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## Discrimination, Harassment & Retaliation Complaint Form

**for**

## Employee or Third Party

Western University of Health Sciences prohibits the unlawful discrimination or harassment of individuals based on a protected characteristic or status. Please fill out the information requested below as completely as possible and return completed and signed to the University’s Title IX Coordinator, Attn: Dr. Valyncia C. Raphael, at [vraphael@westernu.edu](mailto:vraphael@westernu.edu) or by FAX to (909) 469‐5489. During normal business hours, this form can also be submitted in person to Dr. Raphael in the Anderson Tower Building, Room 236. If you have any questions, Dr. Raphael can be reached at (909) 469‐5372. Please review the applicable policies and procedures to ensure a full understanding of the complaint process and the handling of matters under the Formal Resolution process.

Please check here if you wish to make this an anonymous report. ***Please be advised that the University’s ability to respond to an anonymous report may be limited.***

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| REPORTING PARTY |
| |  |  | | --- | --- | | Your Name (Not Applicable if Report is Anonymous): | Date:  **Click here to enter a date.** | | Address (Not Applicable if Report is Anonymous): | | | Phone (Not Applicable if Report is Anonymous):    Best Time to Call:  AM  PM  E-mail: | College/Department: | | Status (Check one):  Current Employee/Faculty Former Employee/Faculty: Last Date of Employment:  Applicant for Employment  Third Party: Specify your Relationship with WesternU: | | | If you are or were an employee, state your title: | If you are an Applicant, state your date of application: | | Indicate the type(s) of complaint being filed (see definitions at the end of this form):  Bullying Discrimination Harassment (other than sex-based) Retaliation  Dating Violence Domestic Violence Sexual Harassment  Stalking Sexual Assault – Specify:  Other:  If you are filing a Retaliation complaint, indicate the activity(ies) you engaged in that was/were the basis(es) for the alleged Retaliation: | | | Please check here if you are making this report on behalf of someone else.   |  |  | | --- | --- | | **Name of Impacted Party(ies)** | **Contact Info (e.g. phone, e-mail, address)** | |  |  | |  |  |   Please check here if other Impacted Parties and their Contact Info are provided on an attached list.  If reporting on behalf of someone else, how did you become aware of the incident?  I directly witnessed the incident.  It was shared with me by (names/s of person/s)   |  |  | | --- | --- | | **Name** | **Contact Info (e.g. phone, e-mail, address)** | |  |  | |  |  | |  |  | |  |  |     Other (please explain):  ***If reporting on behalf of someone else, ONLY complete Section II, Section III (#1, #2, #6, #7, #8, #9, #10), and Section IV.*** | | |
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| Was alternative or informal resolution sought?  Yes  No Do Not Know  If yes, with whom:  Date of Informal Resolution: **Click here to enter a date.** |
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| CAUSE OF ALLEGATIONS |
| Check the items you believe caused the incident/situation to occur. |

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| |  |  |  |  |  |  | | --- | --- | --- | --- | --- | --- | |  | Race |  | National Origin |  | Age | |  | Religion |  | Color |  | Disability | |  | Marital Status |  | Genetic Information |  |  | |  | Sex (includes Sexual Harassment) |  | Sexual Orientation |  |  | |  | Gender Identity/Expression |  | Injured Worker(s) |  |  | |  | Military or Veteran Status |  |  |  |  | |  | Other: | | | | | |
| |  |  |  |  |  |  |  |  |  | | --- | --- | --- | --- | --- | --- | --- | --- | --- | | Date(s) and Time(s)of Incident(s):  Please check here if additional dates and times are provided on an attached list.   |  |  | | --- | --- | | **Date** | **Approximate/Exact Time (check if Exact)** | | **Click here to enter a date.** |  | | **Click here to enter a date.** |  | | **Click here to enter a date.** |  | | | Location(s)/Address(s) of Incident(s) – For each date indicated above, please provide location. Include Building Name and Room Number or any other specific information about the location/address:  Please check here if additional locations are provided on an attached list.   |  | | --- | |  | |  | |  | | |
| ALLEGATION DETAILS |
| |  | | --- | | 1. List the person or persons against whom your allegations are made, their relationship to you (supervisor, faculty, co-worker, student, etc.): | | |  |  | | --- | --- | | **Name(s)** | **Relationship** | |  |  | |  |  | |  |  |   Please check here if additional individuals and the relationship are provided on an attached list.  If you do not know the name(s), provide a physical description (gender, height, weight, distinguishing physical characteristics [skin tone, tattoos, hair/eye color, clothes, etc.]) | |
| |  | | --- | | Describe the nature of your complaint, the incident(s), date(s) and location(s) giving rise to your complaint. Attach additional pages if necessary. If you are filing a Sexual Harassment or Sexual Misconduct complaint, including Domestic Violence, Dating Violence, or Stalking, please describe the conduct. | |  | |
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| 1. If you are filing a harassment complaint, please explain why this conduct was offensive to you? |
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| 1. Describe the specific harm you suffered resulting from the incident(s). |
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| 1. What did you or others do to try to resolve the complaint? What was the outcome? |
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| 1. Identify others who may have observed or witnessed the incident(s) that you described: | | | |
| Name: | Address: | Phone: | Position: |
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Please check here if additional witnesses are provided on an attached list.

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| 1. Identify others you believe may have experienced the same situation: | | | |
| Name: | Address: | Phone: | Position: |
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Please check here if additional individuals are provided on an attached list.

1. Do you have any documents that support your allegation(s)? ?  Yes  No

(Please list below and attach copies [e.g. e-mails, text messages, pictures, Facebook entries, etc.])

1. Do you have reason to believe this/these incident(s) represents a present physical threat, harm or danger to you, the victim or to other members of the WesternU community and/or the immediate community?

No Yes (please explain):

1. Was a weapon involved?  No Yes (describe)

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| 1. Describe how you would expect the complaint to be resolved. Be as specific as possible. |
| **Report Only - No Action** (Note: depending on the severity of the incident/event, this may not be an option. If the incident is of a criminal nature, you will be informed this option is not viable. WesternU will respect and comply with any request for anonymity to the extent possible.) If a ‘Report Only - No Action’ option is chosen and feasible, the injured party(ies)/victim(s) will be provided information and resources to assist them in dealing with the situation. The report will be received by the Title IX Coordinator and no further action will be taken.  **Alternative/Informal Process** – this generally involves facilitating a meeting between the injured party(ies)/victim(s) and the alleged offending party(ies) with an Investigator present, and attempting to arrive at a mutually agreeable resolution. Because the outcomes of voluntary resolution conversations are mutually developed and agreed upon by parties involved, an appeal of the process and its result is not permitted. ***Please refer to the applicable policies/procedures for further information on the Alternative Resolution process.***  **Formal Investigation and Resolution** – ***for a description of this option, please see WesternU’s Complaint and Grievance Process for Violations Of Discrimination, Harassment & Retaliation.***  **Other:** |

You may elect to have a mentor present at meetings/interview(s). If you indicate you will have a mentor, you are authorizing that individual to accompany you to any meetings and/or interview(s) regarding this complaint. The role of the mentor is limited to observing and consulting with you.

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| 1. If you will be accompanied by a mentor, provide the name, address and telephone number of your mentor: | |
| Name: |  |
| Address: |  |
| Phone: |  |
| E-mail: |  |

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| AUTHORIZATION |

I certify that the information given in this complaint is true and correct to the best of my knowledge or belief. I further acknowledge my awareness that Western University of Health Sciences may utilize the information within this complaint, including necessary disclosures to effectively investigate and resolve concerns, in order to render a finding/determination of the matter.

Date: **Click here to enter a date.**

Print Name:

Signature: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

***Please print this form and sign the printed document, unless you are submitting anonymously.***

***Thank you.***

**Descriptions of Types of Complaints:**

***Note:*** *These descriptions are intended to provide a general understanding of the complaints listed on this form. Some of the descriptions are excerpts from the full text of the definitions. Please refer to the appropriate policies for the full text of the definitions of the types of complaints.*

**Bullying**: Bullying is described as abusive conduct under Government Code 12950.1 Abusive conduct means conduct of an employer or employee in the workplace, with malice, that a reasonable person would find hostile, offensive, and unrelated to an employer’s legitimate business interests. Abusive conduct may include repeated infliction of verbal abuse, such as the use of derogatory remarks, insults, and epithets, verbal or physical conduct that a person would find threatening, intimidating, or humiliating, or the gratuitous sabotage or undermining of a person’s work performance. A single act shall not constitute abusive conduct, unless severe and egregious.

**Discrimination**: Refers to the disparate or inequitable treatment of an individual based on or because of that individual’s protected characteristic or status, such as the individual’s race, color, national or ethnic origin, religion or religious creed, sex or gender (including gender identity or expression), marital status, sexual orientation, disability, age, genetic information, military or veteran status, or any other characteristic protected under applicable law, excepting any treatment permitted or required by law.

**Harassment** (other than sex-based): Unwelcome conduct or communication, directed toward someone because of the person’s protected characteristic or status, where:

1. The conduct/communication is severe enough to deny or limit the individual’s participation in or full benefit of employment or academic opportunities at WesternU; or
2. Conduct/communication is severe or pervasive enough to create a work environment that a reasonable person would find intimidating, hostile, offensive or abusive.

**Sexual Harassment**: Unwelcome conduct of a sexual nature (i.e. such as sexual advances, request for sexual favors), when

* 1. *Quid Pro Quo*: Submission to, or rejection of, the conduct, whether explicitly or implicitly suggested, is a factor in an academic or employment decisions or permission to participate in University programs or activities; or
  2. Hostile Work Environment: The conduct has a purpose or effect of unreasonably interfering with the individual’s academic or work performance or creates an intimidating or hostile academic or work environment. A hostile environment is created when the conduct is severe and pervasive. A single or isolated incident of sexual harassment may create a hostile environment if the incident is sufficiently severe.

**Gender Harassment**: Unwelcome conduct of a non-sexual nature (i.e. such as aggression, intimidation or hostility) based on an individual’s actual or perceived sex, including conduct based on gender identity, gender expression and nonconformity to gender stereotypes.

Unwelcome conduct includes, but is not limited to, verbal harassment (e.g., epithets, derogatory comments, name-calling, or slurs), physical harassment (e.g., assault, impeding or blocking movement, pinching, pushing, or any physical interference with normal work or movement), written harassment (e.g. hate mail, notes or texts) and visual forms of harassment (e.g., derogatory posters, cartoons, drawings, symbols, or gestures).

A hostile environment could be created by repeated, unwanted, sexually oriented stares (maintaining eye contact is, of course, not a violation of policy). Sexual or Gender Harassment may be blatant, intentional and involve an overt action or may be subtle, indirect and with a coercive unstated aspect.

**Sexual Assault**: A form of sexual misconduct that involve the actual attempt or threat of sexual contact or sexual intercourse with an individual by force or threat of force without affirmative consent or where the individual is incapacitated, such as.

1. *Sexual Contact*: This includes the intentional contact, irrespective of gender, with an individual’s breasts, buttocks, groin or genitals; touching with any of these body parts or making another touch you or themselves with or on any of these body parts; any intentional bodily contact in a sexual manner, though not involving contact with, of, or by breasts, groin, mouth or other orifice.
2. *Sexual Intercourse*: This is the sexual penetration of the vagina or anus, no matter how slight and irrespective of gender, by any body part or foreign object or oral copulation involving mouth to genital contact.

Examples of sexual assault include sexual battery, and rape.

1. *Sexual Exploitation*: This occurs when a person takes non-consensual or abusive sexual advantage of another for their own advantage or benefit, or to benefit or advantage another other than the one being exploited, and that behavior does not otherwise constitute one of the other sexual misconduct criterion. Examples include, but are not limited to, (1) Prostitution, (2) non-consensual video or audio-recording of sexual activity, (3) going beyond the boundaries of consent (such as permitting others to observe you having consensual sex with someone who is unaware of the observation), or (4) public indecency (such as exposing genitals to others without consent).

**Domestic Violence** is a form of Sexual Violence and is abuse committed against someone who is a current or former spouse; current or former cohabitant; someone with whom the abuser has a child; someone with whom the abuser has or had a dating or engagement relationship; or a person similarly situated under California domestic or family violence law. Cohabitant means two unrelated persons living together for a substantial period of time, resulting in some permanency of relationship. Factors that may determine whether persons are cohabiting include, but are not limited to, (1) sexual relations between the parties while sharing the same living quarters, (2) sharing of income or expenses, (3) joint use or ownership of property, (4) whether the parties hold themselves out as husband and wife, (5) the continuity of the relationship, and (6) the length of the relationship.

**Dating Violence** is a form of Sexual Violence and is abuse committed by a person who is or has been in a social or dating relationship of a romantic or intimate nature with the victim. This may include someone the victim just met; *i.e.*, at a party, introduced through a friend, or on a social networking website.

**Stalking:** This is the engaging in a course of conduct directed at a specific person (when based on gender or sex) that would cause a reasonable person to fear for his/her or others’ safety, or causes the victim to suffer substantial emotional distress. A course of conduct involving more than one instance of unwanted attention, harassment, physical or verbal contact, or any other course of conduct directed at an individual that could be reasonably regarded as likely to alarm or place that individual in fear of harm or injury, including physical, emotional or psychological harm. This includes cyber-stalking, a particular form of stalking in which electronic media such as the internet, social networks, blogs, cell phones, texts or other similar devices of forms of contact are used to pursue, harass, or make unwelcome contact with another person. Stalking and cyber-stalking may involve individuals who are known to one another or have an intimate or sexual relationship, or may involve individuals not know to one another.

**Retaliation**: An adverse action taken against an individual for making a good faith complaint of prohibited conduct, filing a complaint or lawsuit under federal or state law or university policy that prohibits sexual misconduct, or participating in the investigation of any such allegations. Examples of adverse actions, may include, but are not limited to, the following acts, when such action is taken because the individual brought forward a good faith complaint, participated in an investigation, or protested the alleged discrimination, harassment or retaliation:

* + - Adverse academic action or employment action (e.g. disciplinary memo/sanction, demotion, suspension, termination/expulsion)
    - Lowering of a grade or a performance evaluation score
    - Given a poor academic recommendation or performance evaluation
    - Exclusion from educational or employment opportunities (e.g. participation in meetings/trainings)
    - Limited scholarly activities (e.g., exclusion from teaching or research, or rotation)
    - Spreading negative information about individual involved in a complaint.