

FACULTY HANDBOOK UPDATES

Re Unlawful Sexual Misconduct Policy and Procedures and Bias, Harassment and Discrimination Policies and Procedures

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2.6 Working Conditions

2.6.1 Policy on Harassment

This section provides recourse when anyone within the campus community of faculty, staff, students, and guests suffers unlawful 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 condition) 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 unlawful.

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.

¹Both men and women are protected from sexual harassment, whether that harassment is perpetrated by a member of the same or opposite sex. Sexual harassment may be committed by a male or a female toward either a male or a female.

There are three kinds of sexual harassment:

- Unwelcome sexual conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the institution's education program, activity, educational or working environment (hostile environment).
- Sexual assault, dating violence, domestic violence, or stalking (Clery Act/VAWA offenses)⁴
- Employee conditions aid, benefit, or service of the institution on an individual's participation in unwelcome sexual conduct (quid pro quo).

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 of 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 a 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 of any decision affecting the individual regarding benefits and services, honors, programs, or activities available at or through the education institution.

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It is Westmont College's policy to prohibit unlawful harassment within the campus community of faculty, staff, students and guests by any person and in any form, and to apply the procedures outlined ~~below in Unlawful Sexual Misconduct Policies and Procedures~~ in responding to any complaints of harassment. (The procedures outlined ~~there~~ shall preempt any other procedures set forth in various handbooks that may be deemed inconsistent with ~~these policy~~.) 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 or expulsion from the College.

A complaint of harassment may be reported to any of the ~~following complaint report 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.)~~ indicated in the college's Unlawful Sexual Misconduct Policies & Procedures.

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

The Title IX ~~Officer~~ Coordinator² will ~~work with the Provost and the Vice President and Dean of Students³ to~~ ensure that:

- a) A ~~complaint report~~ 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 ~~the Unlawful Sexual Misconduct Policies and Procedures, 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 respondent~~ shall be encouraged and maintained as appropriate and to the extent allowed under the circumstances and by law.

The Title IX ~~Officer~~ Coordinator will keep the complainant ~~and respondent~~ 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 online~~. The U.S. Department of Education's Office of Civil Rights, the Federal Equal Employment

²If the accused is the Title IX Coordinator, the Provost, or the Vice President of Student Life, 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.

³If the accused is the Title IX Officer, the Provost, or the Vice President and 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.

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.