A. POLICY STATEMENT

In order to advance its fundamental value of “creating a culture of service that respects and promotes the dignity of every person”1, the University of San Francisco (“University”) is committed to a workplace and educational environment that is free of sexual and other unlawful harassment. Sexual harassment is unlawful under Title IX of the 1972 Education Amendments, Title VII of the Civil Rights Act of 1964, and the California Fair Employment and Housing Act. As a matter of University policy, sexual or other unlawful harassment occurring in the course of any University activity is prohibited. This policy provides complaint procedures to assist the University in its efforts to implement this policy.

Harassment on the basis of race, religious creed, color, national origin, ancestry, disability, marital status, medical condition (cancer-related or genetic-related), sexual orientation, sex, age, or any other protected status under federal, state or local law, ordinance or regulation applicable to the University, is a violation of this policy.

Any such harassment of any individual in the course of any University-administered program, job or activity is prohibited and shall not be tolerated. The University shall take prompt and effective corrective action to address unlawful harassment, including, where appropriate, dismissal or expulsion. The policy explicitly applies to University students, faculty, staff, administrators, independent contractors and all other individuals engaged in University activities. Individuals who know of harassment, or believe that they have been harassed, in violation of this policy have access to the complaint procedures described below and are encouraged to utilize these complaint procedures.

B. STATEMENT OF PROHIBITED CONDUCT

1. Sexual Harassment Violates State and Federal Law:

   Conduct in violation of this policy occurs when an individual’s behavior involves (1) unwelcome sexual advances; (2) unwelcome requests for sexual favors; (3) other unwelcome verbal, physical, or visual behavior of a sexual nature; or (4) harassment or discrimination based on gender. Such conduct is a violation of this policy and of law when:

   • Submission to such behavior is made explicitly or implicitly a term or condition of an individual’s education or employment; or
   • Submission to, or rejection of, such behavior by an individual is used as a basis for educational or employment decisions; or
• Such behavior otherwise has the purpose or effect of unreasonably interfering with, or otherwise creating an intimidating, hostile, or offensive educational or employment environment.

Title VII and Title IX of the Civil Rights Act of 1964; 29 CFR §1604.11(a).

2. **Prohibited Behavior:**

   The behavior may take a variety of forms including, but not limited to, the following:
   
   • Verbal conduct such as epithets, derogatory comments, slurs, or unwelcome sexual advances, invitations, or comments;
   • Visual conduct such as derogatory posters, photography, cartoons, drawings, or gestures;
   • Physical conduct such as unwanted touching, blocking normal movement, or interfering with work;
   • Threats and demands, such as those which seek submission to sexual requests, in order to retain employment or education benefits and/or offers of job or education benefits or conditions in return for sexual favors;
   • Retaliation, in the form of adverse employment or educational actions, opposing, reporting or threatening to report harassment or for participating in a good faith investigation proceedings or hearings related to this policy;
   • Harassing behavior includes conduct directed towards persons of the same or opposite sex.
   • Abusive conduct that may include repeated verbal abuse, such as derogatory remarks, insults, and epithets, verbal or physical conduct that a reasonable person would find threatening or intimidating.
   • Sexual assault, dating violence, stalking and domestic violence that impacts a student’s, faculty or staff member’s course of work or study at the University.

3. **Retaliation is Prohibited:**

   An individual’s good-faith filing of or pursuing a complaint under this policy or otherwise reporting, complaining, assisting or cooperating in good faith with a complaint of harassment shall not be the basis for any adverse University decision regarding the student, employment or other status of any student, faculty member, staff member, administrator, independent contractor or other individual engaged in University activities. Such retaliation is forbidden by this policy.

C. **PROCEDURES FOR HARASSMENT COMPLAINTS**

   The University encourages students, faculty, staff, administrators, independent contractors and all other individuals engaged in University activities who know of harassment, or believe that they have been harassed in violation of this policy to utilize
the complaint procedures described below. A complaint should be filed promptly if an instance of harassment has occurred or is expected to occur. Unless good cause exists, complaints must be filed no later than one year after the harassment occurs.

The complaint procedure is as follows:

1. **Reporting Harassment:**

   Students, faculty, staff, administrators, independent contractors and all other individuals engaged in University activities are encouraged to report any conduct of which they have direct knowledge and which they in good faith believe constitutes harassment in violation of this policy. Managers have a legal duty to report any conduct of which they have direct knowledge, and which they in good faith believe constitutes harassment in violation of this policy.

2. **Intake Procedure:**

   (a) Students, faculty, staff, administrators, independent contractors and all other individuals engaged in University activities who have a harassment complaint are encouraged to contact a University intake officer as soon as possible after the act of harassment has occurred. Delay in initiating a complaint impedes the University’s ability to remedy unlawful harassment.

   (b) The individual making the complaint (“complainant”) may contact one of the following intake offices, each of which has a designated and trained University member to receive such complaints and to initiate actions under this procedure:

   - Center for Academic and Student Achievement, Student Life; University Center, 3rd Floor; Charlene Lobo Soriano, University Advisor, 415-422-6841.

   - Human Resources; Lone Mountain, Room 339; Diane Nelson, Director of Human Resources, 415-422-6707.

   Should a complainant choose not to file a complaint using one of the intake options set forth above, she/he may bring the matter to the attention of any appropriate administrator or designee. University officials are empowered and required to address harassing behavior promptly and thoroughly. A complainant may always directly contact her/his department head or supervisor, or the HR Director of Employment. If the harassing behavior involves the department head or supervisor, a complainant may contact the next level supervisor. As soon as the complainant contacts the department head or supervisor directly, the department head or supervisor shall immediately notify the HR Director of Employment.

   (c) During intake, complainants shall be informed of both the informal and formal complaint procedure options.
3. Informal Complaint Procedure:

- The complainant may initially meet with the appropriate Dean, department head or supervisor, or if the complainant is a student, complaining of conduct that is not within an employment context, with the Vice Provost for Student Life. The Vice Provost shall immediately notify the HR Director of Employment; or
- The complainant may initially meet with the person whose conduct is complained of ("accused"), with the intake officer present to assist in the discussion; or
- The complainant may request that the intake officer initially meet with the accused.

Informal options may always be pursued as a first step. The intake officer and/or the HR Director of Employment shall be available to meet with the individuals involved jointly or separately, and seek to find a resolution that is acceptable, provided the University concludes that such resolution is likely to provide prompt and effective corrective action. Any such proposed resolution at the informal complaint stage must be presented to the HR Director of Employment for review. All efforts to resolve complaints informally should be made promptly and within 30 working days of receipt of the complaint.

If an acceptable resolution is not reached, or is not likely to be reached, within 30 working days or otherwise in a manner necessary to promptly and effectively correct harassment, the complainant or the HR Director of Employment may determine to resolve the matter through the formal complaint procedure, or the University may take immediate action it deems necessary to ensure prompt and effective corrective action.

4. Formal Complaint Procedure:

At the time of intake or thereafter, the complainant may file a written complaint with the Office of the Assistant Vice President for Human Resources ("AVP"). The AVP shall promptly provide written notice of the complaint to the applicable Dean, department head and/or supervisor, and the applicable Vice President for the accused. A copy of such written notice shall also be provided to the accused.

The complainant should ordinarily include details of the incident(s), the name(s) of the person(s) alleged to have engaged in the conduct complained of, the names of any witnesses, and all relevant documents.

- Investigation

All complaints shall be investigated by the HR Director of Employment, other trained University personnel and/or a retained independent investigator. The investigator shall expeditiously investigate the matter in accordance with all applicable state and federal law. The investigator shall interview the complainant, the accused and such other students, faculty, staff, administrators, independent contractors and all other individuals engaged in University
activities as necessary to conduct a full and fair investigation. The investigator shall then prepare a written report to the AVP. Where the University has previously reviewed the conduct at issue in another forum, the AVP may elect to consider the prior review before, in conjunction with, or in lieu of a separate investigation under this policy.

The written report of investigation shall summarize information relevant to a determination of whether a violation of this policy occurred and/or what, if any, corrective action should be taken by the University. The AVP shall promptly transmit the report to the appropriate University officer, with any recommendations. If the complaint concerned behavior by or affecting student or behavior between or among students, the report shall be forwarded to the Vice Provost for Student Life. The written report of investigation shall be confidential.

• Confidentiality

Every reasonable effort shall be made to protect the privacy of the complainant, the accused, and witnesses in the investigation and resolution process, subject to the need to conduct a full and impartial investigation, remedy violations, monitor compliance and administer this policy.

• Determination

The appropriate University officer, in consultation with the AVP shall promptly make a determination of the complaint. The determination shall be communicated to the complainant, the accused, and the applicable Vice President for the accused.

5. Independent Action by University:

To assist the University to determine whether a violation of this policy has occurred and/or to determine what, if any, corrective action should be taken, the AVP or her designee may initiate an investigation with or without a formal complaint being filed.

6. Corrective Action:

Corrective action may include disciplinary action toward the person(s) whose conduct is found to violate this policy. Disciplinary action may include, but is not limited to warning, suspension, or termination from employment, the University’s residential facilities, or other affiliation with the University. Disciplinary action, including expulsion, and/or any other corrective action shall be implemented in a manner consistent with other University policies and procedures and applicable University collective bargaining agreements.
Other forms of corrective action may be taken to the extent necessary to correct or prevent violations of this policy.

7. Appeal Procedure:

A person whose conduct is found to violate this policy may appeal a University determination of discipline of the complaint under the applicable student handbook, collective bargaining agreement, or employee handbook.

D. RESOURCES

Within the University

The HR Director of Employment is Diane Nelson, 415-422-6707, Lone Mountain, Room 339. Contact the HR Director of Employment if you have questions or would like more information about this policy.

Outside the University

Members of the University may file a timely harassment complaint with the federal Equal Employment Opportunity Commission (EEOC), the federal Office of Civil Rights (OCR), and/or the California Department of Fair Employment and Housing (DFEH) at the addresses and phone numbers listed below:

EEOC: San Francisco District Office
450 Golden Gate Avenue
5 West, P.O. Box 36025
San Francisco, CA 94102-3661
800-669-4000

OCR: Region IX Office
50 Beale Street, Suite 7200
San Francisco, CA 94105
415-486-5555

DFEH: Bay Area Regional Office
39141 Civic Center Drive, Suite 250
Fremont, CA 94538
800-884-1684

1 USF Vision, Mission & Values Statement