

## **Policy Against Unlawful Harassment, Discrimination, and Retaliation** [also referred to as the Anti-Harassment Policy]

In order to advance one of the University's fundamental values, creating a culture of service that respects and promotes the dignity of every person, and in order to assist the University in its efforts to comply with the mandate of law, the University here states its Policy to prohibit all forms of unlawful harassment, discrimination, and retaliation in the course of any University educational and employment activity.

This Policy protects all University students, faculty members, staff members, administrators, contractors, and all other individuals engaged in University activities.

All University students, faculty members, staff members, administrators, contractors, and all other individuals engaged in University activities must comply with this Policy.

### **Unlawful Harassment**

Unlawful Harassment involves social behavior that is offensive to others on the basis of their characteristics that are protected by law. Such prohibited unlawful harassment can include the following when occurring on the basis of characteristics protected by law:

- Verbal conduct such as abusive or other epithets, derogatory comments, slurs, or unwelcome sexual advances, invitations, or comments;
- Visual conduct such as abusive or other derogatory posters, photography, cartoons, drawings, or gestures;
- Physical conduct such as unwanted abusive or other 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;
- Stereotyping behavior directed towards persons of the same or different sex including transgender individuals on the basis of gender, gender expression, and/or gender identity;
- Abusive conduct that may include repeated verbal abuse, such as derogatory remarks, insults, and epithets and verbal or physical conduct that a reasonable person would find threatening or intimidating; and

- Sexual assault, dating violence, stalking, and domestic violence that impacts a student's course of work or study at the University.

### **Unlawful Discrimination**

Unlawful discrimination involves employment or educational decisions that are adverse to others on the basis of their characteristics that are protected by law. Such prohibited unlawful discrimination can include the following when adverse and undertaken on the basis of characteristics protected by law:

- Decisions affecting student education involving admissions, financial aid, code of conduct, and co-curricular activities, etc.;
- Employment decisions such as failure to interview, hire or promote and discipline, leave-of-absence decisions, selection for training, transfer, layoff, termination, and other conditions of employment such as salary, evaluations, etc.
- Access to University facilities, services, and equipment.

### **Unlawful Retaliation**

Unlawful retaliation includes both offensive social behavior and adverse employment or educational decisions on the basis of a person's lawful and good-faith actions that are protected by law or by University policy. Actions that are protected by law include a wide range of a person's actions that are taken in good faith, in furtherance of this Policy, of the University ethics policy, and/or of fundamental policies of the University or of federal, state or local government, including but not limited to criminal enforcement.

### **Characteristics that are Protected by Law**

Characteristics that are protected by law include age (except for minors in certain cases); ancestry and national origin; citizenship and immigration status under the law; color and race; disability, if qualified without or with reasonable accommodation and including HIV and AIDS status; sex, gender, gender identity and expression including sexual and gender orientation, individuals who are transitioning, have transitioned, or are perceived to be transitioning; and childbearing characteristics such as pregnancy, childbirth, breastfeeding and associated medical conditions, if qualified without or with reasonable accommodation; marital status including family status; medical condition inclusive of genetic characteristics; military and veteran status with U.S. armed forces; religious beliefs and status (including religious dress and grooming practices); FMLA or CFRA leave status; in San Francisco, certain physical characteristics such as height and weight; and, a person's affiliation with persons who are thusly protected.

## Note about Sexual or Gender Harassment

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 sex or gender. Sexual or gender harassment need not be motivated by sexual desire to be prohibited. 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.

## Note about Several Definitions or Topics

- Abusive Conduct: Conduct in the workplace, with malice, that a reasonable person would find hostile, offensive, and unrelated to the University's legitimate interests.
- Gender Expression: A person's gender-related appearance or behavior, or the perception of such appearance or behavior, whether or not stereotypically associated with the person's sex assigned at birth.
- Gender Identity: Each person's internal understanding of their gender, or the perception of a person's gender identity, which may include male, female, a combination of male and female, neither male nor female, a gender different from the person's sex assigned at birth, or transgender.
- Sex: Includes, but is not limited to, pregnancy; childbirth; medical conditions related to pregnancy, childbirth, or breastfeeding; gender; gender identity; and gender expression, or perception by a third party of any of the aforementioned.
- Sex Stereotype: Includes, but is not limited to, an assumption about a person's appearance or behavior, gender roles, gender expression, or gender identity, or about the ability or inability to perform certain types of work—based on a myth, social expectation or generalization about the individual's sex.
- Transgender: A general term that refers to a person whose gender identity differs from the individual's sex assigned at birth. A transgender person may or may not have a gender expression that is different from the social expectations of the sex assigned at birth. A transgender person may or may not identify as "transsexual."

- **Transitioning:** A process that some transgender people go through to begin living as the gender with which they identify, rather than the sex assigned to them at birth. This process may include, but is not limited to, changes in name and pronoun usage, facility usage, participation in employer-sponsored activities (for example, sports teams, team-building projects or volunteering), or undergoing hormone therapy, surgeries or other medical procedures.

### **Reports of Unlawful Harassment, Discrimination, or Retaliation that Involve Students**

Persons who in good faith believe or experience what they may regard as incidents of unlawful harassment, discrimination or retaliation that affect or involve students of the University, are requested to make timely reports to the Office of the Title IX Coordinator, by using one or more of the written, oral and/or electronic reporting options listed on page 5.

### **Reports of Unlawful Harassment, Discrimination, or Retaliation that Involve Employees and Others Who Are Not Students**

Persons who in good faith believe or experience what they may regard as incidents of unlawful harassment, discrimination, or retaliation that affect or involve employees of the University or affect other persons involved in University activities who are not students, are requested to make timely reports to Human Resources, Office of the Director of Employment, by using one or more of the written, oral and/or electronic reporting options listed on page 5.

### **Obligation of Staff and Faculty Members to Make Reports**

All staff members and faculty members who personally know of incidents of unlawful harassment, discrimination or retaliation that affect or involve students of the University or affect or involve other University persons, are obliged by the University to make timely reports, unless a report of such incidents has already been made.

### **General Information about Reports**

All reports shall be expeditiously assessed and may need to be internally investigated by the University, or by an external professional retained for the matter. Such investigations may require interviews of students, faculty, staff, administrators, independent contractors, and any other involved individuals and a report of the assessment. All University personnel have a duty to cooperate with the University in its review and in its further proceedings. The University will take corrective action as appropriate.

At times, corrective action may include disciplinary action toward the person(s) whose conduct is found to violate this Policy or is otherwise found to be inappropriate. Disciplinary action may include, but is not limited to warning, suspension, sanctions, expulsion from the University or termination from employment, expulsion from the University's residential facilities, or termination of any 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, including rights of grievance and appeal of corrective actions.

## University Resources and Training

- The Assoc. Vice President of HR, Diane Nelson, 415-422-6707, and the Employee Relations Director, Liliana Rojas, 415-422-4280. As a reminder, full-time faculty and all staff must complete the University-required anti-harassment prevention training within 30 days of their hire date and every two years thereafter. Please visit the [Anti-Harassment Training web page](#) for instructions on how to sign up for the required training in [USFWorks Learning](#).
- Title IX Coordinator, in Student Life, 415-422-5330.
- The University's anonymous Whistleblower Hotline, or call: 800-316-4315, <https://secure.ethicspoint.com/domain/media/en/gui/7416/index.html>
- For students: Counseling and Psychological Services (CAPS), 415-422-6352  
Daytime Hours: Monday-Friday, 8:30 am - 5:00 pm, After Hours: Monday-Friday, 5:00 pm - 8:30 am, and 24/7 on weekends/holidays; press 2 to be connected with an on-call counselor.

## Resources Outside the University

- For faculty and staff: Concern EAP: 24/7 access, 800-344-4222, or visiting the website at: [www.concern-eap.com/employee-guide](http://www.concern-eap.com/employee-guide). Use company code: usf.
- Employment complaints can be filed with:
  - Federal Equal Employment Opportunity Commission (EEOC),
  - Federal Office of Civil Rights (OCR), and/or
  - California Department of Fair Employment and Housing (DFEH).
- Education and access complaints can be filed with the:
  - Federal Office of Civil Rights (OCR)
- Housing complaints can be filed with the:
  - Federal Office of Civil Rights (OCR), and/or
  - California Department of Fair Employment and Housing (DFEH).

The applicable addresses and phone numbers are 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 United Nations Plaza  
San Francisco, CA 94102  
415-486-5555;  
TTY#: 800-877-8339

### **DFEH:**

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