

Policy: Non-Discrimination and Non-Harassment	Policy Number: I-6.9
Policy Owner(s): Human Resources	Original Date: 3/10/2006
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- I. **POLICY:** John Carroll University is committed to inclusion and diversity as constitutive elements of our Jesuit Catholic identity. As reflected in the University’s vision, mission, core values and strategic initiatives, the University welcomes individuals who will contribute to its mission and goals. Our pursuit of excellence demands that we come to understand and embrace the richness that each person brings to the University community.

In a manner consistent with the University's Jesuit Catholic mission, the University maintains and enforces a policy of equal opportunity. John Carroll University does not discriminate based on any of the following as defined and protected by applicable law: race, age, color, sex, sexual orientation, gender identity or expression, religion, ethnic or national origin, disability, military or veteran status protected under federal law, or genetic information. Discrimination or harassment of members of the University community strikes at the very heart of this institution and will not be tolerated.

The University does not tolerate discrimination or harassment whether by an employee (supervisor or co-worker), or a non-employee (student, vendor, contractor, visitor, temporary hire or independent contractor). Discrimination and harassment are prohibited at work; at University-related events, conferences or travel (including but not limited to, domestic, international, immersion or study-abroad); on University-sponsored business or events; or while on University property. Discrimination or harassment that occurs off campus but that has on-campus effects also is prohibited and may be addressed under this policy.

Reports of discrimination or discriminatory harassment will be investigated and resolved consistent with this policy and other applicable policies.

- II. **PURPOSE:** To make clear the University’s prohibition on discrimination and harassment against any individual based on the protected characteristics described in the policy and to set out the procedures for reporting, investigating and resolving complaints.
- III. **SCOPE:** All John Carroll University employees, contractors, visitors, and volunteers.

IV. DEFINITIONS:

Discrimination: An adverse action that has the purpose or effect of discriminating against an individual on the basis of any of the following as defined and protected by applicable law: race, age, color, sex, sexual orientation, gender identity or expression, religion, ethnic or national origin, disability, military or veteran status protected under federal law, or genetic information.

Discriminatory Harassment: Offensive or intimidating conduct of a verbal or physical nature, which has the purpose or effect of unreasonably interfering with an employee's working conditions or performance, creates a hostile, intimidating, or offensive work environment, or otherwise adversely affects an individual's employment opportunities. Offensive or intimidating jokes, derogatory expressions or comments, displays or circulation of graphics, cartoons or objects involving race, age, color, sex, sexual orientation, gender identity or expression, religion, ethnic or national origin, disability, military or veteran status protected under federal law, or genetic information may be considered discriminatory harassment.

V. PROCEDURES:

A. Application of Policy. This Policy sets out the procedures used for staff and faculty reports of Discrimination or Discriminatory Harassment regarding faculty and staff employees. Different policies and procedures apply to reports of (1) sexual harassment by any member of the University community, and (2) student reports of discrimination, as noted below:

1. Sexual Harassment. Reports of sexual harassment or interpersonal violence by any member of the University community (faculty, staff and students) are investigated and resolved via the University's Sexual Harassment and Interpersonal Violence Policy and Complaint Resolution Process. Reports of sexual harassment or interpersonal violence should be reported to the Title IX Coordinator or a Deputy Title IX Coordinator for investigation and/or resolution consistent with the University's policies governing sexual harassment and interpersonal violence. (See Title IX website for reporting options, <http://sites.jcu.edu/titleix>).
2. Student Reports.
 - a. When a report of discrimination is made against a student, the report is processed by the Dean of Students Office. The report is investigated and resolved via applicable student policies, including the Hate-Free Policy and Student Code of Conduct. See Hate-Free Policy at <http://sites.jcu.edu/deanofstudents/pages/community->

[standards/hate-free-policy](#), and Student Code of Conduct at <http://sites.jcu.edu/deanofstudents/pages/community-standards/conduct-system>.

- b. Reports of Discrimination or Discriminatory Harassment (including Bias Reports made via the Bias Reporting System) by students regarding faculty members will be referred to the appropriate dean or associate dean for investigation and resolution, consistent with University and faculty policies. The dean or associate dean may consult with the Dean of Students Office about the report, as appropriate.
- c. Reports of Discrimination or Discriminatory Harassment by students regarding staff members will be referred to Human Resources and the Dean of Students Office for investigation and resolution, in accordance with the University's Human Resources Corrective Action Process.

B. General Reporting Guidelines

1. Employees who believe that they have experienced Discrimination or Discriminatory Harassment are strongly encouraged to report the issues or incident immediately so that the report can be investigated and resolved promptly and in an appropriate manner.
2. All complaints or reports of Discrimination or Discriminatory Harassment will be handled with discretion, receive prompt attention, and will be thoroughly investigated so as to achieve an appropriate resolution in a reasonable time frame. The identity of the individuals who report Discrimination or Discriminatory Harassment will be shared only with those with a need-to-know, consistent with the need to conduct a thorough and impartial investigation and the need to meet legal requirements.
3. If the reporting person is uncomfortable discussing concerns directly with any of the offices named, the reporting person may file a report with either EthicsPoint, the University's compliance hotline provider, at 1-866-860-1886 or <https://secure.ethicspoint.com>, or JCU's internal Bias Reporting System at <http://sites.jcu.edu/bias>. Reports to either EthicsPoint or the Bias Reporting System can be reported in an identified or an anonymous manner.
4. If an employee has knowledge of information indicating that Discrimination or Discriminatory Harassment has occurred to any other employee, or that a violation of University policy has occurred, the employee must report immediately - to Human Resources, or to the

EthicsPoint or Bias Reporting System - the information regarding Discrimination or Discriminatory Harassment.

- a. Reports made to the EthicsPoint or Bias Reporting System will be processed utilizing the procedures outlined below.
- b. If the report is submitted against a member of the offices outlined in the procedures described below, then the report will not be provided to the involved person or office, but rather to the Divisional Vice President or other appropriate administrator.
- c. If the employee is unsure whether the actions constitute Discrimination or Discriminatory Harassment, the employee should contact their immediate supervisor or Human Resources to report the potential issue, so that it can be reviewed and, if necessary, investigated and resolved by Human Resources. (See Non-Retaliation Policy for further information on reporting procedures for Discrimination or Discriminatory Harassment).

C. Procedures for Reports By Staff Concerning Staff

1. When a staff member reports Discrimination or Discriminatory Harassment by a member of the staff or administration, the report is investigated and resolved under the procedures outlined below and/or the Staff Grievance Policy outlined in the Human Resources Policies. The report will be referred to Human Resources, which is responsible for receiving reports and facilitating their investigation and resolution.
2. Staff members who have experienced Discrimination or Discriminatory Harassment are encouraged to report the Discrimination or Discriminatory Harassment to their supervisor or Human Resources as soon as possible after the incident. A report ordinarily includes details of the incident(s), names of individuals involved, and the names of any witnesses. A Discrimination or Discriminatory Harassment Report Form, referenced below, is available for submitting reports.
3. Staff members are never required to complain first to the person they believe has engaged in the Discrimination or Discriminatory Harassment. An employee may choose to address the issue directly with the individual they believe has engaged in Discrimination or Discriminatory Harassment, and ask the individual to stop the conduct. However, the staff employee is strongly encouraged also to report the matter to the immediate supervisor or Human Resources.
4. Supervisors must refer all Discrimination or Discriminatory Harassment reports to the Human Resources Department, who will facilitate an investigation of the report. All reports of Discrimination or

Discriminatory Harassment will be subject to an inquiry and investigation, if appropriate, as outlined below.

5. When Human Resources and/or a supervisor receives a report alleging Discrimination or Discriminatory Harassment, Human Resources will conduct an initial inquiry to determine if the report falls under this or another policy. If the report falls under this policy, Human Resources will investigate the report and take appropriate steps to try to resolve the issue. If Human Resources is unable to resolve the issue, the Staff Grievance Policy shall be utilized to resolve the report. (See Staff Grievance Policy).
6. All employees are expected to participate in any investigation conducted as to Discrimination or Discriminatory Harassment, including responding to questions and providing relevant information.
7. Following investigation, a determination will be made by appropriate individuals regarding the resolution of the report. If it is determined that this Policy has been violated, the individual found responsible will receive appropriate corrective action, up to and including termination of employment. At the university's discretion, other appropriate actions may be taken to correct issues caused by the conduct.

D. Faculty-Related Reports

1. When A Faculty Member Reports Discrimination: When a faculty member reports Discrimination or Discriminatory Harassment by any member of the faculty, staff or administration, the report is investigated and resolved under the Discrimination Grievance Procedures outlined in the Faculty Handbook. The report will be referred to the Associate Academic Vice President, who is responsible for receiving reports and facilitating their investigation and resolution under those Procedures.
2. When A Staff Member Reports Discrimination By a Faculty Member: When a staff member reports Discrimination or Discriminatory Harassment by a faculty member, the report will be referred to the Associate Academic Vice President and Human Resources. These offices will be responsible for receiving reports and facilitating their investigation and resolution, consistent with the provisions of the Faculty Handbook, this policy, and the Staff Grievance Policy.

E. Reports Related to Third Parties (e.g. contractors, visitors, volunteers)

1. When A Report is Made Against A Third Party: When a report of Discrimination or Discriminatory Harassment is made against a third party by any member of the University community related to a University program or activity, the appropriate University office(s)

(which may include Human Resources, John Carroll University Police Department, Dean of Students Office, or the Associate Academic Vice President) will investigate the report and take appropriate steps to resolve the matter.

2. When A Report is Made By a Third Party: When a report of Discrimination or Discriminatory Harassment is made by a third party against a member of the faculty or staff related to a University program or activity or having continuing effects on the campus community, the appropriate University office(s) (which may include Human Resources, John Carroll University Police Department, or the Associate Academic Vice President) will investigate the report and take appropriate steps to resolve the matter.

F. Non-Retaliation

Those individuals reporting actual or potential Discrimination or Discriminatory Harassment are protected against retaliation. University employees are prohibited from retaliating against or harassing (in any form or using any medium, including any physical or electronic means) an individual who reports in good faith a concern regarding Discrimination or Discriminatory Harassment. (See Non-Retaliation Policy, for further information on the University's Non-Retaliation requirements).

G. Records

Records regarding reports, investigation and resolution regarding Discrimination or Discriminatory Harassment will be maintained in a private manner and shared only with those with a need-to-know, consistent with the requirement to conduct a thorough and impartial investigation and meet relevant legal requirements.

H. Questions

Questions regarding this policy concerning Non-Discrimination and Non-Harassment or the procedure to follow should be directed to the Human Resources Department.

VI. CROSS REFERENCES:

Corrective Action

Mandatory Reporting for Sexual Harassment and Interpersonal Violence

Non-Retaliation

Sexual Harassment and Interpersonal Violence and Complaint Resolution
Process

Workplace Violence

VII. ATTACHMENT:

[Discrimination or Discriminatory Harassment Report Form](#)