

Pacific College Policy on 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 to have 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 protect students from unlawful sexual harassment in all of the 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, staff/faculty, or students, entering into a romantic/sexual relationship while an instructional or professional relationship exists. Faculty members are strongly encouraged to disclose to the Administration if a dating relationship does develop between themselves and a student. Doing so will not only help the Administration protect the student(s), but the faculty member(s), as well.

Additionally, the college discourages students and faculty from having a therapeutic relationship anywhere other than in a professional, medical office setting.

The college expects its faculty members to, at all times and in all places, conduct themselves in a professional manner and as role models to future acupuncturists and body workers.

2. Definitions

Harassment - While it is not easy to define precisely what harassment is, it includes: slurs, epithets, threats, derogatory comments, 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 College 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 he or she has 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 when 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 the school, in its investigation, not use his or her name. Similarly, a student may even ask that the school take no action. In these situations, the 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, the 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 the 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 Campus Director, Academic Deans, or Directors 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 six 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.

San Diego Campus:
Campus Director: Jaime Rabin
619-574-6909;
7445 Mission Valley Road, Suite 109
San Diego, CA 92108

Levels of Resolution

Consultation

A student or staff member may consult with the Campus Director, 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 person(s) 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 or she should confront the harasser directly and communicate to him or 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 Campus Director 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 Campus Director 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 ongoing process.
- Upon completion, all parties will be given notification of the outcome of the complaint including determinations of credibility and findings of facts 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 and when 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. Additional Enforcement Information

In addition to PCOM’s internal complaint procedure, the U.S. Equal Employment Opportunity Commission (EEOC), the Office for Civil Rights, U.S. Department of Education and the California Department of Fair Employment and Housing (DFEH) and the Illinois Department of Human Rights (IDHR) investigate and Prosecute complaints of sexual harassment.

9. 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.

Consumer Information

The Campus Security Report and the School Performance Fact Sheet are available online at <http://www.pacificcollege.edu>.

DISCIPLINARY PROCEDURES & GRIEVANCES

Any person may file a written complaint with the Campus Director or other Administrator regarding the actions of a specific student, faculty, or staff member. The Campus Director is informed of all complaints and works with the Academic Dean or Dean of Students to determine course of action and resolution. In some cases a Grievance Committee may be convened. In such cases the Grievance Committee, may reject the complaint or it may expel, disqualify, suspend, place on probation, or warn the student, faculty, or staff for any of the causes listed above or others that it deems reasonable.

The individual in question will be notified in writing by the Campus Director, Deans or the Grievance Committee regarding disciplinary procedures and the length, amount, or conditions of any disciplinary action.

During a period of suspension, interim suspension, or after expulsion or disqualification, the student shall not, without prior written permission of the Campus Director or his designated representative, enter the premises other than to attend a disciplinary hearing. Violation of any condition of suspension or interim suspension shall be grounds for expulsion.

Fees and disciplinary actions: For any of the above disciplinary actions, no fees or tuition paid by a student for the term in which they are suspended, expelled, or disqualified shall be refunded, unless required by statute, regulation, or financial aid policy.

Grievance Committee

Members of the institution with legitimate grievances should attempt to resolve them by meeting with involved parties and appropriate academic or administration employees. If a member of the institution is unable to resolve a grievance through such channels, the involved parties may request that the Campus Director convene a Grievance Committee. The Campus Director shall notify the President of the complaint. If the complaint involved the Campus Director, the President will decide if convening a Grievance Committee is appropriate. If the complaint involves the President, the Board of Directors will decide by majority vote. To request a hearing by a Grievance Committee, a written request must be submitted to the office of the Campus Director and/or the President. Grievance Committee members typically include student, faculty, and administrative representatives uninvolved in the related issue. The Grievance Committee examines associated documents and may conduct interviews with involved parties. The Committee will report its findings and recommendations to the Campus Director and President. They will make a decision and notification of a final decision to the involved parties will be made within a reasonable period.

The existence of the grievance policy and procedure does not require the institution to convene a Grievance Committee prior to any disciplinary or academic decision unless it is requested and the cause for the request is determined to be reasonable by the President.

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 any grievance.

If a complaint is still unresolved after the Grievance Committee's decision a student or any member of the public may file a complaint about this institution with the Bureau for Private Postsecondary Education by calling 888-370-7589 or by completing a complaint form,

which can be obtained on the bureau's website <http://www.bppve.ca.gov> or the student may contact the Accreditation Commission of Acupuncture and Oriental Medicine (ACAOM) 8941 Aztec Drive, Eden Prairie, Minnesota 55347; phone (952) 212-2434; fax (301) 313-0912. ACAOM addresses issues that involve students in the doctoral and master degree programs only.

In addition, per our ACCSC accreditation:

Schools accredited by the Accrediting Commission of Career Schools and Colleges must have a procedure and operational plan for handling student complaints. If a student does not feel that the school has adequately addressed a complaint or concern, the student may consider contacting the Accrediting Commission. All complaints considered by the Commission must be in written forms, with permission from the complainant(s) for the Commission to forward a copy of the complaint to the school for a response. The complainant(s) will be kept informed as to the status of the complaint as well as the final resolution by the Commission. Please direct all inquires to:

Accrediting Commission of Career Schools and Colleges
2101 Wilson Boulevard., Suite 302
Arlington, VA 22201
703-247-4212

A copy of the Commission's Complaint Form is available at the school and may be obtained by contacting the Campus Director.