



# LIFECHIROPRACTIC

## COLLEGE WEST

### **Sexual Harassment Policy**

LCCW is committed to providing a work environment that is free of sexual harassment, intimidation, threats, coercion or discrimination. In keeping with this policy, LCCW strictly prohibits harassment based on gender, pregnancy, childbirth, or related medical conditions as well as on the basis of sex, race, color, religion, age, mental or physical disability, medical condition, national origin, marital status, veteran status, sexual orientation or past, present or future status in the uniformed services of the United States in accordance with applicable federal, state or local ordinance. LCCW expects every employee to be treated with fairness, respect and dignity. This prohibition applies to all faculty, staff, students, other persons on LCCW's premises subject to control, and to those engaged to further the interests of the College.

Management and supervisory personnel, at all levels, are responsible for taking reasonable and necessary action to prevent sexual harassment. To ensure the seriousness of this policy, LCCW is in compliance with California's Sexual Harassment Training Requirements (AB 1825) which requires all supervisors/managers by law to take two hours of sexual harassment training every two years. Once supervisors complete the training and acknowledge receipt of anti-harassment policy, they are fully accountable for knowing and applying the policies correctly. If a sexual harassment complaint arises, they can neither plead ignorance of the law nor accuse the LCCW of failure to provide policy.

LCCW will take seriously all sexual harassment complaints and respond in accordance with its Sexual Harassment Policy; take appropriate action to provide remedies when sexual harassment is discovered; impose appropriate sanctions upon individuals who have been found to be in violation of LCCW's policy; and, to the greatest extent possible, protect the privacy of those involved in sexual harassment complaints.

LCCW is also committed to the principles of free inquiry and free expression and to creating an environment that encourages the active exploration and exchange of ideas. LCCW's discrimination and harassment policies are not intended to impair this freedom, nor will they be permitted to do so. Prohibited discrimination and harassment, however, are neither legally protected expression nor the proper exercise of academic freedom.

### **Sexual Harassment Defined**

Sexual harassment involves unwelcome sexual advances, requests for sexual favors or verbal or physical conduct of a sexual nature. It is often imposed upon a person in an unequal power relationship through the abuse of authority. Central to this concept is the use of implied reward or threat of deprivation that interferes with the academic or work effectiveness of the victim.

Unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature constitutes harassment when:

- Submission to, or rejection of, such conduct by an individual is made explicitly or implicitly a term or condition of an individual's employment or participation in academic activities;
- Submission to, or rejection of, such conduct by an individual is used as the basis for employment or academic decisions affecting such individual; or
- Such conduct has the purpose or effect of unreasonably interfering with an individual's work or academic performance, or of creating an intimidating, hostile, or offensive working or study environment.

Sexual harassment can take different forms; accordingly, the determination of what constitutes sexual harassment will vary according to the particular context and circumstances. Examples of sexual harassment include, but are not limited to:

- Seeking sexual favors or relationships in return for the promise of a favorable grade or other academic opportunity;
- Conditioning an employment related action (such as hiring, promotion, favorable work assignment, salary increase, or performance appraisal) on a sexual favor or relationship;
- Intentional and undesired physical contact, sexually offensive conduct by individuals in positions of authority, or by co-workers, students, clients, contractors, or visitors that unreasonably interferes with the ability of a person to perform her/his academic or employment-related responsibilities.

Federal law generally has recognized two different grounds for claiming sexual harassment. **Quid pro quo** harassment occurs when a person in authority, usually a supervisor or instructor, demands sexual favors in exchange for a job, promotion, grade, or other favorable treatment. In quid pro quo cases, the offense is directly linked to the individual's terms of employment or academic success, or forms the basis for employment or academic decisions affecting the individual.

A **hostile work environment** can exist when another person engages in unwelcome and inappropriate sexually based behavior severe or pervasive enough to render the workplace or academic atmosphere intimidating, hostile, or offensive. Usually a pattern of this sort of behavior is required, but one incident can be enough, if sufficiently severe or outrageous.

Sexual harassment can be exhibited using three types of behaviors - **verbal, non-verbal behaviors and gestures**, and **physical contact**. Some types of verbal behavior that might constitute sexual harassment, especially when occurring in combination with offensive touching are:

- Continuous and persistent sexual slurs or sexual innuendoes
- Offensive and persistent risqué jokes or kidding about sex or gender-specific traits
- Repeated unsolicited propositions for dates and/or sexual relations

Gestures or non-verbal behaviors might also be considered sexual harassment where they are persistent, severe, and offensive. Examples may include:

- Sexual looks and lewd gestures, such as leering or ogling with suggestive overtones
- Touching oneself sexually or persistent and unwelcome flirting
- Displaying sexually suggestive pictures, calendars, or posters
- Stalking

There is a range of unwanted physical contact, ranging from offensive behavior to criminal acts, which may also constitute sexual harassment. Some examples of unwanted physical contact include:

- Unwelcome touching, rubbing oneself sexually against another person, pinching or stroking
- Attempted or actual kissing or fondling, cornering or mauling
- Physical assault
- Coerced sexual activity
- Attempted rape or rape

### **Sexual Harassment in Context**

There is no typical harasser. A harasser can be male or female, young or old, and from any background. Harassers often have or seek to gain power over an individual or individuals and use that power in a negative way to help themselves feel "in control." Harassers may look for "victims" who appear to be weaker and less likely to fight back. This might be because they fear retaliation in the form of loss of employment, economic loss, loss of benefits, loss of status, loss of promotional opportunities, impairment of academic success, or, in some cases, fear of physical or emotional harm. Such harassment can take place not only in supervisor/subordinate relationships, but also within work groups, classrooms, or student groups as well.

It should be stressed that while some behaviors may be offensive or unprofessional, they may not necessarily be considered sexual harassment. For example, general use of profanity and vulgar language may not be sexual harassment unless it is sexually oriented or overused to the point that a hostile work environment is created. In addition, isolated incidents may not be sufficient to create a hostile work environment. Frequent occurrences of minor offensive and unwelcome behavior, however, may be enough. Further, a single and egregious incident may rise to the level of sexual harassment depending upon the severity of the event.

### **Consensual Relationships**

The relationship between teacher and student is central to the academic mission of the College. No non-academic or personal ties should be allowed to interfere with the integrity of the teacher-student relationship. Consensual sexual relations between teacher and student can adversely affect the academic enterprise, distorting judgments or appearing to do so in the minds of others, and provide incentives or disincentives for student-faculty contact that are equally inappropriate.

For these reasons, LCCW's policy prohibits sexual relations between a faculty and a student during the period of the teacher/student relationship. In addition, it includes sexual relations between academic advisors, program directors, and all others that have supervisory academic responsibility for a student, and that student. Teachers and academic supervisors in a sexual or romantic relationship with a student may not evaluate or supervise the student. Nor should a teacher or

academic supervisor involved in a sexual or romantic relationship with a student evaluate comparable students where such evaluation could give rise to an apparent or actual conflict of interest.

The Dean, Department Chairs, and other administrators must respond to reports of prohibited sexual relations that are brought to them by inquiring further, and if such reports appear to be accurate, initiating appropriate disciplinary action or remedial measures against the teacher or supervisor involved.

LCCW's policy also strongly discourages any sexual relations between faculty or staff and undergraduates. The foregoing principles also apply to sexual or romantic relationships between a supervisor and supervisee on the staff of the University. Even when both parties have consented to the relationship, serious concerns may be raised about the validity of the consent, a conflict of interest, and/or unfair treatment of others.

If an employee believes that the comments, gestures, or conduct of any co-employee, supervisor or person doing business with or for LCCW constitutes harassment (either of the employee or others), LCCW requests that the employee immediately report the facts of the incident to the Dean of the College or the Human Resources Generalist.

LCCW's policy is to immediately conduct a thorough, objective and complete investigation of the complaint. At the conclusion of its investigation, LCCW will attempt to determine whether harassment has occurred. LCCW will look at the totality of the circumstances, including the nature of the conduct and the context in which it occurred.

LCCW will, as promptly as possible, communicate its finding to the accused and to the accuser, and the remedial action (if any) to be taken to the complainant, and, when appropriate, to other persons who are directly concerned.

If the outcome of the investigation determines that harassment has occurred, LCCW will take remedial action commensurate with the severity of the offense. This action may include disciplinary action against the harasser, up to and including termination. Steps will be taken as necessary, to prevent any further harassment.

LCCW will not tolerate retaliation against an individual who in good faith reports, complains about, or participates in an investigation into an allegation of unlawful discrimination or harassment or sexual assault. Any member of the community who believes that he or she has been retaliated against should file a complaint with the Human Resources Department.

## **Grievance Policy and Procedure**

A complaint of grievance is a problem that does not seem able to be resolved between the person and persons directly involved. A grievance can be about anything done, or not done, by management or another employee or employees, which you feel affects you unfairly or unjustly.

A grievance can also be about discrimination, harassment, or any other employment related decision or behavior which you think is unfair, unjust or upsetting.

LCCW acknowledges that problems can arise at work which may sometimes cause employees to feel aggrieved. LCCW aims to foster good relations amongst employees and between employees and management. LCCW fully supports the rights of people to express, or have expressed on their behalf, grievances on any subject relating to the organization and/or people of the organization. We hope individuals will try to reconcile differences on an individual basis. Any form of complaint or grievance should, if possible be resolved quickly at the lowest level to avoid any unnecessary escalation or the need for employees to go outside LCCW for assistance. Should this not be possible, to resolve a problem quickly and fairly, LCCW has developed a grievance procedure using the following steps:

- If you're experience a problem, notify your supervisor immediately. Most difficulties can be settled promptly at this point. The supervisor shall respond in writing with three (3) days of meeting with you.
- If the problem is not resolved to your satisfaction you may contact the Human Resources Director or the LCCW's Complaint Resolution Office (CRO) and verbally explain the problem to him/her or you may instead submit the problem to him/her in writing. This step should be taken within five (5) working days after your supervisor has given his/her decision or after the incident giving rise to your grievance, whichever is later. If the circumstances require it, the [previously identified official] will conduct an investigation.
- Following his/her investigation, the Human Resource Director will respond in writing to your grievance. The decision shall be final.

I certify that I have read, understand, and agree to the terms set forth in this policy. I further certify that I have received a copy of this policy. I acknowledge that LCCW may change and/or modify this policy at any time for any reason, and that failure to abide with the above stated policy may lead to disciplinary action up to and including termination of employment.

Employee Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Printed Employee Name: \_\_\_\_\_