1.0 POLICY
California Lutheran University ("University") expects that all employees be treated with dignity and respect. The University prohibits harassment and discrimination on the basis of race, ethnicity, color, religion, creed, ancestry, national origin, age, medical condition, physical or mental disability, sexual orientation, gender (including sexual harassment, gender identification, gender expression, transgender 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. Sexually harassing conduct need not be motivated by sexual desire and can occur between persons of any sex or gender.

Retaliation against an individual who, in good faith, files a complaint of harassment or discrimination is also prohibited.

2.0 PURPOSE
The University is committed to maintaining a workplace in which all people are treated with tolerance, acceptance, respect, civility and compassion. The University will not tolerate unlawful discrimination or harassment (as defined by this policy) of its employees, vendors, clients, students, interns, or other business contacts if such conduct occurs in or is related to the workplace. The University will take appropriate and immediate 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.

3.0 DEFINITIONS
Discrimination is defined as special or disparate treatment based on the characteristics listed in the above policy statement.

Harassment is any unwelcome behavior that is reasonably regarded as offensive that is based on protected category and that:

(a) Sufficiently offends, humiliates, distresses, or intrudes upon its victim, so as to disrupt the victim’s emotional tranquility in the workplace, or

(b) Affects the victim’s ability to perform the job as usual, or

(c) 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 his or her 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.

The University has a compelling interest in free inquiry and the collective search for knowledge and thus recognizes principles of academic freedom as a special area of protected speech. However, freedom of speech and academic freedom are not limitless and do not protect speech or expressive conduct that violates federal or State anti-discrimination laws. Two areas require special clarification: faculty speech in the teaching context and faculty speech as a public citizen.

**Speech in the Teaching Context**

Consistent with these principles, conduct that is legitimately related to the course content, teaching methods, scholarship of an individual faculty member or the educational expression of an individual faculty member in the teaching context shall not constitute harassment under this policy unless the conduct is (1) not germane to the subject matter; and (2) reasonably can be regarded as resulting in harassment as defined above. Difficult conversations often happen in the teaching context and do not automatically constitute offensive conversations. In an academic setting, consistent with academic freedom, wide latitude is required for professional judgment in determining the appropriate content, presentation and discussion of academic material.

**Speech as Citizens**

No provision of this Policy shall be interpreted to prohibit conduct that is legitimately related to the scholarship or public commentary of an individual faculty member or the educational, political, artistic, or literary expression of faculty (including the supervision of student work) in public forums. However, freedom of speech and academic freedom is not limitless and do not protect speech or expressive conduct that violates federal or State anti-discrimination laws. Speech as citizens is subject to the section of this policy entitled “Scope.”

As set forth in the University’s Academic Freedom policy, faculty members are citizens, members of a learned profession, and officers of an educational institution. When they speak or write as citizens, they should be free from institutional censorship or discipline, but their special position in the community imposes special obligations. As scholars and educational officers, they should remember that the public may judge their profession and their institution by their utterances. Hence they should at all times be accurate, should exercise appropriate restraint, should show respect for the opinions of others, and should make every effort to indicate that they are not speaking for the institution.

**Sexual Harassment**

Sexual harassment, a particular type of harassment, also requires special clarification. 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 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 one’s body, physical appearance, or clothing
• Frequent use of unwelcome terms of endearment
• Repeatedly asking an individual for a date or meetings outside of working hours after they have indicated an unwillingness to go.

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

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.

4.0 SCOPE
Every member of the University including employees, customers or suppliers is responsible for carrying out this policy. This policy also applies to any other persons or third parties with whom the University employees have contact through their employment, including applicants and independent contractors. This policy applies to conduct that occurs: (1) on-campus or on any University property; or (2) off-campus, if: (a) the conduct occurred in connection with a University activity, program or event; or (b) the conduct has or reasonably may have the effect of creating a hostile educational or work environment for a member of the University community. Each department shall take steps necessary to implement this policy in accordance with the provisions contained herein. Student complaints of sexual harassment are addressed in the University policy titled Title IX and Clery Amendments (HR001).

Any person filing a complaint under this policy in bad faith will be subject to disciplinary action.

This definition of harassment can also be found in the faculty handbook.

5.0 PROCEDURES
Every University employee receives a copy of the written policy on harassment and discrimination prohibition during the first year of their employment. Because of their special responsibilities under the
law, supervisors undergo mandatory sexual harassment prevention training within six months of initial employment and bi-annually thereafter. Any manager or supervisor who witnesses or hears about conduct that may constitute discrimination, harassment, or retaliation prohibited by this policy must immediately report the conduct to Human Resources.

California Lutheran University encourages individuals who believe they are subject to conduct prohibited by this policy to, whenever possible, promptly advise the offender that his or her behavior is unwelcome/unacceptable and request that it be discontinued. Often this action alone will resolve the problem. The University recognizes that an individual may prefer to pursue the matter through an informal or formal complaint process.

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. Reports should fully set forth the facts which give rise to the complaint, including the names and titles of all persons involved.

Because the University is committed to maintaining an environment that is free of unlawful discrimination and harassment, any good faith discrimination or harassment 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. (The Faculty Ombudsperson, Pastor, and Counseling Centers are confidential resources for purposes of this policy and any complaint of behavior covered by this policy that is brought to their attention is not considered notice to the University, however these individuals may be required to report such information as required by their licensing body.)

**Process for Complaints Made Against Faculty**
All complaints made against a member of the faculty pertaining to harassment, discrimination or retaliation will follow the Complaint and Grievance Procedures set forth in the Faculty Handbook.

**Process for Complaints Made Against Non-Faculty Employees**
All complaints made against a non-faculty employee pertaining to harassment, discrimination or retaliation will follow the Complaint Procedures set forth below. Faculty members who wish to report a complaint against a non-faculty employee should use this policy.

**Informal Complaint Process**
Individuals who believe they have been the victim of conduct prohibited by this policy or believe they have witnessed such conduct should discuss their concerns with their immediate supervisor, Provost, Vice President for Student Affairs, or the Assistant Vice President for Human Resources. The University representatives will attempt to resolve the complaint. The Assistant Vice President for Human Resources will be informed by the supervisor when a complaint is received. If resolution is reached, a record of the resolution will be maintained on file in the Human Resources Department in the event the complaint moves from informal to formal. Participation in the informal complaint process is optional and not a prerequisite to filing a formal complaint.

**Formal Complaint Process**
Individuals who believe they have been the victim of conduct prohibited by this policy or believe they have witnessed such conduct who wish to file a formal complaint should contact the Assistant Vice
President for Human Resources. If the complaint is against the Assistant Vice President for Human Resources, the individual should contact the Vice President for Administration and Finance. 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.

Any reported allegations of harassment, discrimination, or retaliation will be investigated promptly under the direction of the Assistant Vice President for Human Resources. 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. The investigation process will give persons accused of prohibited conduct notice of the nature of the allegations and a meaningful opportunity to respond.

After the investigation is complete, the Assistant Vice President for Human Resources (or as appropriate, the Vice President for Administration and Finance) shall recommend how the University shall resolve the matter in terms of eliminating discrimination/harassment in the work place and ensuring compliance with this policy. If a determination is made that there has been a violation of this policy, the Assistant Vice President for Human Resources, in consultation with the appropriate Vice President and President shall take necessary steps to ensure compliance with this policy and determine what disciplinary action, if any, shall be imposed. The President has final approval authority of any disciplinary action. The Vice President is responsible for communicating and administering approved disciplinary action.