



Interim Discrimination, Harassment,
and Retaliation Prevention Policy for Employees
Chapman University | August 2020

Revised August 14, 2020

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I. Introduction

Chapman University (“the University”) is committed to providing and maintaining a community where all individuals who participate in University programs and activities can achieve their academic and professional aspirations. The University complies with Titles VI and VII of the Civil Rights Act of 1964, Title IX of the Educational Amendments of 1972, as amended, the Violence Against Women’s Act, the California Human Rights Law, and other laws, which prohibit discrimination and harassment against protected categories in University employment and educational programs and activities.

This Policy is intended to ensure a safe and nondiscriminatory employment and educational environment and comply with all applicable laws. The University prohibits any form of unlawful discrimination or harassment. The University strongly encourages those who have experienced, witnessed or become aware of conduct that violates this Policy come forward so that the University can take appropriate steps to end the conduct, remedy its effects, and to prevent its recurrence. The University will protect the privacy of those who come forward to the extent possible and permissible by law.

This Policy sets forth the University’s position on discrimination and harassment, specifies prohibited conduct, and delineated other duties and obligations of University employees and other members of the University community. This Policy then describes reporting options and available resources, including the availability of accommodations and interim measures. The Procedure section sets forth all investigation and disciplinary processes for matters in which employees or third parties are accused of misconduct and includes supplemental procedures for certain types of claims. This policy also prohibits conduct that may be addressed by the University’s [Policy on Sexual Harassment Prohibited by Title IX](#) or the [Student Sexual Misconduct Policy](#), in which case those policies shall apply first.

II. Scope

This policy is to address Prohibited Conduct against University employees by employees or any other persons or third parties with whom University employees have contact through their employment, including applicants, students, student-employees, interns, volunteers, and independent contractors. All employees (including student-employees) are responsible for administering this policy.

This policy applies to Prohibited Conduct that occurs:

- On University property;
- Off-campus, if;
 - (a) the conduct was in connection with a University or University-recognized program or activity, or (b) the conduct may have the effect of creating a hostile environment for a member of the University community.

III. Prohibited Conduct Defined

The University prohibits harassment and discrimination against its employees on the basis of race (including hair texture and protective hair styles) , ethnicity, color, religion (including religious dress and grooming practices), creed, ancestry, national origin, age, medical condition, physical or mental disability, sexual orientation, gender (including sexual harassment, gender identification, gender expression, transgender or LGBTQIA+ status), genetic information, marital status (including registered domestic partner status), military and veteran status, lawful change of name, Social Security Number or federal employment authorization document, receipt of Medi-Cal coverage, California driver’s license with a “federal limits apply” notation, or any other characteristic protected by local, state or federal law. Discrimination or harassment on the basis of sex includes harassment or discrimination on the basis of pregnancy, childbirth, or related medical conditions, breastfeeding, and conditions related to breastfeeding.

The University further prohibits retaliation. Retaliation is an adverse action that is taken because someone files a complaint or participates in this process as a witness. The University will not retaliate, nor will it tolerate retaliation, against individuals who make good faith reports about discrimination, harassment or retaliation in the workplace, whether internally or to an outside agency, or who participate in any workplace investigation under this policy.

IV. Definition of Harassment in Employment

Harassment under this policy means any unwelcome behavior that is reasonably regarded as offensive that is based on a protected category listed above that:

1. Sufficiently offends, humiliates, distresses, or intrudes upon its victim, so as to disrupt the victim's emotional tranquility in the workplace, or
2. Affects the victim's ability to perform the job as usual, or
3. Otherwise interferes with and undermines the victim's personal sense of well-being.

A single incident of harassing conduct may create a hostile work environment if the harassing conduct has unreasonably interfered with the victim's work performance or created an intimidating, hostile, or offensive work environment.

Whether or not the person meant to give offense or believed their comments or conduct were welcome is not significant. Rather, the policy is violated when other individuals, whether recipients or mere observers, are actually offended by comments or conduct based on any protected category and the conduct is considered offensive by a reasonable person.

Examples of conduct based on a protected category that may constitute harassing conduct may include but are not limited to:

- Making gestures, threats, derogatory comments, or slurs that may be reasonably regarded as offensive to individuals in a particular group
- Bullying behavior that is threatening, intimidating, verbally abusive or results in other disruptive actions in the workplace
- Displaying derogatory objects, photographs, cartoons, calendars, or posters

A. Definition of Sexual Harassment in Employment

Sexual harassment under this policy is a particular type of harassment. Certain types of sexual harassment may also be addressed by the University [Policy on Sexual Harassment Prohibited by Title IX for employees](#). If the sexual harassment is by a student, it may also be addressed by the University's [Student Sexual Misconduct Policy](#) or the [Student Code of Conduct](#).

Under this policy, prohibited sexual harassment can include unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature when submission to such conduct:

- Is made a condition of employment or employment decision (*Quid Pro Quo*); or
- Meets the definition of harassment as stated above (*Hostile Work Environment*).

Examples of conduct that may constitute prohibited sexual harassment may include but are not limited to:

- Unwanted physical touching;
- Telling sexually explicit jokes or stories;
- Making comments or gestures reasonably regarded as lewd or offensive;
- Displaying sexually suggestive objects, cartoons, or pictures;
- Sending sexually explicit messages by letter, notes, electronic mail, social media posting, or telephone;
- Making unwelcome comments reasonably regarded as offensive about a person's body, physical appearance, or clothing;
- Frequent use of unwelcome terms of endearment; or
- Repeatedly asking an individual for a date or meetings outside of working hours after they have indicated an unwillingness to go.

The University also prohibits sexual assault, dating violence, domestic violence and stalking based on sex by and against its employees. If this conduct does not fall under the jurisdiction of the University's [Policy on Sexual Harassment Prohibited by Title IX for employees](#) or the [Student Sexual Misconduct Policy for students](#). The University reserves the right to address this conduct under the procedures of this policy, using the same definitions of prohibited conduct as the [Policy on Sexual Harassment Prohibited by Title IX](#) and the definition of affirmative consent. If reported conduct is covered under the Violence Against Women Reauthorization Act of 2013 amendments to the Clery Act, but is not included within the scope of the University's [Policy on Sexual Harassment Prohibited by Title IX](#), the obligations under the 2013 amendments to the Clery Act will apply. In these cases, as required by VAWA, the parties shall be entitled to have an advisor of choice at any meetings or proceedings and to receive simultaneous notice of the outcome and results and the available appeal procedures. The University's victim's resource packet is available from the Equal Opportunity and Diversity Officer.

B. Discrimination in Employment

The University also prohibits discrimination based on lawfully protected categories. This is separate from harassment. Discrimination occurs when an employee treats other employees differently based on protected categories while performing acts that are in the course and scope of employment of the person committing discrimination. Complaints of discrimination shall be processed under this policy.

The University's Statements of Non-discrimination

The University is committed to providing an environment that is free from discrimination and harassment based on race, age, creed, color, religion, national origin or ancestry, sex, gender, disability, veteran status, genetic information, sexual orientation, gender identity or expression, or pregnancy and will not discharge or in any other manner discriminate against employees or applicants because they have inquired about, discussed, or disclosed their own pay or the pay of another employee or applicant. The University is fully committed to achieving a diverse workforce and complies with all Federal and California State laws, regulations, and executive orders regarding non-discrimination and affirmative action.

University employees and third parties have the right to work in a professional environment that promotes equal employment opportunities and prohibits discriminatory practices, including harassment. All employees, applicants for employment and third parties with the University are protected from prohibited conduct. The University expects that all relationships among persons in the workplace will be free of bias, prejudice and harassment. Retaliation of any kind is a separate violation of this Policy and may lead to an additional complaint and disciplinary action. Complaints of discrimination, harassment of any kind, and retaliation against an employee or third party may be directed to the Equal Opportunity and Diversity Officer.

Title IX Statement

The University does not discriminate based on sex in any program or activity, including in the admissions process and employment, and is prohibited from such discrimination by Title IX and 34 CFR Part 106. Complaints of discrimination based on sex or questions about Title IX can be directed to The Equal Opportunity and Diversity Officer or to the U.S. Assistant Secretary of Education, or both. To report a complaint of sex discrimination or sexual harassment, or for any questions related to Title IX, please contact the following parties:

University employees, third parties, and students who believe they or others have been subjected to harassment, discrimination and/or sexual harassment by a University employee or third party, please contact one of the following:

Albert Roberson, Equal Opportunity and Diversity Officer
Deputy Title IX Coordinator and ADA/ 504 Officer
DeMille Hall
One University Drive
Orange, CA 92866
Tel: (714) 997-6847
Email: aroberson@chapman.edu

Dawn White, Investigator
DeMille Hall
One University Drive
Orange, CA 92866
Tel: (714) 997-6827
Email: dawhite@chapman.edu

University employees, third parties, and students who believe they or others have been subjected to harassment, discrimination and/or sexual harassment by a University student, please contact one of the following:

DeAnn Yocum-Gaffney, Lead Title IX Coordinator
Associate Vice President for Student Affairs
and Senior Associate Dean of Students
Argyros Forum 302A
One University Drive
Orange, CA 92866
Dean of Students Office
Tel: (714) 532-6056
Email: gaffney@chapman.edu

Lauren Lockwood, Title IX Investigator
and Program Coordinator for Student Affairs
Argyros Forum 302
One University Drive
Orange, CA 92866
Dean of Students Office
Tel: (714) 744-7693
Email: llockwood@chapman.edu

Ezra Omar, Title IX Investigator
and Program Coordinator for Student Affairs
Argyros Forum 302
One University Drive
Orange, CA 92866
Dean of Students Office
Tel: (714) 532-6039
Email: comar@chapman.edu

Reports may be made at any time (including during non-business hours) by using the telephone number, electronic mail address or Equal Opportunity and Diversity Office webpage, or by mail to the office address listed above. A Complainant has the option to choose whether they will notify and seek assistance from law enforcement.

Section 504 Statement

The University does not discriminate based on disability in any program or activity, including in the admissions process and employment, and is prohibited from such discrimination by Section 504 of the Rehabilitation Act. Denial of an accommodation and disability-discrimination complaints may be filed under this policy.

Complaints of disability discrimination can be directed to the University's Section 504 Coordinator or to the U.S. Assistant Secretary of Education, or both. To make a report or complaint of discrimination please contact:

Albert Roberson, ADA/504 Officer,
Equal Opportunity and Diversity Officer and
Deputy Title IX Coordinator
DeMille Hall
One University Drive
Orange, CA 92866
Tel: (714) 997-6847
Email: aroberson@chapman.edu

Questions or complaints about Title IX or Section 504 may be directed to the assistant secretary for civil rights:

Office for Civil Rights,
San Francisco Office
U.S. Department of Education
50 United Nations Plaza
San Francisco, CA 94102
Telephone: (415) 486-5555
Facsimile: (415) 486-5570
Email: OCR.SanFrancisco@ed.gov

Title VI Statement

The University does not discriminate based on race, color or national origin in any program or activity, including in the admissions process and employment, and is prohibited from such discrimination by Title VI. To make a report or complaint of discrimination or for any questions related to Title VI, please contact the Equal Opportunity and Diversity Officer.

Age Discrimination Act of 1975 Statement

The University does not discriminate based on age in any program or activity, including in the admissions process and employment and is prohibited from such discrimination by the Age Discrimination Act of 1975. To make a report or complaint of discrimination or for any questions related to the Age Discrimination Act of 1975, please contact the Equal Opportunity and Diversity Officer.

C. Harassment of Students by Employees

In addition to the conduct prohibited by the [Policy on Sexual Harassment Prohibited by Title IX](#), employees may not engage in specific forms of prohibited conduct against the University's students, including: harassing conduct by an employee (e.g. physical, verbal, graphic or written) that is so sufficiently severe, pervasive or persistent so as to interfere with or limit the ability of a student to participate in or benefit from the services, activities or privileges provided by the University. Employees are additionally prohibited from engaging in "sexual harassment" of students, which is defined as unwelcome sexual advances, requests for sexual favors, and other verbal, visual, or physical conduct of a sexual nature, made by someone from or in the work or educational setting, under any of the following conditions: (a) submission to the conduct is explicitly or implicitly made a term or a condition of a student's employment, academic status, or progress; (b) submission to, or rejection of, the conduct by a student is used as the basis of academic decisions affecting the individual; (c) the conduct has the purpose or effect of having a negative impact upon the student's academic performance, or of creating an intimidating, hostile, or offensive educational environment; (d) submission to, or rejection of, the conduct by a student is used as the basis for any decision affecting a student regarding benefits and services, honors, programs, or activities available at or through the educational institution.

Complaints by students (except student-employees who are making a complaint in their capacity as employees) against employees will use the above definitions and shall be resolved pursuant to this policy unless otherwise covered by the University's [Policy on Sexual Harassment Prohibited by Title IX](#).

V. Reporting Prohibited Conduct

The University encourages individuals who believe they are subject to conduct prohibited by this policy to, whenever possible, promptly advise the offender that their behavior is unwelcome/unacceptable and request that it be discontinued. The University recognizes that an individual may prefer to pursue the matter through an informal or formal complaint process under this policy. Any manager or supervisor who witnesses or hears about conduct prohibited by this policy must immediately report the conduct to the Equal Opportunity and Diversity Officer.

The University encourages the prompt reporting of complaints or concerns so that rapid and constructive action can be taken. Individuals who feel they have been the victim of or witness such conduct should promptly report the complaint because early reporting and intervention have proven to be the most effective method of resolving actual

or perceived incidents. However, late reporting by itself will not preclude the University from taking appropriate remedial action.

Any good faith discrimination, harassment, or retaliation complaint or concern that is brought to the University's attention will be reviewed and resolved, even if the complaint or concern comes to light in a manner that is not addressed as outlined in this section. University employees serving in a privileged professional capacity (counselors, clergy, medical providers and rape-crisis counselors) are not obligated to report and, absent a request by the Complainant, should not report information disclosed to them in their capacity as a privileged professional, except as required by law.

The following are individuals who can offer support:

Fish Interfaith Center

One University Drive, Orange, CA 92866

(714) 628-7289

docent@chapman.edu

Reverend Gail Stearns, Ph.D., Dean of Chapel - (714) 628-7289

Reverend Nancy Brink, Director of Church Relations - (714) 997- 6760

Rabbi Cori Yutkin, Director of Jewish Life - (714) 628-7260

Father Rafael Luévano, Associate Professor of Religious Studies - (714) 532-6098

Shaykh Jibreel Speight, Director of Muslim Life - (714) 628-2646

Reverend Cisa Payuyo, Associate Director of Church Relations - (714) 997- 6760

Dr. Dani Smith, Rape Crisis Counselor, PEER & Health Ed - (714) 744-7080

University Ombudsman Office

Dr. Ron Steiner

418 North Glassell Street, Orange, CA 92866

(714) 628-7356

steiner@chapman.edu

For the purposes of this policy and any complaint of Prohibited Conduct covered by this policy that is brought to the attention of the above parties is not considered notice to the University, however, these individuals may be required to report such information as required by their licensing body.

VI. Procedures for Resolving Complaints of Prohibited Conduct Under This Policy

The University will follow the procedures set forth below to ensure prompt and equitable resolution of complaints of conduct prohibited by this policy.

The University will take appropriate action in response to complaints or knowledge of such behaviors while preserving the rights of those against whom allegations have been made to receive procedural protections in the fact-finding and decision-making process. All such investigations will be conducted by qualified, impartial personnel in a manner that is fair, equitable, and timely to all parties. The University maintains the confidentiality of such investigations to the extent possible, documents and tracks investigations to ensure reasonable progress, and closes investigations in a reasonably timely manner.

All complaints shall be acknowledged promptly and resolved timely. Interim and remedial measures shall be considered on a case by case basis. Prior to both Informal and Formal procedures, an initial assessment will occur.

A. Preliminary Assessment

The University has several policies that address prohibited sexual harassment. Certain types of sexual harassment may also be addressed by the University's [Policy on Sexual Harassment Prohibited by Title IX](#). If the prohibited behavior is by a student, it may also be addressed by the University's [Student Code of Conduct or the Student Sexual Misconduct Policy](#). Upon receipt of information that any of these policies may be implicated, the appropriate office will conduct a preliminary assessment to gather information about the nature and scope of the allegations. In general, conduct implicating the University's [Policy on Sexual Harassment Prohibited by Title IX](#) will be evaluated by [SPECIFY] to determine if that policy applies first. If it is determined that the University's [Policy on Sexual Harassment Prohibited by Title IX](#) does not apply (or if that or another relevant policy has not been implicated), the following process will generally be used:

After receiving a complaint alleging a violation of prohibited conduct, the Equal Opportunity and Diversity Officer will assign the complaint to a human resources coordinator who will conduct an initial assessment of the allegations, (unless the EODO determines that sufficient information was gathered in the assessment of the University's [Policy on Sexual Harassment Prohibited by Title IX](#) or other applicable policy).

This initial assessment may include, but is not limited to:

- The human resources coordinator will contact the Complainant in an attempt to gather a more complete understanding of the allegation, as well as any related conduct that may be in violation of the Policy.
- When a complaint is brought forth by a Reporter, the assigned human resources coordinator will endeavor to meet with the person identified as the potential Complainant both to gather information and to discuss their interest in participating in an investigation.

After contacting the Complainant, the human resources coordinator will consult with the Equal Opportunity and Diversity Officer, or designee, who will assess the available information, determine if a complaint is supported or unsupported by any such information, and take the following actions:

- Dismiss the complaint if it determines that the report does not allege facts that, if substantiated, would constitute a violation of the Policy, that the facts as alleged in the report are refuted by evidence or information known to or possessed by the Equal Opportunity and Diversity Officer;
- Refer the report to another office to address the alleged conduct through alternate means;
- Review available options for resolution with the parties. Resolution options may include the Informal Complaint Process and Formal Complaint Process, as described below.

Based on the information gathered, the Equal Opportunity and Diversity Officer or designee will determine whether an investigation is warranted and what policy applies to the complaint. The University will endeavor to complete initial assessments within 7 business days from the date a complaint is filed.

B. Informal Complaint Process

If determined by the Equal Opportunity and Diversity Officer and the parties agree to pursue the Informal Complaint Process, the Equal Opportunity and Diversity Officer will inform the Respondent's supervisor and the Equal Opportunity and Diversity Officer will attempt to resolve the complaint. The Informal Complaint process must adequately address the concerns of the Complainant, as well as the rights of the Respondent and the overall intent of the University to stop, remedy and prevent policy violations. A complaint will be deemed resolved when the parties expressly agree to an outcome that is also acceptable by the Equal Opportunity and Diversity Officer. If resolution is reached, a record of the resolution will be maintained on file in the Equal Opportunity Office (and is considered final).

Participation in the informal complaint process is optional and not a prerequisite to filing a formal complaint. If at any point during the informal complaint process the Complainant or the Respondent wishes to cease the informal complaint process and proceed through the formal complaint process, the formal complaint process outlined below will be initiated.

The Equal Opportunity Office endeavors to conclude the Informal Process within 14 business days of the agreed upon request, unless unusual or complex circumstances exist.

C. Formal Complaint Process

Individuals who believe they have been the victim of conduct prohibited by this policy or believe they have witnessed such conduct and wish to file a formal complaint should contact the Equal Opportunity and Diversity Officer. If the complaint is against the Equal Opportunity and Diversity Officer, the individual should contact the Chief Human Resources Officer. It is helpful for the individual to submit the complaint in writing, but a written complaint is not required in order for the University to investigate. If a Formal Complaint has already been filed under the University's [Policy on Sexual Harassment Prohibited by Title IX](#), resolution of that process shall be completed prior to the invocation of this process.

Any reported allegations of conduct prohibited by this policy will be reviewed promptly and impartially by qualified personnel (including external third-parties when necessary) under the direction of the Equal Opportunity and Diversity Officer, unless the report is against the Equal Opportunity and Diversity Officer, in which case the Chief Human Resources Officer will direct the process. When an investigation is deemed appropriate and/or necessary, the investigator will conduct a fair, timely, and thorough investigation that provides all parties appropriate due process and reaches reasonable conclusions based on the evidence collected. The investigation may include individual interviews with the parties involved and, where necessary, with individuals who may have observed the alleged conduct or may have other relevant information. Confidentiality will be maintained throughout the investigation to the extent possible consistent with adequate investigation practices. This means that allegations will not be kept completely confidential and information will be disclosed to those who have legitimate need to know. The investigation process will give persons accused of prohibited conduct notice of the nature of the allegations and a meaningful opportunity to respond. The standard of proof shall be preponderance of the evidence.

After the investigation is complete, Equal Opportunity and Diversity Officer shall recommend how the University shall resolve the matter in terms of eliminating discrimination/harassment in the workplace and ensuring compliance with this policy. If a determination is made that there has been a violation of this policy, the Equal Opportunity and Diversity Officer shall refer the matter and investigative report to the appropriate administrator responsible for discipline to determine what disciplinary action, if any, shall be imposed. If at the end of the investigation misconduct is found, appropriate remedial measures shall be taken. Any employee who is found to have violated this policy will be subject to corrective action. Corrective action could include required subject matter courses/development, letter(s) of reprimand, and disciplinary action up to and including termination of employment.

The Equal Opportunity and Diversity Officer is responsible for communicating and administering approved disciplinary action against university employees. All actions shall be timely and shall consider appropriate remedial actions and resolutions. The case shall be closed in a timely manner.

VII. Appeals

Within 10 business days of receiving the written determination, either party may appeal from a determination regarding responsibility on the following grounds:

- Ground 1:** Procedural irregularity that affected the outcome of the matter;
- Ground 2:** New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter; and

- Ground 3:** The investigator(s), or decision-maker(s) had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that affected the outcome of the matter.

Appeals must be sent to Brian Powell, Chief Human Resources Officer in writing to powell@chapman.edu.

2. Response to Appeals

As to all appeals, the Chief Human Resources Officer (or designee) shall:

- i. Notify the other party in writing immediately when an appeal is filed and implement appeal procedures equally for both parties;
- ii. Ensure that the decision-maker(s) for the appeal is not the same person as the decision-maker(s) that reached the determination regarding responsibility or dismissal, or the investigator(s)'
- iii. Ensure that the decision-maker(s) for the appeal complies with the standards set forth in this policy;
- iv. Give the non-appealing party an opportunity to submit a written statement in response to the appeal within 10 business days of receiving the appeal, which shall be transmitted within 2 business days to the Appeal decision-maker(s).

3. Decision on Appeal

Within 20 business days of receiving the appeal and the response, the Appeal decision-maker(s) shall issue a written decision describing the result of the appeal and the rationale for the result; and provide the written decision simultaneously to both parties. The Appeal decision-maker(s) may deny the appeal or, if the appeal ground(s) has or have been met, may return the case to the initial decision-maker(s) for reconsideration. If a case is returned to the initial decision-maker(s), the Appeal decision-maker(s) shall identify which aspects merit further review.

VIII. Required Training

Every employee upon hire and biennially thereafter is required to review this policy, acknowledge they have read and understand its content. Supervisors undergo mandatory sexual harassment prevention training within six months of initial employment and biennially thereafter. Additionally, all non-supervisory employees (including temporary employees and volunteers) must complete a one-hour workplace sexual harassment prevention training within six months of their initial employment and biennially thereafter.

IX. Effective Date; Revisions

This policy is effective as of August 14, 2020