporting

415-553-9225

SF DHS Child Abuse Reporting

415-558-2650/1-800-856-5553

Adult/Elder Protective Services

415-553-9225

ONGOING SUPPORT

Immediately following the assault, and later when you may find you need support and counseling, there are University and community resources available to you. The following people are trained to offer you this kind of support and counseling:

- Wellness Resources: 415-442-6578 (M-Th 9-6:30; F 9-5)
- Community Violence Solutions: 1-800-670-7273 (RAPE)
- San Francisco Rape Treatment Center: 415-206-3222
- San Francisco Women Against Rape 415-647-7273

CRISIS LINES: 24 HOUR / 7 DAYS A WEEK

WOMAN, Inc.	864-4722/1-877-384-3578
La Casa de Las Madres	1-877-503-1850
La Casa de Las Madres (Teen Crisis Line)	1-877-923-0700
Riley Center	415-255-0165
Asian Women's Shelter	1-877-751-0880
National Domestic Violence Hotline	1-800-799-7233
San Francisco Women Against Rape	415-647-7273
SF Suicide Prevention	415-781-0500/1-800-SUICIDE
SFGH Psych. Emergency	415-206-8125
Youth Crisis Line	1-800-843-5200

If you are in danger or need immediate medical help, call 911.