



CHAPMAN  
UNIVERSITY

Discrimination, Harassment,  
and Retaliation Prevention Policy

Chapman University | August 2020

Revised March 17, 2022

**Table of Contents**

I. Introduction.....3

II. Scope .....3

III. Prohibited Conduct Defined .....3

IV. Definition of Harassment in Employment.....4

V. Reporting Prohibited Conduct.....8

VI. Procedures for Resolving Complaints of Prohibited Conduct Under This Policy .....10

VII. Appeals .....13

VIII. Required Training .....14

## **I. Introduction**

Chapman University (“the University”) is committed to providing and maintaining a community where all individuals who participate in University programs and activities can achieve their academic and professional aspirations. The University complies with Titles VI and VII of the Civil Rights Act of 1964, Title IX of the Educational Amendments of 1972, as amended, the Violence Against Women’s Act, the California Fair Employment and Housing Act, the California Education Code, and other laws, which prohibit discrimination and harassment against protected categories in University employment and educational programs and activities.

This Policy is intended to ensure a safe and nondiscriminatory employment and educational environment and comply with all applicable laws. The University prohibits any form of unlawful discrimination or harassment. The University strongly encourages those who have experienced, witnessed or become aware of conduct that violates this Policy come forward so that the University can take appropriate steps to end the conduct, remedy its effects, and to prevent its recurrence. The University will protect the privacy of those who come forward to the extent possible and permissible by law.

This Policy sets forth the University’s position on discrimination and harassment, specifies Prohibited Conduct, and delineates duties and obligations of University employees, students, and other members of the University community. This Policy then describes reporting options and available resources, including the availability of accommodations and supportive measures. The Procedure section sets forth all investigation and disciplinary processes for matters in which employees, students or third parties are accused of misconduct and includes supplemental procedures for certain types of claims. This policy also prohibits conduct that may be addressed by the University’s *Policy on Sexual Harassment Prohibited by Title IX* or the *Student Policy on Sexual Harassment Prohibited by Title IX* or the *Student Policy on Sexual Harassment Prohibited by Senate Bill 493*, in which case those policies shall apply first.

## **II. Scope**

This policy is to address Prohibited Conduct against University employees, which includes student employees or any other persons or third parties with whom University employees, including job applicants, student-employees, interns, volunteers, and independent contractors. All employees (including student-employees) are responsible for complying with this policy.

This policy applies to Prohibited Conduct that occurs:

- On University property;
- Off-campus, if;
  - (a) the conduct was in connection with a University or University-recognized program or activity, or;
  - (b) the conduct may have the effect of creating a hostile employment and/or educational environment for a member of the University community.

## **III. Prohibited Conduct Defined**

The University prohibits harassment and discrimination against its employees and students on the basis of race (including hair texture and protective hair styles), ethnicity, color, religion (including religious dress and grooming practices), creed, ancestry, national origin, age, medical condition, physical or mental disability, sex, sexual orientation, gender (including sexual harassment, gender identification, gender expression, transgender or LGBTQIA+ 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.

## A. Harassment in Employment

Harassment in employment under this policy means any unwelcome behavior that is reasonably regarded as offensive that is based on a protected category, as indicated above, which:

1. Sufficiently offends, humiliates, distresses, or intrudes upon its victim, so as to disrupt the victim's emotional tranquility in the workplace, or
2. Affects the victim's ability to perform the job as usual, or
3. Otherwise interferes with and undermines the victim's personal sense of well-being in the workplace.

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 their comments or conduct were welcome is not the determining factor. 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.

Harassment may include, but is not limited to: verbal abuse; epithets or slurs; negative stereotyping; threatening, intimidating or hostile acts; denigrating jokes; insulting or obscene comments or gestures; and the display or circulation of written or graphic material (including in hard copy, by email or text, or through social media) that denigrates or shows hostility or aversion toward an individual or group members of a protected class. Calls, texts, emails, and social media usage by employees can contribute to a hostile work environment, even if they occur away from the workplace premises or not during work hours. Sexual harassment and other gender-based harassment, described further below, are forms of harassment.

## B. Sexual Harassment in Employment

Sexual harassment in employment under this policy is a particular type of harassment. Certain types of sexual harassment may also be addressed by the University [Policy on Sexual Harassment Prohibited by Title IX](#). If the sexual harassment is by a student, it may also be addressed by the [Student Code of Conduct](#).

Under this policy, prohibited 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 (*Definition of Harassment in Employment*).

Examples of conduct that may constitute prohibited 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 a person's body, physical appearance, or clothing;
- Frequent use of unwelcome terms of endearment; or
- Repeatedly asking an individual for a date or meetings outside of working hours after they have indicated an unwillingness to go.

The University also prohibits sexual assault, dating violence, domestic violence and stalking based on sex by and against its employees. If this conduct does not fall under the jurisdiction of the University's [Policy on Sexual Harassment Prohibited by Title IX](#), the University reserves the right to address this conduct under the procedures of

this policy, using the same definitions of Prohibited Conduct as the *Policy on Sexual Harassment Prohibited by Title IX* and the definition of affirmative consent. If reported conduct is covered under the Violence Against Women Reauthorization Act of 2013 amendments to the Clery Act, but is not included within the scope of the University's *Policy on Sexual Harassment Prohibited by Title IX*, the obligations under the 2013 amendments to the Clery Act will apply. In these cases, as required by VAWA, the parties shall be entitled to have an advisor of choice at any meetings or proceedings and to receive simultaneous notice of the outcome and results and the available appeal procedures. The University's Policy on Sexual Harassment Prohibited by Title IX Information Guide is available on the [Equal Opportunity Office's webpage](#) and/or in the Equal Opportunity Office.

### **C. Harassment of Students by Employees**

In addition to the conduct prohibited by the *Policy on Sexual Harassment Prohibited by Title IX*, employees may not engage in specific forms of Prohibited Conduct against the University's students, including: harassing conduct (e.g. physical, verbal, graphic or written) that is so sufficiently severe, pervasive or persistent so as to interfere with or limit the ability of a student to participate in or benefit from the services, activities or privileges provided by the University. Employees are additionally prohibited from engaging in "sexual harassment" of students, which is defined as 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 or educational setting, under any of the following conditions:

- (a) submission to the conduct is explicitly or implicitly made a term or a condition of a student's academic status, or progress;
- (b) submission to, or rejection of, the conduct by a student is used as the basis of academic decisions affecting the individual;
- (c) the conduct has the purpose or effect of having a negative impact upon the student's academic performance, or of creating an intimidating, hostile, or offensive educational environment;
- (d) submission to, or rejection of, the conduct by a student is used as the basis for any decision affecting a student regarding benefits and services, honors, programs, or activities available at or through the educational institution.

Complaints by students (except student-employees who are making a complaint in their capacity as employees) against employees will use the above definitions and shall be resolved pursuant to this policy unless otherwise covered by the University's *Policy on Sexual Harassment Prohibited by Title IX*.

### **D. Discrimination**

The University also prohibits discrimination based on lawfully protected categories. This is separate from harassment. Discrimination occurs when an individual is treated less favorably with respect to employment or the administration of the University's educational programs, benefits, or activities based upon that individual's membership in a protected class as defined in section III above. Complaints of discrimination shall be processed under this policy.

### **E. Retaliation**

The University expressly forbids anyone to take any form of retaliatory action against any member of the University community who in good faith voices concerns, seeks advice, files a complaint or grievance, seeks the aid of Human Resources, testifies or participates in investigations, compliance reviews, proceedings or hearings, or opposes actual or perceived violations of University Policy or unlawful acts.

Retaliation is an adverse action taken against an individual (or group of individuals) by the University or by a member of the University community because the individual has engaged in a protected activity by:

- (1) personally complaining of or opposing perceived discrimination or harassment because of a protected category;

- (2) testifying, assisting, or participating in an investigation, proceeding, hearing, or legal action involving a claim of discrimination or harassment, including but not limited to a Discriminatory Employment/Service Practice, based on a Protected category; or
- (3) exercising rights under a relevant statute which involves a Protected Class.

Examples of behavior that could be considered Retaliation; depending on the circumstances, examples of retaliation may include, but are not limited to:

- Threats of termination, transfers and changes in work location, poor performance reviews, the denial of a promotion or tenure, denial of job benefits, demotion, suspension, or termination;
- An escalation of harassing behavior in response to a complaint;
- Making false reports to government authorities (e.g., law enforcement, licensing agencies);
- Threats of deportation, initiating action with immigration authorities; or
- Adverse academic actions against a student could include a reduced grade, negative recommendation, negative comments about the student at academic meetings or conferences, or limiting access to an academic opportunity.

Retaliation is a separate violation of this Policy and may lead to an additional complaint and disciplinary action. Complaints of retaliation against an employee, student, or third party may be directed to the Director of Equal Opportunity.

Any individual who believes that they or another member of the University community have been or are the subject of retaliatory action should make an oral or written report to the Equal Opportunity Office. Anyone found to have retaliated against a member of the University community will be subject to disciplinary action up to and including termination. If the violator is not subject to the direct control of the University (e.g. contractors, visitors), they may be barred from the campus and from doing business with the University in the future.

#### **F. Bad Faith Complaint/False Information**

The University further expects parties to provide truthful information in any proceeding under this Policy. Submitting or providing deliberately false or misleading information in bad faith or with a view to personal gain or intentional harm to another in connection with an incident of Prohibited Conduct is forbidden and subject to disciplinary sanctions. This provision does not apply to reports made or information provided in good faith, even if the facts alleged in the report are erroneous or are not later substantiated.

#### **The University's Statements of Non-Discrimination**

The University is committed to providing an environment that is free from discrimination and harassment based on race, age, creed, color, religion, national origin or ancestry, sex, gender, disability, veteran status, genetic information, sexual orientation, gender identity or expression, or pregnancy and will not discharge or in any other manner condone or permit discrimination discriminate against employees, students or applicants because they have inquired about, discussed, or disclosed their own pay or the pay of another employee or applicant. The University is fully committed to achieving a diverse workforce and complies with all Federal and California State laws, regulations, and executive orders regarding non-discrimination and affirmative action.

Students have the right to participate in the University's academic program and related activities in a manner that is free from discrimination. Similarly, University employees and third parties have the right to work in a professional environment that promotes equal employment opportunities and prohibits discriminatory practices, including harassment. All employees, applicants for employment and third parties with the University are protected from Prohibited Conduct. The University expects that all relationships among persons in the workplace will be free of bias, prejudice and harassment.

## **Title IX Statement**

The University does not discriminate based on sex in any program or activity, including in the admissions process and employment, and is prohibited from such discrimination by Title IX and 34 CFR Part 106. Complaints of discrimination based on sex or questions about Title IX can be directed to the University's Title IX Coordinator, Deputy Title IX Coordinator or to the U.S. Assistant Secretary of Education, or both.

University employees, third parties, and students who have questions about Title IX, or believe they or others have been subjected to sex discrimination or sexual harassment by a University employee or third party, please contact:

**Albert Roberson**, Director of Equal Opportunity,  
Deputy Title IX Coordinator, and ADA/ 504 Officer  
DeMille Hall  
One University Drive  
Orange, CA 92866  
Tel: (714) 997-6847  
Email: [aroberson@chapman.edu](mailto:aroberson@chapman.edu)

University employees, third parties, and students who have questions about Title IX, or believe they or others have been subjected to sex discrimination or sexual harassment by a University student, please contact:

**Collee Wood**, Title IX Coordinator,  
Associate Vice President for Student Affairs,  
and Senior Associate Dean of Students  
Argyros Forum 302A  
One University Drive  
Orange, CA 92866  
Dean of Students Office  
Tel: (714) 532-6056  
Email: [cwood@chapman.edu](mailto:cwood@chapman.edu)

## **Section 504 Statement**

The University does not discriminate based on disability in any program or activity, including in the admissions process and employment, and is prohibited from such discrimination by Section 504 of the Rehabilitation Act. . Complaints of discrimination based on disability or denial of accomodation may be filed under this policy and can be directed to the University's ADA/504 Officer or to the U.S. Assistant Secretary of Education, or both.

To ask questions about Section 504 of the Rehabilitation Act, or make a report or complaint of discrimination please contact:

**Albert Roberson**, ADA/504 Officer,  
Director of Equal Opportunity, and  
Deputy Title IX Coordinator  
DeMille Hall  
One University Drive  
Orange, CA 92866  
Tel: (714) 997-6847  
Email: [aroberson@chapman.edu](mailto:aroberson@chapman.edu)

Questions or complaints about Title IX or Section 504 may be directed to the assistant secretary for civil rights:  
Office for Civil Rights,  
San Francisco Office  
U.S. Department of Education

50 United Nations Plaza  
San Francisco, CA 94102  
Telephone: (415) 486-5555  
Facsimile: (415) 486-5570  
Email: [OCR.SanFrancisco@ed.gov](mailto:OCR.SanFrancisco@ed.gov)

### **Title VI Statement**

The University does not discriminate based on race, color or national origin in any program or activity, including in the admissions process and employment, and is prohibited from such discrimination by Title VI. To make a report or complaint of discrimination or for any questions related to Title VI, please contact the Director of Equal Opportunity.

### **Age Discrimination Act of 1975 Statement**

The University does not discriminate based on age in any program or activity, including in the admissions process and employment and is prohibited from such discrimination by the Age Discrimination Act of 1975. To make a report or complaint of discrimination or for any questions related to the Age Discrimination Act of 1975, please contact the Director of Equal Opportunity.

## **IV. Reporting Prohibited Conduct**

The University encourages individuals who believe they are subject to conduct prohibited by this policy to, whenever possible, promptly advise the offender that their behavior is unwelcome/unacceptable and request that it be discontinued. The University recognizes that an individual may prefer to pursue the matter through an alternative resolution or the DHR complaint process under this policy. Any manager or supervisor who witnesses or hears about conduct must immediately report the conduct to the Director of Equal Opportunity.

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 or witness of 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.

Individuals who believe they have been the victim of conduct prohibited by this policy or believe they have witnessed such conduct and wish to file a complaint should contact the Director of Equal Opportunity. If the complaint is against the Director of Equal Opportunity, the individual should contact the Chief Human Resources Officer. It is helpful for the individual to submit the complaint in writing, but a written complaint is not required in order for a . If a Complaint has already been filed under the University's *Policy on Sexual Harassment Prohibited by Title IX*, resolution of that process shall be completed prior to the invocation of this process.

Any good faith discrimination, harassment, or retaliation 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. University employees serving in a privileged professional capacity (counselors, clergy, medical providers and rape-crisis counselors) are not obligated to report and, absent a request by the Complainant, should not report information disclosed to them in their capacity as a privileged professional, except as required by law.

Reports may be made at any time (including during non-business hours) by using the telephone number, electronic mail address or [Equal Opportunity Office webpage](#), or by mail to the office address listed below. A Complainant has the option to choose whether they will notify and seek assistance from law enforcement.



University employees, third parties, and students who believe they or others have been subjected to harassment, discrimination, sexual harassment and/or retaliation by a University employee(s) or third party, please contact one of the following or utilize the online reporting form found on the Equal Opportunity Office's webpage:

**Albert Roberson**, Director of Equal Opportunity,  
Deputy Title IX Coordinator, and ADA/ 504 Officer  
DeMille Hall  
One University Drive  
Orange, CA 92866  
Tel: (714) 997-6847  
Email: [aroberson@chapman.edu](mailto:aroberson@chapman.edu)

**Dawn White**, Investigator  
DeMille Hall  
One University Drive  
Orange, CA 92866  
Tel: (714) 997-6827  
Email: [dawwhite@chapman.edu](mailto:dawwhite@chapman.edu)

University employees, third parties, and students who believe they or others have been subjected to harassment, discrimination, sexual harassment and/or retaliation by a University student(s), please contact one of the following:

**Colleen Wood**, Title IX Coordinator,  
Associate Vice President for Student Affairs,  
and Senior Associate Dean of Students  
Argyros Forum 302A  
One University Drive  
Orange, CA 92866  
Dean of Students Office  
Tel: (714) 532-6056  
Email: [cwood@chapman.edu](mailto:cwood@chapman.edu)

**Lauren Lockwood**, Title IX Investigator  
and Program Coordinator for Student Affairs  
Argyros Forum 302  
One University Drive  
Orange, CA 92866  
Dean of Students Office  
Tel: (714) 744-7693  
Email: [llockwood@chapman.edu](mailto:llockwood@chapman.edu)

## V. University Supportive Resources

University employees and students seeking confidential support can access the following University resources. These resources do not need to notify the Equal Opportunity Office or Title IX office when someone discloses concerns of Prohibited Conduct; however, these resources may be required to report such information as required by their licensing body. If you have concerns about disclosure, please discuss this with the confidential resource before disclosing information.

### **Fish Interfaith Center**

One University Drive, Orange, CA 92866  
(714) 628-7289  
[docent@chapman.edu](mailto:docent@chapman.edu)

Father Rafael Luévano, Associate Professor of Religious Studies - (714) 532-6098

Reverend Cisa Payuyo, Associate Director of Church Relations - (714) 997- 6760

Reverend Gail Stearns, Ph.D., Dean of Chapel - (714) 628-7289

Reverend Nancy Brink, Director of Church Relations - (714) 997- 6760

Shaykh Jibreel Speight, Director of Muslim Life - (714) 628-2646

### **Rape Crisis Counselor (students only)**

Dr. Dani Smith  
Argyros Forum 303B,  
One University Drive, Orange, CA 92866  
(714) 744-7080  
[dasmith@chapman.edu](mailto:dasmith@chapman.edu)

**University Ombudsperson (faculty only)**

Dr. Cristina Giannantonio  
Beckman Hall 303M  
One University Drive, Orange, CA 92866  
(714) 628-7320  
[giannant@chapman.edu](mailto:giannant@chapman.edu)

**Student Psychological Counseling Services (students only)**

410 N. Glassel St, Orange, CA 92866  
(714) 997-6778  
[spcs@chapman.edu](mailto:spcs@chapman.edu)

**Frances Smith Center for Individual & Family Therapy**

501 W. Palm Ave, Orange, CA 92866  
(714) 997-6746

**VI. Procedures for Resolving Complaints of Prohibited Conduct Under This Policy**

The University will follow the procedures set forth below to ensure prompt and equitable resolution of complaints of conduct prohibited by this policy.

The University will take appropriate 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. All such investigations will be conducted by qualified, impartial personnel in a manner that is fair, equitable, and timely to all parties. The University maintains the confidentiality of processes under this policy to the extent possible, documents and tracks processes to ensure reasonable progress, and closes processes in a reasonably timely manner.

All complaints shall be acknowledged promptly. Accommodations and supportive measures shall be considered on a case by case basis. Prior to both Alternative Resolution and Complaint procedures, an Initial Assessment will occur.

**A. Initial Assessment**

When the Equal Opportunity Office receives a report or Complaint of alleged Prohibited Conduct, they will conduct an initial assessment to gather information about the nature and scope of the allegations. If the prohibited behavior is by a student (not serving as a student employee at the time of the alleged incident(s)), it may also be addressed by the University's *Student Code of Conduct* or the [Student Policy on Sexual Harassment Prohibited by Title IX](#) or the [Student Policy on Sexual Harassment Prohibited by Senate Bill 493](#) in the *Office of Student Affairs*.

In general, conduct implicating the University's [Policy on Sexual Harassment Prohibited by Title IX](#) will be evaluated by the Director of Equal Opportunity, or designee, to determine if that policy applies first. If it is determined that the conduct implicates the [Student Policy on Sexual Harassment Prohibited by Title IX](#) or the [Student Policy on Sexual Harassment Prohibited by Senate Bill 493](#), based on to the Respondent being a Student the matter would be evaluated by the Office of Student Affairs. If it is determined that the University's [Policy on Sexual Harassment Prohibited by](#)

*Title IX* does not apply (or if that or another relevant policy has not been implicated), the following process will generally be used:

After receiving a report or Complaint alleging a violation of Prohibited Conduct, the Director of Equal Opportunity, or designee, will assign the complaint to a Human Resources Coordinator to assist with the Initial Assessment, (unless, when applicable the Director of Equal Opportunity determines that sufficient information was gathered in the assessment of the University's *Policy on Sexual Harassment Prohibited by Title IX* or other applicable policy).

This Initial Assessment may include, but is not limited to:

- The human resources coordinator contacting the Complainant in an attempt to gather a more complete understanding of the allegation(s), as well as any related conduct that may be in violation of the Policy.
- When a complaint is brought forth by a Reporter, the assigned human resources coordinator will endeavor to meet with the person identified as the potential Complainant both to gather information and to discuss their interest in participating in an investigation.

After contacting the Complainant, the human resources coordinator will consult with the Director of Equal Opportunity, or designee, who will assess the available information, determine if a complaint is supported or unsupported by any such information, and take the following actions:

- Dismiss the complaint if it determines that the report does not allege facts that, if substantiated, would constitute a violation of the Policy, or that the facts as alleged in the report are refuted by evidence or information known to or possessed by the Director of Equal Opportunity;
- Refer the report to another office to address the alleged conduct through alternate means;
- Determine that the alleged facts, if substantiated, would constitute a violation of policy such that further action is warranted under this or other applicable policy.

Based on the information gathered, the Director of Equal Opportunity, or designee, will determine whether a Complaint Process is warranted and what policy applies to the complaint. The University will endeavor to complete Initial Assessments within 7 business days from the date a report or complaint is filed.

## **B. Notice of Allegations**

After the conclusion of the initial assessment, the University shall provide the following written notice to the parties who are known, when it is determined by the initial assessment that the allegations, if substantiated, would constitute a violation of the Policy and that further investigation is needed. This notice shall include:

- This policy (as a link or attachment);
- Notice of the allegations as defined in this policy, including sufficient details known at the time and with sufficient time to prepare a response before any initial interview, if applicable. Sufficient details include the identities of the parties involved in the incident, if known the conduct alleged under this policy, and the date and location of the alleged incident, if known;
- A statement that the Respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the investigation process;
- Notification to the parties that they may have an advisor of their choice, who may be, but is not required to be, an attorney;
- Notification to the parties that they may inspect and review evidence, as set forth in this policy;
- Any provision in the University's code of conduct that prohibits knowingly making false statements or knowingly submitting information during the grievance process;
- A description of the standard of evidence that will be used;

- Lists all possible sanctions the institution may impose.

If, in the course of an investigation, the University decides to investigate allegations about the Complainant or Respondent that are not included in the initial notice of allegations, the University will provide notice of the additional allegations to the parties whose identities are known.

### **C. Alternate Resolution Process**

If determined by the Director of Equal Opportunity that an Alternative Resolution is appropriate, the parties agree to pursue the Alternate Resolution Process, and the Respondent is an employee, the Director of Equal Opportunity, or designee, will, inform the Respondent's supervisor and the Director of Equal Opportunity, or designee, will attempt to resolve the complaint. The Alternate Resolution Process must adequately address the concerns of the Complainant, as well as the rights of the Respondent and the overall intent of the University to stop, remedy and prevent prohibited conduct. A complaint will be deemed resolved when the parties expressly agree to an outcome that is also acceptable by the Director of Equal Opportunity. If resolution is reached, a record of the resolution will be maintained on file in the Equal Opportunity Office, and is considered final.

Participation in the Alternate Resolution Process is optional and not a prerequisite to filing a complaint. If at any point during the Alternate Resolution Process the Complainant or the Respondent wishes to cease the Alternate Resolution Process and proceed through the complaint process, the complaint process outlined below will be initiated.

The Equal Opportunity Office endeavors to conclude the Alternate Resolution Process within 14 business days of the agreed upon request, unless unusual or complex circumstances exist.

### **D. Complaint Process**

Any reported allegations of conduct prohibited by this policy will be reviewed promptly and impartially by qualified personnel (including external third-parties when necessary) under the direction of the Director of Equal Opportunity, unless the report is against the Director of Equal Opportunity, in which case the Chief Human Resources Officer will direct the process. When the complaint process deemed appropriate and/or necessary, the investigator will conduct a fair, timely, and thorough investigation that provides all parties appropriate due process. 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. After all interviews and evidence collection has concluded, an investigation report will be drafted by the investigator. Once drafted, the investigation report will be shared to the parties for review and an opportunity to respond in writing. All submitted responses to the investigation report will be included in the investigation file then forwarded onto the Director of Equal Opportunity.

Confidentiality will be maintained throughout the investigation to the extent possible consistent with adequate investigative practices. This means that allegations will not be kept completely confidential and information will be disclosed to those who have legitimate need to know. The investigation process will give persons accused of Prohibited Conduct notice of the nature of the allegations and a meaningful opportunity to respond (see Notice of Allegations).

After the investigation is complete, the Director of Equal Opportunity will reach reasonable conclusions based on the evidence collected, determining whether or not by a preponderance of the evidence a policy violation has occurred. Preponderance of the evidence means that it is more likely than not that a policy violation occurred.

Once that finding has been made the Director of Equal Opportunity shall recommend how the University shall resolve the matter in terms of eliminating discrimination/harassment in the workplace and ensuring compliance with this policy. If a determination is made that there has been a violation of this policy, the Chief Resource Officer, or Designee, shall take necessary steps to ensure compliance with this policy and determine what disciplinary action, if any, shall be imposed. If at the end of the investigation misconduct is found, appropriate remedial measures shall be taken. Any member of the campus community who is found to have violated this policy will be subject to corrective action. Corrective action could include required subject matter courses/development, letter(s) of reprimand, and disciplinary action up to and including termination of employment.

The Director of Equal Opportunity is responsible for communicating and administering approved disciplinary action against university employees. All actions shall be timely and shall consider appropriate remedial actions and resolutions. The case shall be closed in a timely manner.

## **VII. Determinations, remediation, and corrective measures**

The determination sent to the Complainant and to the Respondent will include a summary of the findings of the investigation and will indicate whether a Respondent is found responsible for a violation of this Policy. Determination regarding violations of this Policy will be made by using the preponderance of the evidence standard. Preponderance of the evidence means it is more likely than not that a policy violation occurred. Depending on the circumstances, the determination sent to both the Complainant and the Respondent will describe any corrective action to be taken as well as other recommendations based upon the findings.

If a violation of this Policy is found, the decision maker should consult with the Director of Equal Opportunity to assist in identifying remedial measures, if appropriate, the decision maker may also consult with any member of the executive leadership team.<sup>1</sup>

Neither the Complainant nor the Respondeent will receive a copy of the written report. However following the issurnace of the determination, the Complainant and/ or the Respondent may review the written report in person; within the Equal Opportunity Office.

If the decision maker determines that a Respondent is responsible for violating this Policy, the consequences imposed are dependent upon the specific findings and details of the case. Disciplinary, remedial, or corrective measures imposed can include, but are not limited to:

Staff:

- Termination
- Demotion
- Suspension without pay
- Written warning
- Mandatory training
- Non-renewal of contract (if applicable)

Faculty:

- Termination
- Demotion
- Presentation to Faculty Senate for revocation of tenure or abrogation of contract
- Non-renewal of contract
- Reassignment/change in assignment
- Revocation or suspension of clinical privileges
- Revocation of administrative duties or assignments
- Documentation of violation and consequences in faculty/employee file
- Mandatory training
- Supervision or ongoing monitoring
- Reporting a violation of this Policy to the appropriate grant making or licensing authority, if required

A finding that conduct did not violate this Policy does not preclude the University from requiring remedial measures to prevent a violation of this Policy, including but not limited to requiring mandatory training or coaching. A finding that conduct revealed during an investigation

- violated another University policy or rule; or

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<sup>1</sup> *If a decision maker elects to convene with executive leadership, the decision maker shall identify the members in the determination letters sent to the Complainant and the Respondent.*

- did not violate this Policy but was otherwise significant enough to warrant disciplinary action, will still allow the University to take disciplinary, remedial or corrective measures even though there was no violation of this Policy.

In addition, notwithstanding the resolution of a complaint under this Policy, if conduct is alleged or revealed that may violate another University policy or rule, the University may initiate a separate investigation or review that could result in disciplinary, remedial, or corrective measures directed to that conduct.

## VIII. Appeals

All parties to a investigation may appeal the decision within 10 business days of the date of the letter notifying the individual (or group) of the decision. Appeals are not for the purpose of having a second investigation or review of all facts but are limited to the following grounds:

- Ground 1:** Procedural irregularity that affected the outcome of the matter;
- Ground 2:** New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter; and
- Ground 3:** The investigator(s), or decision-maker(s) had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that affected the outcome of the matter.

Appeals must be sent to Brian Powell, Chief Human Resources Officer, or designee, in writing to [powell@chapman.edu](mailto:powell@chapman.edu).

- **Response to Appeals**

As to all appeals, the Chief Human Resources Officer, or designee, shall:

- i. Notify the other party in writing immediately when an appeal is filed and implement appeal procedures equally for both parties;
- ii. Ensure that the decision-maker(s) for the appeal is not the same person as the decision-maker(s) that reached the determination regarding responsibility or dismissal, or the investigator(s)';
- iii. Ensure that the decision-maker(s) for the appeal complies with the standards set forth in this policy;
- iv. Give the non-appealing party an opportunity to submit a written statement in response to the appeal within 10 business days of receiving the appeal, which shall be transmitted within 2 business days to the decision-maker(s).

- **Decision on Appeal**

The Chief Human Resources Officer, or designee, has 20 business days to respond to the appeal. The Appeal decision-maker(s) shall issue a written decision describing the result of the appeal and the rationale for the result; and provide the written decision simultaneously to both parties. The Appeal decision-maker(s) may deny the appeal or, if the appeal ground(s) has or have been met, may return the case to the initial decision-maker(s) for reconsideration. If a case is returned to the initial decision-maker(s), the Appeal decision-maker(s) shall identify which aspects merit further review. Decisions from the Chief Human Resource Officer, or designee, are final.

## IX. Confidentiality

The University will take reasonable steps to protect the privacy of Complainants, Respondents, and witnesses. Complainants, Respondents, and witnesses will be notified that disclosing information about the complaint or investigation has the potential to compromise the integrity of the investigation and might, in certain circumstances, be construed as retaliation against a participant in the investigation. Retaliation of any kind is in itself a violation of

this Policy. The parties remain free to share their own experiences, though to avoid the possibility of compromising the investigation, during the course of the investigation itself it is generally advisable to limit the number of people in whom they confide. Depending on the circumstances, the investigator may take steps to protect the integrity of the investigation or to prevent conduct that could be perceived as retaliatory.

Other than the determination letter sent to the Complainant and the Respondent, the result of an investigation will not generally be shared, including with witnesses (except to notify them that the investigation has concluded) or others, unless the University is required to do so by law or regulation. However, the decision maker may, at his or her discretion, authorize disclosure of limited information related to an investigation if circumstances so require.

These provisions do not prevent the University from engaging in aggregated, anonymized reporting relating to this Policy.

## **X. Record Keeping**

The complete investigative file, including a copy of any determination or appeal decision relating to a complaint under this Policy, along with any record of remedial action or discipline taken in response to any complaint, shall be maintained in the Equal Opportunity Office. No documentation relating to an investigation, including the determination itself, should be placed in any individual's personnel file *unless* that individual has been counseled or disciplined as a consequence of the complaint and investigation. Records of complaints and any remedial action taken will be maintained by the Equal Opportunity Office.

If a violation of this Policy is not found, but the University takes other disciplinary, remedial, or corrective measures based on information learned during the course of an investigation, a separate communication regarding that determination will be placed in that individual's personnel file, with a copy to that individual's supervisor, chair, and/or dean, as appropriate.

## **XI. Required Training**

Every employee, upon hire and biennially thereafter is required to review this policy, acknowledge they have read and understand its content. Supervisors must complete a two-hour workplace sexual harassment prevention training within six months of initial employment and biennially thereafter. Additionally, all non-supervisory employees (including temporary employees, student employees, and volunteers) must complete a one-hour workplace sexual harassment prevention training within six months of their initial employment and biennially thereafter.

## **XII. Effective Date; Revisions**

This policy is effective as of August 14, 2020 and was revised on March 17, 2022.

The University reserves the right to modify this Policy and its procedures as necessary to comply with federal or state law, and such modifications may be made before or during an ongoing resolution process. The Director of Equal Opportunity will review this policy on an annual basis. The review will take into account consideration evolving legal requirements, evaluate the supports and resources available to the parties, and assess the effectiveness of the resolution process.