



Policy Prohibiting Discrimination, Harassment and Retaliation

1. Policy Statement

Gemological Institute of America (“GIA” or the “Institute”) is committed to upholding standards that promote respect and dignity in an environment that fosters teamwork, professionalism and excellence. It is GIA’s policy to maintain an educational and work environment free from all forms of unlawful discrimination, harassment and retaliation.

GIA prohibits and does not tolerate unlawful discrimination against or harassment of its employees, students, clients, vendors, visitors, unpaid interns and volunteers, or applicants for employment or admission, on the basis of race, religious creed, color, national origin, ancestry, ethnicity, physical disability, mental disability, medical condition, genetic information, marital status, sex, sexual orientation, gender, gender identity, gender expression, pregnancy, individuals over forty years of age, military and veteran status, holding or presenting a driver’s license issued under California Vehicle Code Section 12801.9 or other characteristic protected by federal or state law, unless a particular characteristic is a bona fide requirement of the position.

In addition, GIA prohibits unlawful retaliation, i.e., adverse action being directed against an individual because the individual filed in good faith a charge of discrimination, opposed a practice believed in good faith to be unlawful discrimination or participated in an employment discrimination proceeding.

All members of the GIA community are expected to uphold this Policy Prohibiting Discrimination, Harassment and Retaliation (“Policy”). Engaging in unlawful discrimination or harassment will result in appropriate disciplinary action, up to and including dismissal from GIA. It should be noted that conduct that does not fully satisfy the legal elements required to make such conduct unlawful but nonetheless amounts to inappropriate conduct based on GIA’s standards, which promote respect and dignity, will result in disciplinary action up to and including dismissal from GIA.

2. Prohibited Conduct

2.1. Discrimination

Unlawful discrimination may occur when an individual is treated less favorably with respect to the terms and conditions of employment or education, or with respect to the individual’s receipt of employment or educational benefits, because of their membership in a protected class. Accordingly, all employment-related decisions, including but not limited to decisions relating to recruitment, hiring, promotion, transfers, compensation, benefits and any other terms and conditions of employment, will be made without regard to the employee’s or applicant’s race, religious creed, color, national origin, ancestry, ethnicity, physical disability, mental disability, medical condition, genetic information, marital status, sex, sexual orientation, gender, gender identity, gender expression, pregnancy, individuals over forty years of age, military and veteran status, holding or presenting a driver’s license issued under California Vehicle Code Section 12801.9 or other characteristic protected by federal or state law. Similarly, all education-related programs and activities, including but not limited to

admissions, financial aid, academic programs and other extracurricular activities will be administered without regard to the student's or applicant's race, religious creed, color, national origin, ancestry, ethnicity, physical disability, mental disability, medical condition, genetic information, marital status, sex, sexual orientation, gender, gender identity, gender expression, pregnancy, individuals over forty years of age, military and veteran status, or other characteristic protected by federal or state law.

2.2. Harassment and Sexual Harassment

Harassment includes verbal, physical or visual conduct when the conduct creates an intimidating, offensive or hostile working or educational environment or unreasonably interferes with job or academic performance. Verbal harassment may include but is not limited to epithets, derogatory comments or slurs based upon one of the individual's characteristics noted above. Physical harassment may include but is not limited to assault, impeding or blocking movement, or any physical interference with normal work or movement, when directed at an individual because of the individual's protected characteristic. Visual forms of harassment may include but are not limited to derogatory posters, electronic communications, cartoons or drawings based on an individual's protected characteristic.

In addition, prohibited sex discrimination covers sexual harassment, including sexual violence. Sexual harassment includes any request or demand for sexual favors that is implicitly or expressly a condition of employment, continued employment, receipt of an employment benefit, admission to GIA, participation in educational programs or activities, or evaluation of academic performance. Examples of conduct that could give rise to sexual harassment include but are not limited to sexual advances or suggestions, unwelcome sexually-oriented remarks, dirty jokes, the display or distribution of offensive photographs, emails or other electronic communications, posters or cartoons, any unwelcome intentional touching of the intimate areas of another person's body, or physical sexual acts perpetrated against a person's will or where a person is unable to give consent, regardless of whether harassing conduct was motivated by sexual desire and whether the person who is the object of that harassment sustains a loss of tangible job or education benefits.

2.3. Unlawful Retaliation

GIA prohibits and does not tolerate retaliation against any individual who in good faith files a complaint of unlawful discrimination or harassment or is involved as a witness or participant in the complaint or investigation process. Engaging in unlawful retaliation will result in disciplinary action, up to and including dismissal from GIA.

GIA encourages any individual, who believes they have been subject to unlawful retaliation, or observes or is otherwise aware of an incident of unlawful retaliation in violation of this Policy, to report the incident promptly pursuant to the complaint procedure identified below. The investigation and corrective action procedures set forth below will similarly apply in the case of a complaint of unlawful retaliation in violation of this Policy.

2.4. Harassment (Sexual Misconduct and Relationship Violence)



Title IX of the Education Amendments of 1972 (“Title IX”) prohibits discrimination on the basis of sex in education programs and activities operated by recipients of federal financial aid assistance. Sexual harassment, including sexual violence, is a form of prohibited sex discrimination. Title IX and the Violence Against Women Reauthorization Act of 2013 (“VAWA”) requires colleges and universities to have procedures in place to respond to incidents of sexual discrimination, harassment, sexual assault, domestic violence, dating violence and stalking.

In order to address its responsibilities under these laws, GIA has implemented standards, reporting procedures and response protocols that apply to incidents of sexual assault, domestic violence, dating violence, stalking and sexual exploitation. For more information, please see GIA’s Sexual Misconduct Reporting and Response Standards and Protocols and GIA’s Workplace and Campus Violence Policy and program.

3. Complaint Reporting Procedure

3.1. Do not allow an inappropriate situation to continue by not reporting it, regardless of who is responsible for creating the situation. GIA encourages any person, who feels that they have been subjected to unlawful discrimination, harassment, retaliation or treated inappropriately, or observes or is otherwise aware of an incident of unlawful discrimination, harassment, retaliation or inappropriate conduct, to report the incident promptly. To assist in the investigation, GIA may request that a complaint be made in writing with a detailed description of the facts giving rise to the complaint, the names of any individuals involved, including any witnesses, and copies of any documents that support or relate to the complaint. Although GIA may request the submission of a written complaint, an oral complaint is sufficient to initiate the procedures set forth under this Policy.

3.2. Complaints may be made to any of the people listed in 3.2.1 through 3.2.8 below who are GIA’s designated officers for handling the complaints and implementing the Institute’s policy against unlawful discrimination and harassment. Any reports or allegations of sexual misconduct, discrimination, harassment, or violence, the person to whom the report was made, including the Deputy Title IX Coordinator, will inform the Title IX Coordinator of the report.

3.2.1. Title IX Coordinator, and Manager of Global Education Accreditation and Regulatory Affairs

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3.2.2. Director of New York Education, and Deputy Title IX & 504/ADA Coordinator
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3.2.7. Security Manager (Carlsbad)
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- 3.3. Other ways to make a report: If for any reason the person making the complaint does not feel comfortable directly reporting the incident to any of the appropriate individuals identified above in Section 3, the complaint may be reported through alternative channels. In the case of a complaint by a GIA employee, the complaint may be made to the employee's supervisor, manager, the human resources department or GIA's [Concern Reporting](#) system. **If the complaint involves the employee's supervisor, the employee is not required to report the complaint to the supervisor and is encouraged to contact one of the other individuals described in this Policy.** In the case of a complaint by a student, the complaint may be made to the Title IX Coordinator, the dean of students, the security department, an instructor or GIA's [Concern Reporting](#) system. Anyone receiving a complaint through one of these alternative channels must immediately transmit the complaint to one of the appropriate individuals identified above in Section 3.
- 3.4. As noted above, in every case, the person to whom the report was made will inform the Title IX Coordinator of the report.
- 3.5. In cases involving potential criminal conduct, GIA will determine whether appropriate law enforcement or other authorities should be notified.

4. Investigation and Corrective Action

GIA will investigate every reported complaint of unlawful discrimination, harassment, retaliation or inappropriate conduct with a fair, thorough and timely investigation.

If the conclusion of the investigation is that unlawful discrimination, harassment, retaliation or inappropriate conduct occurred, GIA will initiate corrective action, as appropriate under the circumstances. For employees, the corrective action will range from verbal warnings up to and including termination from employment. For students, the corrective action will be imposed in a manner consistent with GIA's Student Code of Conduct or other applicable procedures. If the individual found to have engaged in the unlawful discrimination or harassment is not an employee or student of GIA, corrective action within GIA's reasonable control, and as appropriate under the circumstances, will be initiated.

The employee or student who raised the complaint will be advised in general terms the results of the investigation, unless doing so is prohibited by Family Educational Rights and Privacy Act ("FERPA") or other applicable law. Similarly, an employee or student who is accused of the unlawful discrimination or harassment will be advised of the results of the investigation.



In the event the complaint relates to sexual misconduct, sexual violence or similar behaviors, please refer to GIA's Sexual Misconduct Reporting and Response Standards and Protocols for more specific procedures.

5. Confidentiality

In investigating and in imposing any discipline, GIA will attempt to preserve confidentiality to the extent that the needs of the situation allow.

6. Other Resources

In addition to the internal resources described above, individuals may pursue complaints with the government agencies that enforce the laws prohibiting discrimination, harassment and retaliation, including:

6.1. California Department of Fair Employment and Housing ("DFEH")

<http://www.dfeh.ca.gov/>

6.2. Equal Employment Opportunity Commission

<https://www.eeoc.gov/>

6.3. United States Department of Education's Office for Civil Rights

<http://www2.ed.gov/ocr>

7. Responsibility

7.1. Responsible Executive – Senior Vice President and General Counsel

7.2. Policy Owner – Chief Human Resources Officer ("HR")

7.3. Title IX Coordinator:

7.3.1. Has administrative responsibility for the development, implementation and monitoring of Title IX compliance efforts.

7.4. Deputy Title IX Coordinator:

7.4.1. Under the direction of the Title IX Coordinator provides support with Title IX compliance at the New York campus.

8. Definitions

8.1. [Definitions](#)

9. References and Related Documents

9.1. [Education Catalog](#)

9.2. [GIA's Concern Reporting System](#)



- 9.3. [Sexual Misconduct Reporting and Response Standards and Protocols](#)
- 9.4. [U.S. Employee Handbook](#)
- 9.5. [Workplace and Campus Violence Policy](#)

10. Related Regulations

- 10.1. [California Fair Employment and Housing Act \("FEHA"\)](#)
- 10.2. [Family Educational Rights and Privacy Act \("FERPA"\)](#)
- 10.3. [New York City and New York State Human Rights Laws](#)
- 10.4. [Title IX of the Education Amendments of 1972 \("Title IX"\)](#)
- 10.5. [Violence Against Women Reauthorization Act of 2013 \("VAWA"\)](#)

11. Revision History

Revision Date	Description	Approved By
10/24/2016	Initial Release	President's Policy Committee
01/31/2019	Title updates. Added Deputy Title IX Coordinator. Formatting revisions.	Senior Vice President and General Counsel

Definitions

1. Gender Expression

A person's gender-related appearance or behavior, whether or not stereotypically associated with the person's sex at birth.

2. Gender Identity

A person's identification as male, female, a gender different from the person's sex at birth or transgender.

3. Pregnancy

Includes pregnancy or perceived pregnancy, childbirth, breastfeeding or any related medical condition.

4. Sex

Includes, but is not limited to, pregnancy, childbirth, breastfeeding, and any related medical conditions, and gender identity and expression.

5. Sex Stereotype

An assumption about a person's appearance or behavior, or about an individual's ability or inability to perform certain kinds of work based on a myth, social expectation, or generalization about the individual's sex.

6. Transgender

A person whose gender identity differs from the person's sex at birth. A transgender person may or may not have a gender expression that is different from the social expectations of the sex assigned at birth. A transgender person may or may not identify as "transsexual."

7. Transsexual

A person who strongly identifies with the opposite sex and may seek to live as a member of this sex especially by undergoing surgery and hormone therapy to obtain the necessary physical appearance (as by changing the external sex organs).