



CHAPMAN UNIVERSITY

HARASSMENT, DISCRIMINATION,
AND SEXUAL HARASSMENT POLICY

Revised as of September, 2017

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I. INTRODUCTION

Chapman University is committed to creating and maintaining a community where all individuals who participate in University programs and activities can achieve their academic and professional aspirations free from harassment and discrimination, including sexual harassment.

In furtherance of the University's commitment in maintaining an environment that encourages an educational and work environment free from all forms of prohibited discrimination and harassment, the University's administration, faculty, staff, and students are each responsible for creating and maintaining an environment conducive to work, study, and learning and for cooperating with University Officials who investigate allegations of policy violations. Harassment and discrimination, in any form prohibited by this policy, impedes the realization of the University's mission to provide an education of distinction in a dignified and respectful learning environment.

When the University becomes aware that a member of the University community may have been subjected to discrimination and/or harassment based upon their protected class, the University will take prompt action reasonably intended to stop any form of harassment, discrimination, and/or related retaliation, eliminate any hostile environment, prevent its recurrence and as appropriate, remedy its effects.

II. POLICY STATEMENTS

A. Harassment and Discrimination Policy Overview and Definitions (not including Sexual Harassment which is addressed in Section II.B.)

Chapman University prohibits of any form of harassment, discrimination and/or related retaliation in admissions and access to, and treatment in University employment, educational programs and activities, based upon an individual's race, color, religion, sex, gender identity, gender expression, pregnancy, national origin, ancestry, citizenship status, age, marital status, physical disability, mental disability, medical condition, sexual orientation, military or veteran status, genetic information, or any other characteristic protected by applicable state or federal law, so that all members of the community are treated at all times with dignity and respect. Accordingly, such discrimination or harassment is prohibited and violates University policy and will not be tolerated. Furthermore, any form of retaliation against anyone who in good faith brings a charge of harassment or discrimination, supports an individual bringing a complaint, otherwise reports harassment or discrimination, or participates in an investigation under this policy is prohibited by University policy and state and federal law.

Definitions

Discrimination: For purposes of this Policy, the term "discrimination" refers to conduct that subjects an individual to disparate treatment on the basis of race, color, religion, ancestry, national origin, gender, marital status, sexual orientation, age, disability, veteran status, or any other classification protected by law. This would include within its scope alleged conduct that deprives an individual of academic, employment, or other opportunities offered by the University on the basis of such protected characteristics. Examples of types of discriminatory conduct prohibited by this policy include:

- Depriving an individual of employment opportunities on the basis of a protected characteristic such as:

- refusing to hire or promote a person because of a protected characteristic;
 - terminating a person on the basis of a protected characteristic;
 - subjecting an employee to different performance standards or reviews because of a protected characteristic, other than in conjunction with a reasonable accommodation offered to a qualified individual with a disability, or
 - depriving an employee of job benefits on the basis of a protected characteristic.
- Depriving an individual of academic opportunities on the basis of a protected characteristic such as:
 - refusing admission to academic programs on the basis of a protected characteristic;
 - subjecting individuals to different academic standards on the basis of a protected characteristic;
 - refusing access to university housing, recreational, or social activities on the basis of a protected characteristic;

Harassment: For purposes of this policy, the term "harassment" refers to conduct that meets all of the three criteria defined below:

- Unwelcome;
 - For purposes of this policy, conduct is considered "unwelcome" if, under the totality of the circumstances it is 1) neither solicited nor incited; and 2) it is regarded by the recipient as undesirable or offensive.
- Directed or related to an individual's race, color, religion, ancestry, national origin, gender, marital status, sexual orientation, age, disability, veteran status or any other classification protected by law;
- When either of the following conditions exist:
 - It is implicitly or explicitly suggested that submission to or rejection of the conduct will be a factor in academic or employment decisions, evaluations, or permission to participate in a University activity; or
 - The conduct would be offensive to a reasonable person under the circumstances in question and, if not corrected, could interfere with an individual's academic or work performance or create or substantially contribute to an intimidating or hostile work, academic, or student living environment. In determining whether the alleged conduct constitutes discrimination or harassment under this policy, consideration of the incident will assess whether the alleged conduct is severe and/or pervasive based upon the totality of the circumstances. Considering the constellation of the surrounding circumstances and expectations, including but not limited to the nature and context of the conduct, the type, frequency, and duration of the conduct, the identity of and relationship between the parties, the number of individuals involved, the degree to which the conduct affected the complainant, other students, staff and/or faculty and principles of academic freedom.

Examples of types of harassment prohibited by this policy include:

- Verbal harassment, such as harassing phone calls, jokes, slurs, epithets, anecdotes, or other derogatory statements directed to an individual's or group of individuals' race, color, religion, ancestry, national origin, gender, marital status, sexual orientation, age, disability, veteran

status or any other classification protected by law other than in an appropriate academic study of such activity; or

- Visual, through the use of writings, graffiti, e-mail, posters, objects, or symbols that ridicule or demean an individual's or group of individuals' race, color, religion, ancestry, national origin, gender, marital status, sexual orientation, age, disability, veteran status or any other classification protected by law other than in an appropriate academic study of such material; or
- Physical, such as unwanted touching, stalking, or impeding an individual's free movement on the basis of a protected characteristic.

B. Sexual Harassment Policy Overview and Definitions

Chapman University is committed to providing an environment which is free of sexual harassment in any form. The policy applies regardless of the gender of the alleged victim or of the alleged offending party and would include within its scope harassment directed to members of the same sex as well as harassment of members of the opposite sex. Sexual harassment is a form of harassment and discrimination strictly prohibited under the University's [*Harassment, Discrimination and Sexual Harassment Policy*](#). It is strictly prohibited to engage in threats or reprisals to dissuade another from reporting sexual harassment under this policy; impede or obstruct the investigation under this policy of complaints of sexual harassment; or retaliate in any manner against someone for pursuing or participating in a charge of sexual harassment

Because the University's goal is to create an environment free of any form or degree of sexual harassment, the scope of conduct prohibited under this policy is intended to be broader in scope than the definition of unlawful sexual harassment under state and federal non-discrimination laws while still including such unlawful conduct within its scope. Thus, a person may be found to be in violation of Chapman's Sexual Harassment Policy even though the conduct in question does not rise to the level of unlawful sexual harassment.

Definitions

Sexual Harassment: For purposes of this Policy, the term "sexual harassment" refers to unwelcome conduct of a sexual nature when:

- It is implicitly or explicitly suggested that submission to or rejection of the conduct will be a factor in academic or employment decisions, evaluations, or permission to participate in a University activity; or
- The conduct would be offensive to a reasonable person under the circumstances in question and, if not corrected, could interfere with an individual's academic or work performance or create or substantially contribute to an intimidating or hostile work, academic, or student living environment.

In determining whether the alleged conduct constitutes sexual harassment under this policy, consideration shall be given to the record of the incident as a whole including but not limited to severity and/or pervasiveness of the alleged incident(s).

Conduct of a Sexual Nature: This includes conduct that is verbal, visual, or physical. Conduct of a sexual nature may either be explicitly sexual or may involve conduct that derives its sexual nature from the circumstances in which the conduct occurs or when combined with other conduct that occurs in a sexual context. Conduct does not need either to express any sexual desire or to be directed to a specific person and can include conduct that attempts to demean, control, or stereotype others on the basis of their sex. While it is not possible to list every form that sexual conduct may take, the following are illustrative:

- sexual jokes, innuendoes, slurs or sexually suggestive comments other than in an appropriate academic study of such activity;
- sexually explicit or sexist statements or anecdotes or questions or statements about sexual activity other than in an appropriate academic study of such activity;
- unwanted sexual advances, propositions, invitations, or other forms of pressure (either blatant or subtle) for sexual activity;
- offensive touching, including engaging in unwanted hugging, patting, kissing, or brushing up against someone's body, or other inappropriate sexual touching;
- knowingly invading another's personal space in a sexually suggestive manner;
- displaying sexually suggestive pictures, objects, posters, cartoons, or calendars other than in an appropriate academic study of such activity;
- making sexual gestures;
- sending suggestive or obscene notes or phone calls or e-mail.
- sexual assault, sexual battery, stalking, sexual exploitation, and intimate partner violence and abuse as defined in the [Student Sexual Misconduct Policy](#).

Unwelcome conduct: For purposes of this policy, conduct is considered "unwelcome" if, under the totality of the circumstances it is 1) not solicited and 2) if it is regarded subjectively by the recipient as undesirable or offensive.

Offensive to a Reasonable Person: The conduct would be offensive to a reasonable person under the circumstances in question and, if not corrected could interfere with an individual's academic or work environment or create or substantially contribute to an intimidating or hostile work, academic, or student living environment. In determining whether the alleged conduct constitutes discrimination or harassment under this policy, consideration of the incident will assess whether the alleged conduct is severe and/or pervasive based upon but not limited to the totality of the circumstances. Considering the constellation of the surrounding circumstances and expectations, including but not limited to the nature and context of the conduct, the type, frequency, and duration of the conduct, the identity of and relationship between the parties, the number of individuals involved, the degree to which the conduct affected the complainant or other students, staff and/or faculty and the principles of academic freedom.

C. Title IX and Sexual Misconduct Policy Overview

Title IX of the Education Amendments of 1972 (Title IX) prohibits discrimination on the basis of sex in educational programs operated by institutions that receive federal financial assistance. Examples of programs and activities, which may be included are admissions, recruitment, financial aid, academic programs, athletics, housing and employment.

Sexual harassment of students is a form of sex discrimination prohibited by Title IX and includes acts of sexual violence. All students are protected from sexual harassment and/or violence in all educational

programs and activities operated by Chapman University.

A student who believes that they have been discriminated against based on their sex, or subjected to sexual harassment and/or assault should consult one of the University's Title IX Coordinators. The Title IX Coordinators are responsible for coordinating the University's compliance with and responsibilities under Title IX.

Student sexual misconduct complaints and appeals are handled pursuant to the policies and procedures set forth in the Student Conduct Code, including the Sexual Misconduct, Sex-Based/Gender Discrimination, and Title IX, Policies and Procedures, available online in the [Student Sexual Misconduct Policy](#).

Additional Information and resources can be found in the Title IX Information brochure online, [Know Your Rights and Options](#).

D. Protections Against Retaliation

Retaliation against an individual is an adverse action or treatment taken against anyone for reporting, supporting, or assisting in the reporting and/or adjudication of any of the behaviors prohibited in the Harassment, Discrimination, and Sexual Harassment Policy herein or against anyone perceived to be involved in any of these actions. This includes intimidation, violation of a No Contact Order, harassment, efforts to impede an investigation, or filing a false or bad faith cross-complaint.

Retaliation under this policy is prohibited by University policy, state, and federal law. Retaliation is a serious violation, which can subject the offender to sanctions independent of the merits of the harassment or discrimination allegation. Acts of alleged retaliation should be reported immediately to the Equal Opportunity and Diversity Officer, Title IX Coordinator, or Associate Dean of Students.

III. SCOPE OF HARASSMENT AND DISCRIMINATION AND SEXUAL HARASSMENT POLICY

This policy applies to all Chapman University employees including administrators, faculty, and staff. This policy also applies to all students, although alleged violations of this policy and disciplinary actions involving students shall be conducted and determined by the Dean of Students or their designee in accordance with the [Student Conduct Code](#) and/or the [Student Sexual Misconduct Policy](#).

Independent contractors and other third parties ("Third Parties") at the University are also expected to conform their conduct to the University's Harassment and Discrimination Policy, and alleged violations of this policy by such persons must be reported. A Third Party is an individual who is not a University student, faculty, or staff employee. Third Parties may be any participant in any University related program or activity, for example visitors, guests, independent contractors and vendors. The University's ability to take action against third parties may be limited and is determined by the context of the prohibited conduct and the nature of the relationship to the parties to the University. The Equal Opportunity and Diversity Officer will determine the appropriate manner of resolution, which may include referral to area law enforcement, restriction from access to campus or University activities, or referral to the home school of the third party.

This policy applies to all on campus activities at the Chapman University campus or any other

University facility. This policy also applies to "off campus" activities that are University related. Examples of activities that normally would fall into the "off campus" category are:

- For all persons (University administrators, faculty, staff, and students):
 - off-campus activities that are sponsored by or associated with the University; or
 - off-campus activities that derive from class assignments or for which credit may be received;
- For University personnel (University administrators, faculty and staff):
 - off-campus activities that occur during their normal working hours;
 - off-campus activities that involve students; or off-campus activities that occur outside their normal working hours that materially derive from, relate to, or bear upon their official capacities.

IV. STANDARD OF PROOF

The standard of proof to find a violation of University policy is the preponderance of the evidence. Preponderance of the evidence means that a decision of responsibility for a policy violation will be made on whether it is more likely than not that the respondent violated the policy based on the totality of information gathered during the investigation.

V. REPORTING COMPLAINTS & POLICY VIOLATIONS

Any person who believes that they have been subjected to harassment, discrimination, retaliation or sexual harassment, including sexual assault, sexual violence or other misconduct prohibited under this policy or who feels they are aware of prohibited harassment or discrimination directed toward others should immediately report the circumstances to the Equal Opportunity & Diversity Officer, Title IX Investigators, or Title IX Coordinator.

The University requests that complaints be made in writing to assure the accuracy of the charge, although verbal complaints will also be accepted. Information about the informal and formal complaint procedures, as well as the complaint form, can be found on the [Equal Opportunity and Diversity Officer](#) Webpage.

While there is no time limit for reporting a complaint, reports of misconduct should be brought forward as soon as possible to enable the university to respond and investigate the complaint.

A. Where to Report

This section specifies the University staff responsible for responding to complaints depending on the status of the alleged harasser. However, students should feel free to report violations of Title IX to any of the individuals below for investigation, regardless of the status of the alleged harasser.

Complaints of Harassment and Discrimination against Faculty and Staff.

Students, faculty and staff who believe that they or others have been subjected to harassment, discrimination, sexual harassment based upon their protected class, by University faculty and/or staff, should freely and without fear of retaliation report such misconduct or file a complaint with Human Resources:

Misha Martinez, *Deputy Title IX Coordinator*
Equal Opportunity and Diversity Officer
DeMille Hall 103
One University Drive
Orange, CA 92866
Tel: (714) 997-6847
Fax: (714) 997-6901
Email: mismarti@chapman.edu

Complaints of Sexual Harassment, Sexual Assault, or other Sexual Misconduct against a Student

Students who believe that they have been or are the victims of sexual harassment, including sexual assault, sexual violence or other sexual misconduct, by another University student, should freely and without fear of retaliation report such misconduct or file a complaint under Title IX with:

DeAnn Yocum-Gaffney, *Lead Title IX Coordinator* (Complaints against students)
Associate Vice President for Student Affairs and Senior Associate Dean of Students
Argyros Forum 101
One University Drive
Orange, CA 92866
Tel: (714) 997-6721
Fax: (714) 532-6009
Email: gaffney@chapman.edu

Christopher Toutain, Program Coordinator, Student Conduct
Argyros Forum 302B
One University Drive
Orange, CA 92866
Dean of Students office
Tel: (714) 532-6039
Email: toutain@chapman.edu

Kristen Entringer, Program Coordinator, Student Conduct
Argyros Forum 302A
One University Drive
Orange, CA 92866
Dean of Students office
Tel: (714) 532-6056
Email: entringer@chapman.edu

Complaints of Sexual Harassment, Sexual Assault, or other Sexual Misconduct by a Student against Staff or Faculty

Students who believe that they have been subjected to sexual harassment, including sexual assault, sexual violence or other sexual misconduct, by University faculty or staff or experience any other form of gender discrimination prohibited by Title IX should freely and without fear of retaliation report such misconduct or file a complaint under Title IX with:

Misha Martinez, *Deputy Title IX Coordinator* (complaints against employees & faculty)
Equal Opportunity and Diversity Officer
DeMille Hall 103
One University Drive
Orange, CA 92866
Tel: (714) 997-6847
Fax: (714) 997-6901
Email: mismarti@chapman.edu

Complaints against Third Parties

Student, staff or faculty who believe that they have been subjected to harassment, discrimination, sexual harassment, including sexual assault violence or other sexual misconduct, or any other form of discrimination by a Third Party should freely and without fear of retaliation report such misconduct or file a complaint with:

Misha Martinez, *Deputy Title IX Coordinator*
Equal Opportunity and Diversity Officer
DeMille Hall 103
One University Drive
Orange, CA 92866
Tel: (714) 997-6847
Fax: (714) 997-6901
Email: mismarti@chapman.edu

DeAnn Yocum-Gaffney, *Lead Title IX Coordinator*
Associate Vice President for Student Affairs and Senior Associate Dean of Students
Argyros Forum 101
One University Drive
Orange, CA 92866
Tel: (714) 997-6721
Email: gaffney@chapman.edu

B. Duty to Report

It is the duty and responsibility of every member of the faculty, staff, and administration to assure compliance with this policy by promptly reporting allegations of policy violations to the University's Equal Opportunity and Diversity Officer or Title IX Coordinators. The University's administration, faculty, staff, and students, are responsible for cooperating with University officials who investigate allegations of policy violations.

Students are also strongly encouraged to report any alleged violations of this policy, and may do so by contacting the Equal Opportunity and Diversity Officer, the Dean of Students, or Title IX Coordinators listed in this document.

C. Other Reporting Options and Resources

i. Anonymous Inquiries and Complaints

Members of the University community may contact the Office of Human Resources and students may contact the Dean of Students Office at any time to ask questions about discrimination, harassment, retaliation, or complaint procedures without disclosing their names and without filing a complaint. The Human Resources Department also maintains a toll free Harassment Complaint Line for the purpose of reporting incidents applicable to this policy. The toll free number is (877) 527-7533. Because of the inherent difficulty in investigating and resolving allegations from unidentified persons, the University encourages individuals to provide their identity when filing complaints. However, if an individual desires to make a complaint anonymously, then the University will weigh factors such as the following to determine the appropriate response to an anonymous allegation:

- The source, specificity and nature of the information provided;
- The seriousness of the alleged conduct;
- The objectivity and credibility of the source of the report;
- Whether other individuals potentially can be identified who were privy to the alleged policy violation; and
- Whether those individuals are willing to pursue the matter.

ii. Outside Resources

Persons who feel they may have been subjected to unlawful harassment or discrimination may also file a charge with the [California Department of Fair Employment and Housing \(DFEH\)](#), the [United States Equal Employment Opportunity Commission \(EEOC\)](#), or for students, the [U.S. Department of Education, Office for Civil Rights \(OCR\)](#). The nearest offices are listed in the telephone book or available at the web addresses above. An individual may make a report to law enforcement directly by calling 911, Orange Police Department (714) 744-7444 and Irvine Police Department (949) 724-7000.

iii. Interim and Supportive Measures

When a student, staff or faculty reports to the University that they have experienced harassment, discrimination, intimate partner violence, sexual harassment, sexual assault, sexual battery, sexual exploitation or stalking, whether the incident(s) occurred on or off campus, the University will provide the individual with written information about resources and options. Student resources are discussed in the [Student Sexual Misconduct Policy](#)

Interim and supportive measures for employees may include but are not limited to: assistance in changing work schedule; providing an escort to ensure employee can move safely around campus, No Contact Orders, Transportation and parking assistance. Please contact the Equal Opportunity and Diversity Officer (“EODO”) at (714) 997-6847 or on the (EODO) webpage, [Equal Opportunity and Diversity Officer](#) for more information regarding available supportive measures.

VI. PROCEDURES

A. Overview of Procedures for Responding to Reports of Prohibited Conduct

The University has developed informal and formal procedures to address issues of harassment and discrimination, sexual harassment, and Title IX Sexual Misconduct as set forth herein. This section provides an overview of the procedures the University uses to respond to reports of prohibited conduct.

Persons desiring more information about these procedures are invited to contact the University's Equal Opportunity and Diversity Officer ("EODO"). The EODO can assist persons in understanding this policy, the conduct prohibited by the University's Harassment, Discrimination, Sexual Assault and Title IX Policy, and their rights and duties hereunder, informal and formal complaint procedures, and possible disciplinary actions, which may be taken, up to and including termination or expulsion.

- **Informal Process:** The informal process is intended to resolve concerns at the earliest stage possible. Employees are encouraged to resolve their complaints directly with the alleged offender/respondent and/or with the alleged offender's supervisor. Supervisors must consult with the Office of Human Resources prior to initiating the informal process.

If the complainant does not feel comfortable directly addressing their concerns with the respondent and/or the respondent's supervisor, then the complainant may also elect to consult with the Equal Opportunity and Diversity Officer. The use of the informal reporting process serves the dual purpose of educating the University community about discrimination, harassment and sexual harassment while working directly and confidentially, to the extent possible, with the parties involved. Informal resolution may include discussions with the parties (individual or joint discussions), speaking with the respondent, the respondent's supervisors, targeted training, written or verbal apologies, or other appropriate resolutions designed to address the particular circumstances. Both parties must mutually agree in writing in order to utilize the informal process. See Section VI.B below for more details regarding the informal process.

- **Formal Process:** A formal investigation may also be utilized to handle complaints. A complainant's request for a formal investigation will be considered but is not determinative. The formal process may be utilized when the informal process for early resolution is inappropriate (e.g., when the facts are in dispute regarding allegations of serious misconduct or there are reports of a pattern of inappropriate behavior/alleged criminal acts such as stalking, sexual assault or physical assault), when the complainant or respondent have not consented to the informal process, or in cases where the informal process is unsuccessful.

Complaints of harassment or discrimination against students shall be reviewed and resolved in accordance with the disciplinary procedure for student conduct violations. Complaints against faculty generally will be reviewed and resolved under the disciplinary procedure in the Faculty Manual, and charges directed against staff or administration generally will be reviewed and resolved under the disciplinary procedures in the University's Staff and Administrative Handbook.

Complainant Requests No Investigation

If the complainant requests that no investigation occur, the Investigator shall determine whether the allegations nonetheless require an investigation to mitigate potential risk to the campus community. Based upon the potential risk to the community, the Investigator may proceed with the investigation

without the participation of the complainant. The Investigator shall attempt to keep the complainant's identity confidential from the respondent, but depending on the investigation and allegations brought forth, this may not be possible. The Investigator shall inform the complainant that confidentiality may not be able to be maintained.

Relevant Policies and Procedures Utilized in Investigation

Faculty may instead choose to file a grievance related to this policy in accordance with the Faculty Manual or to utilize the Harassment and Discrimination Policy, however, faculty must choose one process and may not have the complaint reheard or removed from one process to another once it has been filed.

Student with dual status

If respondent is a student and a staff employee, the University's Equal Opportunity and Diversity Officer/Deputy Title IX Coordinator and Lead Title IX Coordinator will determine which policies and procedures apply, either the [*Student Sexual Misconduct Policy*](#) or the University's [*Harassment, Discrimination and Sexual Harassment Policy*](#). The determination will be based upon the facts and circumstances of the alleged behavior, including the context of the prohibited conduct, the roles of the parties at the time of the conduct, and the location of the incident. Once that determination is made, the Title IX Coordinator, Title IX Deputy Coordinator/Equal Opportunity and Diversity Officer or designee(s) will notify the parties which policies and procedures will apply. If the matter is referred for review under the student policies and procedures, then the University will apply the procedures outlined in the [*Student Sexual Misconduct Policy*](#). If the matter is referred for review under the staff and faculty procedures, the University will apply the procedures outlined in this document.

If respondent is a student and also teaches a class at the University (i.e. is a lecturer, instructor, or adjunct faculty), the University's Equal Opportunity and Diversity Officer/Deputy Title IX Coordinator and Lead Title IX Coordinator will determine which policies and procedures apply either the [*Student Sexual Misconduct Policy*](#) or the University's [*Harassment, Discrimination and Sexual Harassment Policy*](#). The determination will be based upon the facts and circumstances of the alleged behavior, including the context of the prohibited conduct, the roles of the parties at the time of the conduct, and the location of the incident. Once that determination is made, the Title IX Coordinator, Title IX Deputy Coordinator/Equal Opportunity and Diversity Officer or designee(s) will notify the parties which policies and procedures will apply. If the matter is referred for review under the student policies and procedures, then the University will apply the procedures outlined in the [*Student Sexual Misconduct Policy*](#). If the matter is referred for review under the staff and faculty procedures, the University will apply the procedures outlined in this document.

Third Parties

If the respondent is a third party, the University ability to take action may be limited and is determined by the context of the prohibited conduct and the nature of the relationship of the third party to the University. The Title IX Coordinator and/or Equal Opportunity and Diversity Officer/Title IX Deputy Coordinator will determine the appropriate manner of resolution, which may include referral to area law enforcement, restriction from access to campus or University activities, or referral to the Title IX Coordinator of the home school of the third party. Although Third Parties do not have the same standing in the University's internal process as members of the University Community, they may report prohibited harassment and discrimination to the [*Equal Opportunity and Diversity Officer*](#) by calling (714) 997-6847.

B. The Informal Process

When is the informal reporting process appropriate? An informal process is appropriate when (i) both the complainant and respondent mutually desire to resolve the situation cooperatively; (ii) the [*Equal Opportunity and Diversity Officer*](#) makes a determination that an informal process is appropriate; and (iii) the complaint does not involve sexual assault or serious prohibited conduct. The University encourages early resolution of a complaint. However, the formal report process may be used when the informal process for early resolution is not appropriate.

The Equal Opportunity and Diversity Officer will make the preliminary assessment of the complaint to determine whether the complaint can be handled through an informal resolution process. However, mediation cannot be utilized for sexual assault complaints.

Either party may, at any time, end the informal process and/or opt to utilize the formal grievance or complaint process. Use of this informal process is not required prior to making a formal grievance or complaint.

What is the informal complaint process?

Step 1: If an individual believes they have been the victim of discrimination or harassment, it is important to discuss the incident with the Equal Opportunity and Diversity Officer. A meeting and/or discussion of the incident(s) with the EODO can be arranged at a time and place on campus that is convenient for the complainant. The EODO will explain the informal and formal complaint process to the complainant, explain the reporting options, and inform the complainant that at any time the complainant or respondent may end the informal process and move to the formal process.

Step 2: If a complainant elects in writing to proceed with the informal process, the Equal Opportunity and Diversity Officer will make a preliminary assessment to determine if the reported incident is eligible for informal resolution. When making this determination the EODO will interview the complainant, review the details of the reported incident, and severity of the circumstances.

Step 3: If the informal resolution is appropriate given the circumstances, the EODO will contact the respondent to request consent to the informal process. The EODO will inform the respondent of the reported incident and provide written notice of the allegations and explain the informal and formal process to the respondent. If the respondent does not agree to an informal resolution, the complainant then may choose to move forward with the formal complaint process or may decide not to go further with the complaint. However, based upon the severity and circumstances of the incident the EODO may proceed with formal investigation if the health and welfare of the students, staff, and faculty are at risk or if the alleged conduct interferes with the academic or workplace environment. See below for more details on the formal complaint process.

Both respondent and complainant must agree in writing in order for the informal process to be initiated and to move to Step 4.

Step 4: The Equal Opportunity and Diversity Officer will arrange and participate in an informal resolution meeting/mediation, either upon their own initiative or at the request of the complainant or respondent. The EODO will explain the options available to resolve the situation. Early informal resolution could encompass a full range of possible appropriate outcomes including but not limited to, speaking with the respondent, the respondent's supervisor, or the parties together, targeted training,

written or verbal apologies, referring the parties to counseling programs or other appropriate resolution designed to address the particular circumstances. The Vice President of Human Resources will review the reported incident and approve any proposed resolution.

Possible Step 5: Move to Formal Process - If either party is not satisfied with the results of the informal resolution or if the informal resolution was unsuccessful, then the complainant may elect to make a formal complaint. See below for process of formal complaint procedure.

Documentation of Informal Process - Documentation of the names of complainant and respondent, a summary of the concerns/allegations and resolution measure(s) taken shall be documented and maintained by the [Equal Opportunity and Diversity Officer](#).

C. The Formal Process

When is the formal reporting process appropriate? The formal report process will be used when the informal report for early resolution is inappropriate or in cases when either party has not consented to the informal process, in cases where the informal process for early resolution is unsuccessful, or complaints are under review with the Faculty Manual or [Student Conduct Code/Student Sexual Misconduct Policy](#).

If an individual believes they have been the victim of discrimination or harassment, it is important to discuss the incident with the Equal Opportunity and Diversity Officer (“EODO”), at DeMille 103. A meeting and/or discussion of the incident(s) with the EODO can be arranged at a time and place on campus that is convenient for the complainant. The EODO will explain the formal and informal complaint process to the complainant and inform the complainant that at any time the complainant or Respondent may end the informal process and move to the formal process.

Step 1: Report Complaint - The University requests that complaints be made in writing to assure the accuracy of the charge. However it is not required that complaints be made in writing, verbal complaints are also accepted. The complaint form can be found on the [Equal Opportunity and Diversity Officer](#) webpage. The Human Resources Department also maintains a toll free Harassment Complaint Line for the purpose of reporting incidents applicable to the Harassment and Discrimination policy. The toll free number is (877) 527-7533. Upon receipt of the complaint, the EODO will request to meet with the complainant.

Step 2: Preliminary Assessment of Complaint - Upon receipt of the complaint, the Investigator will conduct a preliminary assessment of the complaint to determine whether the complaint can be handled through the informal resolution process. Please see Informal Process for information on the informal process. **Note: a sexual assault complaint can never be handled through mediation.**

The Investigator will also make an assessment to determine if a formal investigation is warranted by determining whether: (i) the report, on its face, alleges an act of prohibited conduct under the policy; and (ii) such conduct is within the scope of the University’s Policy.

If the Investigator determines to conduct a formal investigation, the complainant and the respondent will be provided a written summary of the allegations, an explanation of the procedures and resources available to them and a copy of the policy.

Step 3: Notification of complaint and allegations to respondent - The Respondent will be notified in writing of the complaint and allegations and the investigator will request a meeting with the respondent to provide the respondent an opportunity to respond to the allegations. At the meeting with the investigator, the investigator will explain the formal and informal process and provide a copy of the [*Harassment, Discrimination and Sexual Harassment Policy*](#) to the respondent.

Step 4: Investigation discovery process - The investigator will interview the parties, interview relevant witnesses, review relevant available documentation, and view other evidence as may be available. The investigator will also explain to the parties the type of information that may be gathered in the investigation, including but not limited to emails, text messages, photos, university video footage, door access records and social media information. The investigator has the discretion to determine how many witnesses will be interviewed, as well as the order of such interviews. The investigator may re-interview witnesses as needed, such as when evidence is disputed or when further information is required. The parties may continue to provide additional evidence throughout the investigation. During the investigation, the parties will receive regular notices of status of the investigation.

Step 5: Complete investigation and findings letters to the parties - At the conclusion of the investigation the complainant and respondent will receive written finding letters of the determination of the investigation. The length of time it will take to complete the investigation will vary based on the complexity of the complaint and other factors such as witness availability and holiday closures of the campus. Absent extenuating circumstances, the University endeavors to complete investigations within 60 calendar days from the date of the completion of the intake interview. If the investigation extends beyond 60 calendar days, written notification of the extension will be provided to both the complainant and respondent.

Step 6: Possible disciplinary action based upon finding determination - If there is a determination of a violation(s) of the policy, the University shall take prompt steps reasonably calculated to stop the conduct and prevent recurrence. The Investigator shall refer the report to the appropriate administrator responsible for discipline. Note that neither the Investigator or the Equal Opportunity and Diversity Officer determines what discipline, if any, is appropriate, regardless of whether the respondent is staff, faculty, student, Independent contractors, guests, visitors and other third parties at the University. Any disciplinary action, which may be taken as the result of findings made in these investigations is made in accordance with university policies, which include but are not limited to, the Staff and Administrative Handbook, Faculty Manual, [*Student Conduct Code/Student Sexual Misconduct Policy*](#) and the [*Harassment, Discrimination and Sexual Harassment Policy*](#).

Documentation of Formal Process - Documentation of the names of complainant and respondent, documentation used in the investigation, investigation report, findings letters and interim measures provided to the parties, shall be maintained by the Equal Opportunity and Diversity Officer. A copy of the investigation report and findings letters are not included in the personnel file of either party.

D. Conflict of Interests

For cases involving employees, faculty and/or third party respondents, the Equal Opportunity and Diversity Officer/Deputy Title IX Officer will work to identify and avoid potential bias and/or conflict of interest in the assignment of the investigator(s). Complainants and respondents may object, within two calendar days of being contacted by the investigator, to their selection on the basis of bias or conflict of interest. If a party objects, the Equal Opportunity and Diversity Officer together with the Title IX

Coordinator will evaluate whether the objection is substantiated. If it is determined that a conflict and/or bias for or against any party involved exists, a different investigator(s) will be assigned.

VII. APPEALS

A. Appeal of Investigation Findings Determination

Both the complainant and the respondent will be advised of the outcome of the investigation in writing and either party may appeal the findings of the investigation by filing an appeal to the Vice President of Human Resources. Request for appeal must be substantive and demonstrative of at least one of the following criteria:

1. A substantive investigation procedural error that could have affected the outcome of the investigation.
2. New evidence that was not reasonably available at the time of the investigation has become available and is potentially sufficient to alter the outcome of the investigation.

The appeal must be filed within five business days from the date of the written outcome and must clearly state the grounds for the appeal. The non-appealing party shall receive a copy of the appeal and has the option of submitting a written response within five business days of the date of the appeal. Upon the receipt of the request for appeal, the Vice President of Human Resources will determine if the appeal has merit. The appeal will be determined to have merit if either criteria is met. If none of the criteria for an appeal is determined to have been met, the investigator's finding shall be upheld. If the appeal has merit, the Vice President will review the appeal and supporting documentation and make a determination on the appeal. Both parties will be advised of the outcome of the appeal in writing within 30 business days of the receipt of the written appeal. The Vice President of Human Resources determination is the final decision on the appeal.

B. Appeal of Disciplinary Action

Either party may appeal the disciplinary action taken as a result of the investigation by filing a written appeal within 10 business days of the date of written outcome. This appeal only reviews the disciplinary action taken as a result of the investigation and not the outcome or findings of the investigation itself. The non-appealing party shall be provided a copy of the appeal and permitted up to 10 business days to submit a reply. The process for reviewing the appeal shall be conducted as follows:

1. Staff and Administrators - in accordance with the Staff and Administrative Handbook, Section 2.14.1 and Section 2.14.4
2. Faculty - in accordance with Faculty Manual, Section X.
3. Student - in accordance with [Student Conduct Code](#), and the [Student Sexual Misconduct Policy](#).
4. Third Parties – Although Third Parties do not have the same standing in the University's internal process as members of the University Community, they may report prohibited harassment and discrimination to the Equal Opportunity and Diversity Officer by calling (714) 997-6847.

Appeals are to be submitted to the Vice President of Human Resources. Both parties will be advised as to the outcome of the appeal in writing within 30 business days of the receipt of the non-appealing party's written reply (if any) to the appeal. The determination of the Vice President of Human Resources is the final decision on the appeal.

Documentation of Appeals - Documentation of the names of complainant and respondent, Appeal Report

and interim measures provided to the parties, shall be maintained by the Equal Opportunity and Diversity Officer. A copy of the investigation report is not included in the personnel file of either party.

VIII. CONFIDENTIALITY

To the extent possible, the University will make a reasonable effort to conduct all proceedings related to harassment and discrimination allegations in a manner which will protect the confidentiality and privacy interests of all parties. Examples of situations where confidentiality cannot be maintained include circumstances when the University is required by law to disclose information, when disclosure is warranted by the University in order to protect the rights of others, or disclosure is necessary to facilitate legitimate University processes including investigation and resolution of harassment and discrimination allegations. In addition to these efforts by the University, all parties to the alleged complaint should treat the matter under investigation with discretion and respect for the reputation of all parties involved.

IX. ACADEMIC FREEDOM

Chapman University is an institution dedicated to learning and teaching and for this reason; it is committed to the protection of the principle of academic freedom. This policy against harassment and discrimination is consistent with the University's value of academic freedom. Chapman University is committed to the free and vigorous discussion of ideas, which the University believes is protected by this policy. The [Harassment, Discrimination, Sexual Harassment Policy](#) and the [Student Sexual Misconduct Policy](#) shall be applied in a manner that protects the academic freedom of all parties to a complaint. All members of the University community have a right to use the academic forum provided by the University to discuss subjects and to express ideas with which members of the community may disagree or be uncomfortable. Within a University committed to the principle of academic freedom there can be no forbidden ideas. Consequently, faculty members, as experts in their disciplines, have not only the right but also the responsibility to select those materials and pedagogical tools, which are appropriate to the content of the courses they teach.

Faculty members and students engaged in the creation and presentation of works of the visual and the performing arts are as much engaged in pursuing the mission of the University, as are those who write, teach, and study in the other academic disciplines. These presentations, therefore, merit no less protection.

This policy fairly balances the imperative of protecting academic freedom while providing a learning and working environment free of harassment and discrimination. Words, visual images, and behavior, which are disturbing to an individual or group of individuals are not necessarily a violation of this policy. Concerns or alleged charges regarding a violation of this policy will, therefore, be carefully reviewed with full consideration given to the protection of freedom of speech, academic freedom, and the pedagogical requirements of the course. As an academic institution, the University is obliged to ensure that regulations and procedures do not impair freedom of expression or discourage creativity by subjecting artistic work to tests of propriety or ideology.

In the context of conduct, speech, or ideas that occur or are shared as part of a class or course, the following considerations should be applied in assessing whether the conduct is harassing conduct and whether the conduct would be "offensive to a reasonable person under the circumstances":

- Whether the conduct seeks to demean or ridicule a specific individual, such as a class participant on the basis of that individual's protected characteristic;

- Whether the conduct involves an offensive touching;
- Whether the conduct was directed to a particular person; and
- Whether the conduct was persistent and pervasive.

X. CONSENSUAL RELATIONSHIPS

There are special risks in any sexual or romantic relationship between individuals in inherently unequal positions (such as teacher and student, supervisor and employee, student and administrator, or student resident and the individual who supervises the day-to-day student living environment). These risks are particularly high in relationships involving students. Because of the respect and trust accorded a professor or administrator by a student and the power exercised by the professor or administrator in giving praise or blame, grades, recommendations for further study or future employment, the student's actual freedom of choice is greatly diminished when sexual demands are made. Therefore, consenting romantic and sexual relationships between faculty or administrators and students, while not expressly forbidden, are generally deemed unwise. Codes of ethics for most professional associations forbid professional-client sexual relationships. Therefore, faculty and administrators need to be aware of the possible costs of even an apparently consenting relationship, in regards to the academic efforts of both faculty member and student.

A faculty member or an administrator who enters into a sexual relationship with a student (or supervisor with an employee) where a professional power differential exists, must realize that if a charge of sexual harassment is subsequently lodged, it will be exceedingly difficult to prove immunity on grounds of mutual consent. Parties in such a relationship assume those risks. Such relationships may undermine the real or perceived integrity of the supervision and evaluation provided, and the trust inherent particularly in the student-faculty relationship. They may, moreover, be less consensual than the individual whose position confers power believes. The relationship is likely to be perceived in different ways by each of the parties to it, especially in retrospect.

Moreover, such relationships may harm or injure others in the academic or work environment. Romantic and sexual relationships between supervisor and employee are also discouraged, and for the same reasons. Relationships in which one party is in a position to review the work or influence the career of the other may provide grounds for complaint when that relationship gives undue access or advantage, restricts opportunities, or creates a hostile environment for others. Furthermore, circumstances may change, and conduct that was previously welcome may become unwelcome. Even when both parties have consented at the outset to a romantic involvement, this past consent does not remove grounds for a charge based upon subsequent unwelcome conduct. In any such relationship, mutual consent will not guarantee immunity from charges of sexual harassment.

XI. EDUCATION

The University recognizes that educating faculty, staff, students and administrators about this policy and the problems it addresses plays a significant role in maintaining a campus environment that is free of harassment and discrimination. There are at least four major goals to be achieved through education: (1) ensuring that all victims and potential victims are aware of their rights; (2) notifying individuals of conduct that is proscribed; (3) informing administrators about the proper way to address complaints of alleged violations of this policy; and (4) helping educate the uninformed about the behavior this policy addresses. All employees are required to complete prevention training, including but not limited to harassment, discrimination and sexual harassment training, on a periodic basis, which is provided by the University, utilizing both live and online training (Workplace Answers by Everfi).

In keeping with this objective, the University's [Harassment, Discrimination and Sexual Harassment Policy](#) will be reviewed annually. The University's [Equal Opportunity and Diversity Officer](#) will send periodic announcements to all faculty, administrators and staff about the schedule for live training, as well as access to the self-paced online training module that is always available. An overview of the policy is included in student, faculty, and employee orientations, and this policy is incorporated by reference in the Student Conduct Code, and the applicable handbooks and manuals for faculty, staff, and students. In addition, copies of this policy are available online and in the Office of Human Resources.

XII. QUESTIONS

Persons desiring more information about these procedures are invited to contact the University's [Equal Opportunity and Diversity Officer](#), (EODO). The EODO can assist persons in understanding this policy, the conduct prohibited by the University's [Harassment, Discrimination and Sexual Harassment Policy](#). The Title IX coordinator can answer questions pertaining to the [Student Conduct Code](#) and the [Student Sexual Misconduct Policy](#), their rights and duties hereunder, informal and formal complaint procedures, and possible disciplinary actions, which may be taken, up to and including termination or expulsion.