

# Pacific College of Oriental Medicine: San Diego –New York–Chicago

**Policy Statement  
Revised March 2005**

## **Policy: Discrimination and Sexual Harassment**

### **1. Policy Statements:**

#### ***General Philosophy:***

Pacific College has created a policy to foster equitable treatment of all members of the college community and to create an environment conducive to learning.

- A student should feel safe and comfortable at his or her school. It is first and foremost a supportive place for learning and growing.
- Staff and faculty members should also expect a safe work environment where all may function effectively.

Discrimination including sexual harassment stops these processes.

#### ***Statement of Non-Discrimination:***

The college prohibits harassment of one person by another for any reason including, but not limited to: veteran status, race, color, religion, sex, national origin, ancestry, age, physical or mental disability, medical condition including genetic characteristics, marital status, and sexual orientation.

#### ***Title IX and Sexual Harassment:***

Title IX and college policy protects students from unlawful sexual harassment in all of a school's programs or activities, whether they take place in the facilities of the school, at a class or training program sponsored by the school at another location, or elsewhere. Title IX protects both male and female students from sexual harassment by faculty, staff or other students as well as faculty and staff from harassment by students.

#### ***Title VII and Sexual Harassment:***

Title VII protects employees from sexual harassment of one employee by another employee, supervisor or third party.

#### ***College Policy on Consensual and Therapeutic Relationships***

Pacific College strongly discourages faculty, students and staff from entering into a romantic/sexual relationship while an instructional or professional relationship still exists. Additionally, the college discourages students and faculty having a therapeutic relationship anywhere other than in a professional, medical office setting. The college expects its faculty to, at all times and in all places, conduct themselves in a professional manner and as role models to future acupuncturists.

## 2. Definitions

### *Harassment*

While it is not easy to define precisely what harassment is, it includes: slurs, epithets, threats, derogatory comments, or visual depictions, unwelcome jokes and teasing.

### *Sexual Harassment*

While it is not easy to define precisely what sexual harassment is, it includes: unwelcome sexual advances, requests for sexual favors and/or verbal or physical conduct of a sexual nature including, but not limited to: sexually-related drawings, pictures, jokes, teasing, uninvited touching or other sexually-related comments.

### *Further Clarification of Sexual Harassment of Students*

Sexual harassment can take two forms: quid pro quo and hostile environment.

Quid pro quo harassment occurs when a school employee causes a student to believe that he or she must submit to unwelcome sexual conduct in order to participate in a school program or activity. It can also occur when an employee causes a student to believe that the employee will make an educational decision based on whether or not the student submits to unwelcome sexual conduct. For example, when a teacher threatens to fail a student unless the student agrees to date the teacher, it is quid pro quo harassment. It does not matter whether the student refuses to submit to the teacher's demands and suffers the threatened harm, or does what the teacher wants and thus avoids the harm. In both cases, this act of harassment by the school employee is unlawful.

Hostile environment harassment occurs when unwelcome conduct of a sexual nature is so severe, persistent, or pervasive that it affects a student's ability to participate in or benefit from an educational program or activity, or creates an intimidating, threatening or abusive educational environment.

## 3. Retaliation

Pacific College encourages reporting of all incidents of harassment regardless of who the offender may be, or the offender's relationship to the college.

It is extremely important to note that Pacific will make certain, to the best of its ability, that no harm comes to a student or staff member for reporting incidents of harassment including sexual harassment. The school will take steps to prevent any retaliation by the alleged harasser or anyone else at the school. Titles IX and VII prohibit retaliation and students and staff members can be sure that the school will take strong responsive actions should any occur.

## 4. Malicious or Frivolous Allegations

Pacific recognizes that allegations of harassment can cause serious damage to the accused's personal reputation and career. If it is determined that a harassment allegation is malicious or frivolous in nature, the complainant may be subject to disciplinary action.

## **5. Confidentiality**

The college recognizes that confidentiality is important. Anyone who suspects that they have been a victim of harassment is encouraged to report the matter. The college will make every effort to respect the confidentiality and privacy of all parties involved. When looking into the matter, particularly where a grievance is filed, the school will pay attention to any due process or other rights the accused student or teacher might have. However, the school will make sure that doing so does not interfere with the protections provided to the complainant by Title IX.

Sometimes, a student complaining of harassment may ask that his or her name not be used by the school in its investigation. Similarly, a student may even ask that the school take no action. In these situations, a school's ability to deal with the alleged harassment may be limited. However, the school may still be able to take some steps to address the matter. For example, a school will, at its minimum, report a sexual assault or other possible criminal activities to the police, even without a complaint from the student. In less severe cases, the school will at least keep track of the incident so that it can identify and take action against repeat offenders. However, when faced with a request for confidentiality or to take no action, the school must consider whether the alleged harassment may affect other students. If so, the school may need to take action to prevent those students from being harassed.

## **6. Sanctions**

If a school discovers an incident of harassment, it has an obligation to stop it and make sure that it does not happen again. Sanctions may include appropriate disciplinary and or remedial action, warning, censure, suspension or dismissal from employment or from the program.

## **7. Complaint Procedure: Sexual Harassment/Discrimination**

Any student, staff member, faculty member, or other person who believes he or she has been unlawfully harassed should immediately report it to a responsible school official. These include the Chief Operating Officer, Academic Dean, or Director of Clinical Services, or in the case of an employee, his or her immediate supervisor. Generally an incident should be reported within 180 days (within 6 months) from the date of occurrence. The school will move quickly to determine what happened. When a student reports sexual harassment, the school will explain how its grievance and investigation procedures work and offer the student the opportunity to use them.

### **Levels of Resolution:**

#### ***Consultation***

A student or staff member may consult with the Chief Operating Officer, Academic Dean, or Director of Clinical Services to discuss issues related to sexual or other

harassment, whether or not “harassment” actually occurred, and whether the person seeking information is a complainant, a person who believes his or her own actions may be the subject of criticism (even if unwarranted), or a third party. Often there is a desire that a consultation be confidential or “off the record.” This can usually be achieved when individuals discuss concerns about harassment without identifying the other persons involved, and sometimes even without identifying themselves. The level of confidentiality depends on what legal protections are necessary for the safety of the campus community.

### ***Direct***

If the student or staff member feels comfortable doing so, he/she should confront the harasser directly and communicate to him/her that the conduct is unwelcome and must stop.

### ***Informal Resolution***

- A “Complaint of Discrimination/Harassment” form will be completed by the school official first hearing the complaint.
- The complaint form will then be submitted to the Chief Operating Officer who will act as facilitator to attempt to mediate and resolve complaints.
- Activities undertaken toward this end include fact gathering through fact finding interviews and discussions with the complainant and respondent as well as with other school officials.
- Informal resolution may be attained through mutual consent, clarification of perceptions, insuring both parties are comfortable with future interaction, and may include remedial measures or disciplinary sanctions.
- Complaints following the Informal Resolution format will be attempted to be resolved within a two week period.

### ***Formal Resolution***

- A “Complaint of Discrimination/Harassment” form will be completed by the school official first hearing the complaint.
- The complaint form will then be submitted to the Chief Operating Officer who will assign an impartial investigator to assist in investigating the complaint.
- The parties involved will have the opportunity to present witnesses and other evidence.
- The investigators may independently seek out witnesses or other information.
- The investigation will be treated seriously, afforded high priority and will be completed in a timely fashion. Involved parties will be apprised of the on-going process.
- Upon completion, all parties will be given notice of the outcome of the complaint including determinations of credibility and findings of fact based on credible evidence.
- Information will be released to any other parties on a “need to know” basis only.
- If harassment has been deemed as such, the school will take steps to prevent its recurrence and will correct its discriminatory effects on the complainant and others, where appropriate.
- Any party dissatisfied with the process or decisions resulting from the investigation will have an opportunity to appeal the findings.
- Formal Resolution will be attempted to be completed within a four week period.

## **8. Prevention of Harassment**

Prevention is the best tool to eliminate harassment on campus. Clear communication that harassment will not be tolerated and providing anti-harassment training is essential.

Pacific's goal and commitment is to provide campus-wide awareness of the complaint procedure, to ensure that the college takes immediate and appropriate action, and that each student/staff member feels comfortable bringing any issue to the school's attention when necessary.