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California Baptist University

Guidelines for Addressing Sexual Harassment and Other Forms of Unlawful Discrimination

It is important that California Baptist University provide an environment free from implicit and explicit coercive sexual behavior used to control, influence, or adversely affect the well-being of any member of the University community. Sexual harassment is inappropriate and unacceptable and is grounds for judicial action. It also may constitute violation of state and/or federal law. The Office of Civil Rights of the U.S. Department of Education defines sexual harassment under Title IX of the Education Amendments of 1972 as consisting of “verbal or physical conduct of a sexual nature, imposed on the basis of sex, by an employee or agent of a recipient that denies, limits, provides different, or conditions the provisions of aid, benefits, services, or treatment protected under Title IX.” While sexual harassment most often takes place in situations involving a power differential between persons, California Baptist University also recognizes that sexual harassment may occur between persons of the same University status. California Baptist University will not tolerate behavior between or among members of the campus community that creates an unacceptable work, educational, or living environment.

Any student who has a complaint regarding sexual harassment should contact the Title IX Coordinator.

1. Sexual harassment is defined as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when one (1) or more of the following criteria are met:
 - a. submission to such conduct is made either explicitly or implicitly a term or condition of the individual’s employment or of the individual’s status in a program, course or activity; or
 - b. submission to or rejection of such conduct by an individual is used as a basis for employment decisions, a criterion for evaluation, or a basis for academic decisions or other decisions that affect such individual; or
 - c. such conduct has the purpose or effect of unreasonably interfering with an individual’s work performance and/or educational experience and/or creating an intimidating, hostile, and/or offensive work and/or educational environments.
2. Sexual harassment encompasses any attention (because of one’s sex) that is unwanted and can take many forms. Some examples of behavior or conduct that may constitute sexual harassment include, but are not limited to, the following:
 - a. refusing to hire or promote, or granting or denying certain privileges because of acceptance or rejection of sexual advances
 - b. promising work-related benefit or a grade in return for sexual favors

- c. suggestive or inappropriate communications, notes, letters, or other written materials displaying objects or pictures that are sexual in nature and that would create a hostile or offensive work or living environment
- d. innuendoes, comments, and remarks about a person's clothing, body, activities, or appearance
- e. suggestive or insulting sounds
- f. whistling in a suggestive manner
- g. humor or jokes about sex that denigrate men or women
- h. sexual propositions, invitations, or pressure for sexual activity
- i. implied or overt sexual threats
- j. suggestive or obscene gestures
- k. patting, pinching, and other inappropriate touching
- l. unnecessary touching or brushing against the body
- m. attempted or actual kissing or fondling
- n. coerced sexual intercourse
- o. sexual assault

3. Reported complaints of sexual harassment will be addressed promptly by the Title IX Coordinator in the following manner:

1. Upon receipt of a written complaint, an in-depth investigation will be conducted.
2. After evaluating the specifics of the complaint, the Title IX Coordinator will issue a finding to the appropriate area vice president.

Whether the alleged conduct constitutes sexual harassment depends upon the record as a whole and the totality of the circumstances, such as the nature of sexual advances in the context within which the alleged incident occurred.

Title IX Policy: Discrimination on the Basis of Sex & Sexual Misconduct (excerpts from CBU Student Handbook)

California Baptist University is committed to providing a learning, working and living environment that promotes personal integrity, civility and mutual respect in an environment free of discrimination on the basis of sex, which includes all forms of sexual misconduct. Sex discrimination violates an individual's fundamental rights and personal dignity. CBU considers sex discrimination in all its forms to be a serious offense. This policy refers to all forms of sex discrimination, including but not limited to: sexual harassment, sexual assault, and sexual violence by employees, students, or third parties. Title IX of the Education Amendments of 1972 prohibits discrimination based on sex in educational programs and activities that receive federal financial assistance. Title IX states, "No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving federal financial assistance" (20 U.S.C. § 1681). To ensure compliance with Title IX, CBU has developed policies and procedures that prohibit sex discrimination in all of its forms.

Title IX Statement on Non-Discrimination:

CBU does not unlawfully discriminate on the basis of sex in its educational programs and activities. This policy extends to employment with and admission to the University, as well as access to facilities, financial aid and courses.

Guidance on Reporting:

CBU encourages those who have experienced any form of sex discrimination to report the incident promptly, to seek all available assistance, and to pursue University conduct charges and criminal prosecution of the offender. CBU takes complaints very seriously and will work with victims to ensure their safety and to remedy the situation.

Filing a Report or Making a Complaint:

CBU encourages those who have experienced sex discrimination to report these offenses to either: the Title IX Coordinator, Deputy Title IX Coordinators, Residence Life Office, or the Department of Public Safety. The Title IX Coordinator can assist with all aspects of the reporting procedure and will conduct an investigation into a complaint. CBU encourages employees, including student workers, who believe they have either witnessed or been subjected to unlawful sex discrimination to notify the Director of Human Resources:

Julie Fresquez
Phone: 951.343.4302

Office: Human Resources
E-mail: jfresquez@calbaptist.edu

If for any reason the student is unable or unwilling to report the matter to any one of the individuals listed above, he/she may report the matter to the President of the University.

Detailed information about *Title IX Policy: Discrimination on the Basis of Sex & Sexual Misconduct* is found in the **CBU Student Handbook** at:

http://www.thezonelive.com/SchoolStructure/CA_CaliforniaBaptistCollege/handbook.pdf