

WESTMONT COLLEGE POLICY ON HARASSMENT

Westmont College is committed to providing a learning and work environment free of unlawful harassment. In keeping with this commitment, the College prohibits and will not tolerate unlawful harassment because of sex (which includes sexual harassment¹, gender harassment and harassment due to pregnancy, childbirth or related medical conditions) and harassment because of race, religious creed, color, national origin or ancestry, physical or mental disability, medical condition, marital status, age, sexual orientation or any other basis protected by federal, state, or local law, ordinance or regulation. ALL SUCH HARASSMENT IS UNLAWFUL². While this policy is directed at unlawful harassment, members of the college community are cautioned against any conduct that creates a hostile work environment, whether or not the behavior is based on the legally protected categories outlined in this policy (i.e., sex, race, etc.). Such conduct, while not unlawful can interfere with work performance, and does not reflect the quality of environment the college is committed to providing for all members of its community.

Prohibited unlawful harassment includes, but is not limited to, the following behavior:

- a. Verbal conduct such as epithets, derogatory jokes or comments, slurs or unwanted sexual advances, invitations or comments;
- b. Visual conduct such as derogatory and/or sexually-oriented posters, photography, cartoons, drawings or gestures;
- c. Physical conduct such as sexually-oriented gestures, assault, unwanted touching, blocking normal movement, or interfering with work because of sex, race or any other protected basis;
- d. Threats and demands to submit to sexual requests as a condition of continued employment or academic advancement, or to avoid some other loss, and offers of employment benefits in return for sexual favors; and
- e. Retaliation for having reported or threatened to report harassment.

Unlawful harassment occurs most often as a result of repeated instances of the types of behaviors listed above. However, members of the community should be aware that a single instance of the described prohibited behaviors, where sufficiently outrageous, can amount to unlawful harassment.

It is Westmont College's policy to prohibit unlawful harassment within the campus community of faculty, staff, students, independent contractors, and guests by any person and in any form, and to apply the procedures outlined below in responding to any complaints of harassment. (The procedures outlined here shall preempt any other procedures set forth in various handbooks that may be deemed inconsistent with these.) Westmont is committed to investigate promptly any complaints of harassment. Where unlawful harassment is found to have occurred, the College will take appropriate disciplinary action reasonably calculated to end the harassment, up to and including termination of employment, termination of contract, or expulsion from the College.

A complaint of harassment may be reported to any of the following complaint recipients: the Director or Associate Director of Human Resources, one's immediate supervisor, the department chair, a Resident Director, the College's Title IX Officer, any Dean or Vice President, or the President. *(A list of the people currently occupying these positions can be found in the catalog or received from the Office of the President or the Department of Human Resources.)*

A complaint recipient will notify the College's Title IX Officer³ whenever a complaint of harassment has been received. The Title IX Officer shall ensure that the complainant promptly receives a copy of this Policy and is clearly informed of his or her rights to assistance.

The Title IX Officer will work with the President, Dean of Faculty³ and Dean of Students³ to ensure that:

- a. A complaint of harassment is promptly, fully and effectively investigated;
- b. Whatever action is deemed necessary to end the unlawful harassment will be taken; and
- c. The determination and imposition of any sanctions is handled in accordance with existing procedures spelled out in the relevant handbook (e.g., Faculty Handbook provisions on Discharge for Cause).

Confidentiality for both the complainant and the accused shall be encouraged and maintained as appropriate and to the extent allowed under the circumstances and by law.

The Title IX Officer will keep the complainant informed about the process of investigating and responding to the complaint. After action on a complaint is concluded, the complainant will be notified whether or not discipline will be imposed. The College will not tolerate any reprisal or retaliation against someone who has submitted (or indicated an intent to submit) a complaint in good faith.

Westmont encourages all members of the community to report any incidents of unlawful harassment **immediately** so that complaints can be resolved quickly. In addition, any member of the community who believes that he or she has been harassed or retaliated against for resisting or complaining about harassment, may file a complaint with appropriate government agencies. The nearest offices are listed in the telephone directory. The U. S. Department of Education's Office of Civil Rights, the Federal Equal Employment Opportunity Commission and the California Department of Fair Employment and Housing investigate and prosecute complaints of prohibited harassment; currently, the statute of limitations for filing a claim with these agencies is 180 days, 300 days, and one year, respectively.

¹ "Sexual harassment" means 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:

- (1) Submission to the conduct is explicitly or implicitly made a term or a condition of an individual's employment, academic status, or progress.
- (2) Submission to, or rejection of, the conduct by the individual is used as the basis of employment or academic decisions affecting the individual.
- (3) The conduct has the purpose or effect of having a negative impact upon the individual's work or academic performance, or of creating an intimidating, hostile, or offensive work or educational environment.
- (4) Submission to, or rejection of, the conduct by the individual is used as the basis for any decision affecting the individual regarding benefits and services, honors, programs, or activities available at or through the educational institution.

² Under California law, employees can be held personally liable for harassing activity.

³ If the accused is the Title IX Officer, the Dean of Faculty, or the Dean of Students, then the President will be notified and help determine the appropriate investigation strategy. If the accused is the President or a member of the Board of Trustees, then the Chair of the Board will be notified and help determine the appropriate investigation strategy.