



3.6 Harassment, Discrimination, and Retaliation Policy

The College is committed to providing an educational and employment environment where individuals with diverse backgrounds and experiences can work to advance the institution's mission free from unlawful harassment, discrimination, and retaliation. To accomplish this goal, it is essential for all people to be treated with dignity, decency, and respect. Therefore the College will not tolerate harassment or unlawful discrimination based on race, religion, color, sex (including pregnancy, childbirth, breastfeeding, or related medical condition), gender identity and gender expression, national origin, ancestry, physical or mental disability, medical condition, genetic information, marital status, age, sexual orientation, military and veteran status, or any other basis protected classification under federal, state, or local law (hereinafter referred to as protected class or classification). Through the enforcement of this policy and by educating employees, the College seeks to prevent, correct, and discipline behavior that violates this policy. In addition, the College will not tolerate retaliation against an employee engaging in a lawfully protected activity, such as participating in the grievance process or opposing conduct that constitutes a policy violation.

PUC's policy on the prevention of harassment, discrimination, and retaliation, applies to the behavior and activities of all campus community members; including students, faculty, staff, administrators, trustees, volunteers, guests, vendors, consultants, or any person who provides services to PUC, whether on or off campus. Such activities include, but are not limited to, classes, seminars, meetings, events, and study abroad programs. All individuals are expected to comply with the provisions of this policy, including taking appropriate measures to ensure that prohibited conduct does not occur. Appropriate disciplinary action will be taken against any employee who violates this policy based on the seriousness of the offense, up to and including termination.

Allegations of harassment, discrimination, and retaliation, except on the basis of sex as covered in the College's Title IX policy, shall be administered by the College's Human Resources Department. Allegations of harassment, discrimination, and retaliation on the basis of sex fall under the College's Title IX: Sex Nondiscrimination and Sexual Harassment Policy, and shall be administered by the College's Title IX office. This policy also contains the complaint resolution process for all PUC campus community members. The process may vary depending on who is involved, the type of conduct, and the severity of the conduct and/or consequences. Sanctions for violating the policy by a non-student may be governed by another college policy, depending on the role of the person who violated the policy.

The free exercise of religion, guaranteed by the United States Constitution, includes the right to establish and maintain religious educational institutions. The College is a religious nonprofit, owned and operated by the Seventh-day Adventist Church as an integral part of the Church's teaching ministry. Federal and state law recognize the right

of the College as a religious institution to give preference in employment of faculty and staff and admissions of students to members of the church which sponsors the institution.

Furthermore, nothing in this policy or in third-party training programs or materials shall constitute, or be interpreted as, a waiver of any right, privilege, or exemption the College possesses as a nonprofit religious corporation under the U.S. Constitution, the California Constitution, or any other federal, state, or local law. The College continues to reserve all such rights, privileges, and exemptions.

For more information on Harassment, Discrimination, and Retaliation, please contact PUC's Human Resources Department or Title IX Office.

3.6.1 Nondiscrimination Policy

Pacific Union College (PUC) believes that all people are created in the image of God, and therefore should be treated with dignity and respect. PUC highly values its diverse campus community, as it is representative of cultures around the world. In keeping with that belief, PUC does not unlawfully discriminate on the basis of race, religion, color, sex (including pregnancy, childbirth, breastfeeding, or related medical condition), gender identity and gender expression, national origin, ancestry, physical or mental disability, medical condition, genetic information, marital status, age, sexual orientation, military and veteran status, or any other basis protected classification under federal, state, or local law in administration of its educational policies, admissions, financial aid, employment, educational programs, or activities.

Discrimination for purposes of this policy is an unlawful prejudicial and/or harmful action taken against a person on the basis of a protected classification. The College is committed to complying with all applicable laws providing equal employment opportunities. It is a violation of the College's nondiscrimination policy to unlawfully discriminate on the terms of employment, such as the provision of employment opportunities, benefits, or privileges; creating discriminatory work conditions; or using discriminatory evaluative standards in employment if the basis of that discriminatory treatment is, in whole or in part, a person's protected class. Any person who is found to have violated this aspect of the policy will be subject to discipline up to and including termination of employment.

As stated in Section 3.6, PUC is a religious nonprofit institution that exercises its right to give preference in employment of faculty and staff and admissions of students to members of the church which sponsors the institution. While PUC opposes harassment, discrimination, and retaliation as stated in this policy, it does not waive any exemptions afforded to religious non-profit corporations under the U.S. Constitution, the California Constitution, or any other federal, state, or local law.

3.6.2 Harassment

The College prohibits conduct that is disrespectful, unprofessional, or harassment based on the above-mentioned protected classes. Actions, words involving slurs, and other verbal or physical conduct relating to an individual's protected characteristic may

constitute harassment when such conduct:

- a. Has the purpose or effect of creating an intimidating, hostile, or offensive working environment,
- b. Has the purpose or effect of unreasonably interfering with another's work performance, or
- c. Otherwise adversely affects an individual's employment opportunities.

Employees, students, visitors, volunteers, guests, others providing services to the College, and any other persons are prohibited from engaging in such actions, which are intolerable, may be illegal, and will result in appropriate discipline, up to and including dismissal. If such action persists or if the person feeling harassed is uncomfortable in confronting the offender, the complaint procedure outlined below should be followed.

3.6.3 Title IX: Sex Nondiscrimination and Sexual Harassment Policy

The College is committed to providing a respectful learning, living, and working environment that is free of sexual harassment, retaliation, and unlawful sex discrimination. Acts of sexual harassment and unlawful sex discrimination, regardless of the length of the relationship or gender of the individuals, are inconsistent with this commitment, strictly prohibited, and intolerable.

The Title IX Office is tasked with administering the College's Sex Nondiscrimination and Sexual Harassment policy in a fair and equitable manner, as well as addressing the College's responsibilities regarding Title IX and the Violence Against Women Reauthorization Act (VAWA) of 2013; Sec 304.

The College is part of the Seventh-day Adventist system of higher education, a religious institution of higher education. The College is exempted by the state of California Education Code 66270, to the extent the application of Education Code 66270 is not consistent with the institution's religious tenets. Furthermore, the College is exempt from Title IX to the extent the application of Title IX is not consistent with the institution's religious tenets.

For more information on Sex Nondiscrimination and Sexual Harassment Policy, please refer to PUC's website under Title IX.

3.6.3.1 Sex Nondiscrimination Policy

The College adheres to all federal and state civil rights laws prohibiting discrimination, subject to exemptions previously listed in Section 3.6 based on sex or gender in private institutions of higher learning. The Title IX policy covers nondiscrimination on the basis of sex in both employment and access to educational opportunities. Therefore, any member of the College community whose acts unlawfully deny, deprive, or limit the educational or employment and/or social access, benefits, and/or opportunities of any member of the College community, guest, or visitor on the basis of that person's actual or perceived sex or gender is in violation of this policy.

When brought to the attention of the College, any such discrimination will be promptly

and fairly addressed and remedied by the College according to the appropriate grievance process described in the College's Title IX: Sex Nondiscrimination and Sexual Harassment Policy.

3.6.3.2 Sexual Harassment Policy

The College does not tolerate harassment of any employee, student, visitor, or guest. Acts of sexual harassment may be committed by any person upon any other person, regardless of the sex, sexual orientation, and/or gender identity of those involved. Sexual Harassment, as an umbrella category, includes the offenses of sexual harassment, sexual assault, domestic violence, dating violence, and stalking.

The College will act to remedy all forms of harassment when reported, whether or not the harassment rises to the level of creating a "hostile environment." A hostile environment is one that unreasonably interferes with, limits, or effectively denies an individual's educational or employment access, benefits, or opportunities. This discriminatory effect results from harassing verbal, written, graphic, or physical conduct that is severe or pervasive and objectively offensive. The College reserves the right to address offensive conduct and/or harassment that does not rise to the level of creating a hostile environment.

For more information on Sex Nondiscrimination and Sexual Harassment Policy, please refer to PUC's website under Title IX.

3.6.4 Retaliation

PUC is committed to providing a working environment that is free from retaliation for an employee engaging in a lawfully protected activity. No hardship, loss, benefit, or penalty may be imposed on an employee in response to:

- Filing or responding to a bona fide complaint of discrimination or harassment
- Participating in the grievance process of a complaint
- Supporting a Complainant or Respondent
- Assisting in providing information relevant to an investigation
- Acting in good faith to oppose conduct that constitutes a policy violation

Acts of alleged retaliation should be reported immediately to the Title IX office, if the protected activity involves "sex", or to Human Resources for any other protected class or activity. The College shall take appropriate steps to protect individuals who fear that they may be subjected to retaliation.

Lodging a bona fide complaint will in no way be used against the employee or have an adverse impact on the individual's employment status. However, filing groundless or malicious complaints is an abuse of this policy and will be treated as a violation.

Any person who is found to have violated this aspect of the policy will be subject to discipline up to and including termination of employment.

3.6.5 Harassment, Discrimination, and Retaliation Grievance Process

A. Initial Action

Anyone who feels that another person is harassing him or her, or acting in an unlawfully discriminatory manner (hereinafter “offending behavior”), should request without delay that the offending behavior be stopped. If the action perceived as offensive was indeed unintentional or innocent, simply drawing the offender’s attention to it could resolve the problem. If the offending behavior persists, if the person is uncomfortable in confronting the offender, or if the offending behavior is sufficiently serious, he or she should follow the complaint procedure outlined below.

B. Complaint Procedure

Employees who believe that they have been subject to offending behavior by supervisors, fellow employees, clients, students, or non-employees (also referred to as complainant) should immediately follow this complaint procedure:

- a. Report the offense immediately (within 24 hours, if possible) to facilitate prompt follow-up and any necessary investigation.
- b. Report to the department director, the Human Resources Director, or the immediate supervisor of the person the complainant feels has engaged in offending behavior.
- c. Submit the complaint orally or in writing. (Oral complaints must be written and signed by the complainant before a formal investigation begins). Also, written complaints may be submitted anonymously, by completing the report violation form under the Discrimination Policy link on PUC’s website.

C. Investigation Process

The Human Resources Director will confer with all involved persons attempting to determine with appropriate objectivity whether offending behavior did occur, and utilize the following process:

- a. If the facts presented appear to justify further investigation or action, the Human Resources Director will appoint a three-member investigative team of persons appropriate to the type of offending behavior. The team will obtain written statements and will seek to define and remedy the problem.
- b. If the investigating team determines that the complaint of offending behavior is substantiated, immediate and appropriate disciplinary action will be taken. Depending on the severity of the offending behavior, the discipline may include, but not limited to, a written warning to the offender (with a copy to his or her personnel file) to relocation, suspension, or termination of employment. The offender may respond in writing to any written warning or discipline. That written response will be placed in the offender’s personnel file.
- c. The Human Resources Director (or designee) will then explain to the complainant what type of action has been taken.

D. Confidentiality

During the sequence of complaint, investigation, and (if necessary) disciplinary action, personnel responsible for investigating an alleged incident of offending behavior will do their work as expeditiously as care and thoroughness will allow, and as confidentially and as objectively as possible. Because of the sensitive nature of allegations of offending behavior, both those interviewed and those on the investigating team will be instructed to respect the rights of privacy of all participants by refraining from divulging information to third parties except as required by law. They will also be asked and expected to refrain from any retaliatory behavior.

E. Supervisor's Reporting Responsibility

All supervising employees of the College who are aware of incidents of offending behavior in the workplace are responsible for reporting such incidents to the Human Resources Director (or designee), President, Vice-President, supervisor, department chair or director, or another official for investigation.

F. False Allegations

Unfounded allegations of offending behavior can irreparably damage one's reputation and can limit an employee's ability to perform his or her duties. Therefore, though the College encourages individuals to report incidents of offending behavior that they sincerely perceive, any employee who maliciously brings false allegations of offending behavior will be subject to disciplinary action, which may include, but not limited to, a written warning (a copy of which is placed in the employee's personnel file) to relocation, suspension, or termination of employment.

3.6.6 Harassment Prevention Training

As a California employer with five or more employees, the College requires two hours of sexual harassment, abusive conduct, and harassment based on gender prevention training for all supervisors, and one hour for all nonsupervisory employees, within six months of hire or promotion, and every two years thereafter. This training helps to identify and eliminate workplace harassment and unlawful discrimination based on protected characteristics. This training helps employees to understand the law and respond to misconduct appropriately. The training is designed to help employees address inappropriate behavior before it creates a hostile work environment by giving employees the skills necessary to recognize and address abusive behavior and other misconduct that may lead to workplace bullying or hostility, reducing productivity and creativity.