

SUBJECT: Non-Discrimination & Non-Harassment

Applies to: Faculty, Staff, and Students

Updated: December 2018

NOTE: The scope of this policy does NOT include sexual or gender related harassment or discrimination. Refer to policy 108 *Sexual Misconduct and Title IX Compliance* and, for employees, policy 109 Sexual Harassment Prevention for information on sexual harassment or misconduct.

I. NON-DISCRIMINATION POLICY

Roberts Wesleyan College complies with all applicable employment laws. There shall be no discrimination against any employee, applicant for employment, or any student on any basis prohibited by law. This non-discrimination policy applies to educational policies and programs and to terms and conditions of employment, which include (but are not limited to): recruitment, hiring, training, compensation, benefits, promotions, disciplinary actions, and termination.

Based on the College's commitment to civility, respect and dignity of all persons, the College enacts policies to ensure that all employees and students are able to learn and work in an educational environment free from harassment and discrimination as described below.

II. DEFINITIONS AND EXAMPLES OF HARASSMENT

Harassment: Written, verbal and/or physical conduct that denigrates or shows hostility or aversion toward an individual, and that has the purpose or effect of creating an intimidating, hostile or offensive employment or educational environment; or has the purpose or effect of unreasonably interfering with an individual's employment or academic performance. This includes taunting, degrading, threatening, or otherwise offensive or hostile remarks or behavior; including slurs, jokes, offensive stereotypes, or any kind of behavior which, in the employee's opinion, impairs his/her ability to perform his/her job. Also, it is envisioned that students will be able to enjoy and work in an educational environment that does not impair their academic performance.

III. APPOINTMENT RACIAL HARASSMENT/DISCRIMINATION OFFICER

The College appoints a Racial Harassment/Discrimination Officer who will be directly accessible to members of the faculty, staff, and student body. This person's name is available by calling the Office of Human Resources. The Harassment/Discrimination Officer will work closely with the Executive Director of Human Resources on all harassment inquiries and investigations. He/she will investigate allegations of harassment and together with the Executive Director of Human Resources determine if harassment occurred or if the accusation was made in bad faith. The Harassment/Discrimination Officer will also assist the Office of

Human Resources in the development of communications regarding harassment and educational efforts to prevent harassment.

IV. REPORTING INCIDENTS OF DISCRIMINATION

1. Students who believe they have been subjected to racial or another type of discrimination (not including sexual harassment or misconduct) should report the matter confidentially to the Racial Harassment Officer, Dean of Students or Vice President for Student and Organizational Development (VPSOD) or any member of the faculty or staff with whom they feel comfortable discussing the matter. If reported to a faculty or staff member, that member of the faculty or staff must report the discrimination complaint to the Harassment Officer or the VPSOD. If the Harassment Officer believes further action is required, that person will include the VPSOD and/or the Dean of Students in discussions to determine what action is required and how best to proceed. At this point, it is expected that the student making the report is willing to have his or her name accompany the report and is willing to cooperate with any investigation.

Whether further action is deemed necessary or not, all complaints should be reported to the Officers of Record (the Executive Director of HR for employee-related incidents or the Dean of Students for student-related incidents) so that repeat incidents can be tracked and accurate data kept.

2. Members of the faculty or staff who believe they have been subjected to racial or another type of discrimination (not including sexual misconduct) should report the matter to the Racial Harassment Officer or Executive Director of HR or any appropriate supervisory person with whom they feel comfortable discussing the matter. If reported to a supervisory person, that person must report the complaint to the appropriate Harassment Officer or the Executive Director of HR. If the Harassment Officer believes further action is required, that person will include the Executive Director of HR in discussions to determine what action is required and how best to proceed. At this point, it is expected that the person making the report is willing to have his or her name accompany the report and is willing to cooperate with any investigation.

Supervisors and managers have an obligation to report suspicious or concerning activities that may appear to be harassment in any form (written, verbal, and/or physical) to the Racial Harassment Officer and/or the VPSOD.

Whether further action is deemed necessary or not, all complaints should be reported to the Officers of Record (the Executive Director of HR for employee-related incidents or the Dean of Students for student-related incidents) so that repeat incidents can be tracked and accurate data kept.

3. Members of the faculty or staff (including part-time, time-as-reported, and student employees) who are aware of an incident of harassment or discrimination affecting a member of the faculty, staff, or student body must report the matter confidentially to the Racial Harassment Officer, VPSOD, Executive Director of HR or a supervisory person with whom they feel comfortable discussing the matter. If reported to a supervisory person, that

person must report the complaint to the appropriate Harassment Officer, VPSOD or Executive Director of HR. At this point, it is expected that the person making the report is willing to have his or her name accompany the report and is willing to cooperate with any investigation.

Employees who interact with external vendors, contractors, visitors, etc. must assist in ensuring compliance with this policy.

Whether further action is deemed necessary or not, all complaints should be reported to the Officers of Record (the Executive Director of HR for employee-related incidents or the Dean of Students for student-related incidents) so that repeat incidents can be tracked and accurate data kept. (add clarification on who's leading, etc.)

V. INVESTIGATING HARASSMENT/DISCRIMINATION ALLEGATIONS

Every harassment complaint will be met with a fair, prompt and thorough investigation. The investigation process steps include the following:

1. Incident is reported
2. An evaluation of interim measures and accommodations is made
3. Determine whether or not this policy has been violated and therefore, whether or not an investigation should/must proceed
4. Assign investigators
5. Investigators conduct investigation
6. Investigators prepare summary investigation report
7. Investigation report reviewed by appropriate Harassment Officer, Executive Director of Human Resources, and other College Officials as appropriate to make decisions on next steps.
8. Harassment Officer, Executive Director of Human Resources and other appropriate College Officials make determinations on responsibility, remedies, disciplinary actions, etc.

Every effort will be made to begin investigations within one business day and complete investigations within ten business days. In addition, complaints will be kept as confidential as possible, however in order to conduct an investigation, some disclosure of information may be necessary. At the conclusion of the investigation, the complaining party, the respondent, and potentially those who participated in the investigation, if the complaint is unsubstantiated, will be notified of the results.

VI. DISCIPLINARY ACTIONS FOR HARASSING OR DISCRIMINATING BEHAVIOR

If the finding of the investigation is that the alleged harassment charges against the alleged perpetrator have been substantiated, the perpetrator shall meet with the appropriate administrative personnel to discuss the consequences of having perpetrated harassment. The investigatory report will be filed in the perpetrator's permanent student file, if the perpetrator is a student, or in the employee's personnel file, if the perpetrator is an employee of the College.

If the finding of the investigation is that the alleged harassment charges against the alleged perpetrator have *not* been substantiated, said charges shall be dropped, without further consequence or report being filed in the alleged perpetrator's permanent student or employee file.

Education, including reinforcement of the provisions of this policy and the College's professional expectations, may occur throughout the investigation.

Consistent with the applicable provisions of College policy, the College will take prompt, appropriate disciplinary actions, including possible suspension or termination, against any faculty member, staff member, or student who is deemed to have engaged in harassment or to have made a false accusation of someone.

VII. DISSATISFACTION WITH RESOLUTION OF COMPLAINT OR RETRIBUTION FOR REPORTING OR INVESTIGATING AN INCIDENT

Roberts Wesleyan College will not engage in any type of retaliatory action against an individual who brings a harassment complaint in good faith. Furthermore, members of the faculty, staff or student body should contact the Racial Harassment Officer, VPSOD or Executive Director of HR immediately if they believe there has been retaliation against any person who reported, investigated, or was part of an allegation of harassment. In addition, anyone who believes that a harassment complaint has not been resolved satisfactorily should contact the Racial Harassment Officer, VPSOD, or Executive Director of HR.