

Sexual Harassment/Assault- Title IX Information

Life Pacific University affirms a commitment to Christian values and works to provide a campus community environment free from harassment. LPU also is committed to recognizing, upholding, and enforcing the laws of the United States and the State of California. Violation of those laws shall not be condoned on the campus or at any activity held off campus by any constituency. It is the policy of LPU, in keeping with its efforts to establish an environment in which the dignity and worth of all members of the community are respected, that any sexual harassment of students and employees is unacceptable conduct and will not be tolerated. Sexual harassment may involve the behavior of a person of either sex against a person of the opposite or same sex, when that behavior falls within the definition outlined below. The University's sexual harassment policy applies equally to all individuals classified as a student, faculty, or staff member. Any reported incident of possible sexual harassment or assault will be investigated promptly.

Harassment violates federal and state laws, including, but not limited to, Title VII of the Civil Rights Act of 1964, which prohibits harassment in the workplace, and Title IX of the Education Amendments of 1972, which prohibits harassment of students as a form of discrimination that denies or limits a student's ability to participate in or benefit from the University's programs.

Inquiries about the University's sexual harassment policy should be directed to the Title IX Coordinator by contacting either the Office of Student Development (students) or the Office of Human Resources (employees).

The Title IX Coordinators are the designated agents of the University with primary responsibility for coordinating Title IX compliance efforts. The Title IX coordinators' responsibilities are crucial to the development, implementation, and monitoring of meaningful efforts to comply with Title IX legislation. The coordinators are responsible for developing and implementing the grievance procedures recommended by Title IX legislation. Those procedures include notification and investigation of complaints; providing educational materials and training for the campus community; coordinating investigations of complaints; safeguarding a fair and neutral process for all parties; and monitoring all other aspects of the University's Title IX compliance. Further, the Senior Coordinator oversees the University's harassment policy in relation to Title IX law.

Adoption of procedures to provide prompt and equitable resolution of complaints is a critical function of the Title IX Coordinator. The Coordinator can assist persons alleging sexual harassment or discrimination in filing their grievance(s) and/or

oversee the step-by-step procedure to be sure that appropriate time frames are met, or such persons may work directly with the university officer who directly handles sexual harassment and discrimination cases.

In carrying out this responsibility, the coordinators may work in concert with other University officials. If the Senior Title IX Coordinator does not conduct the investigation of complaints, he or she should receive information about any grievances filed related to Title IX compliance.

This procedure allows the institution to identify any patterns or repeat offenders that may be missed otherwise. The Senior Coordinator should also receive sufficient information throughout the process so that s/he can provide necessary guidance or information to ensure that the institution carries out its responsibilities under Title IX.

The Director of Human Resources will serve as the Senior Title IX Coordinator for the University and will be the primary point-person for grievances between employees. The Senior Title IX coordinator will coordinate on-going training and education for all employees and will ensure that all applicable laws and internal policies are followed.

The Director of Student Development is designated as a deputy coordinator and will conduct all investigations involving students. The senior coordinator and deputy coordinator will conduct a joint investigation for cases involving a student and employee of the University. The deputy coordinator will provide all training and education for students. As the person leading the investigation on behalf of students, the deputy coordinator would report his/her findings to any disciplinary committee (if applicable) but will not have a “vote” concerning a finding of responsibility or sanctions.

Senior Title IX Coordinator: Chief Financial Officer- Heidi Bonadie, ext. 385
Deputy Title IX Coordinator: VP of Student Development- George Bostanic, ext. 355

Sexual Assault Reporting Procedures and Victim Rights

As defined under California law, sexual assault is a general term which covers a range of crimes, including rape. Sexual contact is considered non-consensual and, therefore, rape when the person is incapable of giving consent because s/he is incapacitated from alcohol and/or drugs, or if a mental disorder or developmental or physical disability renders the victim incapable of giving consent. Furthermore, any sexual contact that involves the threat or use of force, violence, or future retaliation and duress is considered rape.

The State of California defines consent as the “affirmative, conscious, and voluntary agreement to engage in sexual activity.” It is the responsibility of each person involved

in the sexual activity to ensure that he or she has the affirmative consent of the other or others to engage in the sexual activity. Lack of protest or resistance does not mean consent, nor does silence mean consent. Affirmative consent must be ongoing throughout a sexual activity and can be revoked at any time. The existence of a dating relationship between the persons involved, or the fact of past sexual relations between them, should never by itself be assumed to be an indicator of consent. Individuals who are asleep or unconscious, incapacitated due to the influence of drugs,

alcohol, or medication, so that the complainant could not understand the fact, nature, or extent of the sexual activity, or are otherwise unable to communicate due to a mental or

physical condition cannot give consent. Furthermore, individuals under the age of 18 are not legally able to give consent in the State of California.

Life Pacific University does not condone or tolerate sexual assault. A student who is a victim of sexual assault on- or off-campus, or at the hands of anyone affiliated with the University should report the incident immediately to the appropriate Title IX Coordinator. Transportation to a hospital will be arranged if necessary or deemed appropriate. The following procedures will then be initiated in order to ensure the safety and care of the victim:

- With the consent of the victim, the proper law enforcement agencies will be notified in order to report the assault.
- With the consent of the victim, the Director of Residence Life will be contacted if s/he is an on-campus resident. The University will also assist the victim should s/he wish to procure different housing due to the nature of the incident.
- Campus Safety will be notified of the event in order to ensure proper reporting and record keeping. The name of the victim, however, will not be released.
- The victim may request extra supportive measures in terms of his/her studies including, but not limited to, extra time to complete assignments, tutorial assistance, and individual counseling with professors.
- The victim will be apprised of any disciplinary action against the alleged perpetrator if this person is a fellow student or University employee.

Sexual Harassment Policy

Life Pacific University takes its heritage, background and theological standing very seriously. Therefore, it will not tolerate any action that demeans the value of another person. As a result, the University condemns any type of behavior that constitutes harassment, or related retaliation, of or by any employee or student. Life Pacific University will take any complaint regarding this type of conduct very seriously. Efforts will be made to resolve all situations in a timely fashion. Members of the University community should be aware that anyone found responsible for sexual harassment will be subject to the strictest sanctions, including possible dismissal or termination of employment.

Behaviors that violate this policy include, but are not limited to:

- Verbal or physical conduct that has the purpose or effect of unreasonably interfering with an individual's work or academic performance.
- Behavior that creates an intimidating, hostile, or offensive educational or working environment.

Three Types of Sexual Harassment

Hostile Environment: A hostile environment includes any situation in which there is harassing conduct that is sufficiently severe, pervasive/persistent, and patently offensive so that it alters the conditions of education or employment, from both a subjective (the alleged victim's) and an objective (reasonable person's) viewpoint. Purely verbal conduct rarely will be sufficient to establish a hostile environment. The determination of whether an environment is "hostile" must be based on all circumstances. These circumstances could include:

- The frequency of the conduct.
- The nature and severity of the conduct.
- Whether the conduct was physically threatening.
- Whether the conduct was humiliating.
- The effect of the conduct on the alleged victim's mental or emotional state.
- Whether the conduct was directed at more than one person.
- Whether the conduct arose in the context of other discriminatory conduct.
- Whether the conduct unreasonably interfered with the alleged victim's educational or work performance.
- Whether the statement is a mere utterance of an epithet which engenders offense in an employee or student, or by mere discourtesy or rudeness.
- Whether the speech or conduct is protected expression under the First Amendment or deserves the protection of academic freedom.

Any single incident of sexual assault is considered to immediately create a hostile environment and should therefore be viewed as sexual harassment under this policy.

* Quid Pro Quo sexual harassment exists when there are:

- Unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature.
- Submission to or rejection of such conduct results in adverse educational or employment action.

* Retaliation: For purposes of this policy, “retaliation” means:

- The student was engaged in protected activity (i.e., serving as a witness or complainant in a sexual harassment complaint); and
- A faculty member or other person with authority over the student was aware of the activity; and
- The student suffered an adverse educational action, and
- There was a causal connection between the student’s protected activity, the faculty member’s awareness of the protected activity, and the adverse educational action. An adverse educational action is any educational action that significantly interfered with the student’s access to educational programs or activities.

Technically, a co-worker or fellow student cannot retaliate because neither has authority over the person who suffered an adverse employment or educational action. However, the University may sanction a faculty, student, or staff member who harasses or intimidates a person because of the person’s participation in a protected activity, as described above.

Harassment or intimidation includes, but is not limited to, threats or actual violence against the person or his or her property, ridicule, taunting, bullying, or ostracism. This policy incorporates languages suggested by Tom Trager, associated counsel to the University of Colorado, and Brett Sokolow, from NCHERM.