

## **Prevention of Sexual and Other Unlawful Harassment Policy**

HGU is committed to a workplace and an 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 HGU activity is prohibited. 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 HGU 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. University officials are empowered and required to address harassing behavior promptly and thoroughly. An individual's filing in good faith or pursuing a complaint or otherwise reporting or complaining of unlawful, harassment or discrimination will not be the basis for any diverse decisions by the University concerning the individual student, faculty or staff member's position or status. Retaliation is prohibited. Prohibited conduct which violates State and Federal Law related to sexual harassment includes:

- Unwelcome sexual advances
- Unwelcome requests for sexual favors
- Other unwelcome verbal, physical, or visual behavior of a sexual nature
- 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
- Submission to, or rejection of, such behavior by an individual is used as a basis for educational or employment decisions.
- 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).**

Other harassing 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, 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.

HGU encourages all individuals engaged in University activities that know of harassment, or believe that they have been harassed in violation of this policy to utilize the following complaint procedures. 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 individual making the complaint (“complainant”) should contact one of the following intake officers to submit an oral or written complaint:

- President’s Office (Designated Title IX Coordinator): 408-481-9988 ex 125
- Vice President’s Office: 408-481-9988 ex 1116

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. In addition, an individual may request general assistance regarding a problem that is not necessarily a complaint of unlawful harassment or discrimination. The University’s inquiry into the complaint will be timely and thorough. The college will take prompt and effective corrective action for any unlawful conduct. 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.