

## Policy

Title:	<b>Non-Discrimination and Anti-Harassment Policy</b>
Effective Date:	May 21, 2018
Approved By:	Board of Trustees
Responsible Party:	Board of Trustees
History:	9/01/1998; 11/01/2001;10/29/2007;10/31/2011;11/05/2013; 5/19/2014; May 28, 2018

### **I. PURPOSE**

Salus University (“the University”) is committed to maintaining a fair and respectful environment for work and study. To that end, and in accordance with federal and state law and University policy, the University prohibits any member of the board of trustees, faculty, staff, administration, student body, volunteers or visitors to campus, whether they be guests, patrons, independent contractors, or clients, from harassing and/or discriminating against any other member of the Salus University community because of that person’s race, sex (including sexual harassment and sexual violence), sexual orientation, ethnicity or national origin, religion, age, genetic information, disabled status, or status as a disabled veteran or veteran of the Vietnam era. Incidents of harassment and discrimination will not be tolerated and will be met with appropriate disciplinary action, up to and including dismissal from the University.

#### **Non-Discrimination and Equal Opportunity**

Consistent with federal and state law and University policy, Salus University restates its commitment to the concepts of affirmative action and equal opportunity.

Salus University complies with Title IX of the Education Amendments of 1972, the Americans with Disabilities Act of 1990, Section 504 of the Rehabilitation Act of 1973, Title VII of the Civil Rights Act of 1964, and all other applicable federal, state, or local laws regarding unlawful discrimination. Salus University prohibits discrimination on the basis of race, color, religion, national origin, sex, sexual orientation, age, genetic information, veteran status, disability and any other characteristic protected by state law, federal law, or local ordinance in hiring, employment opportunities, education programs, and any other activities sponsored by the University. Furthermore, the University does not tolerate or condone any form of sex discrimination, sexual harassment or sexual violence. Any unlawful employment discrimination, sexual harassment or sexual violence perpetrated by trustees, administrators, faculty, staff, students, employees, independent contractors, vendors, or any other third-parties involving members

Every member of the Salus University community is expected to uphold this Policy as a matter of mutual respect and fundamental fairness in human relations. Every student of this institution has a responsibility to conduct himself/herself in accordance with this Policy as a condition of enrollment. Further, every University employee has an obligation to observe University policies in implementation of federal, state, and local law as a term of employment. In addition, one aspect of performance appraisal for University personnel at all levels of supervision and administration will include the qualitative evaluation of their leadership in implementing the University's Non-Discrimination and Anti-Harassment Policy and in seeking resolution of problems in this area at the point nearest their origin.

Merit and productivity, free from prohibited bias, will continue to guide decisions relating to employment and enrollment. Accordingly, once the University has notice of an incident involving unlawful discrimination, the University will take prompt and appropriate steps to investigate the incident. Thereafter, the University will take remedial action to address confirmed incidents of unlawful discrimination, and will use measures reasonably calculated to end any harassment, eliminate a hostile environment (if one has been created), and prevent any future harassment.

No person will be penalized for good faith utilization of channels available for resolving concerns dealing with prohibited bias.

## **II. DEFINITIONS**

### **Sex Discrimination**

Sex discrimination is conduct that discriminates against another person on the basis of sex. Sex discrimination can be manifested by:

- x Unequal access to employment or educational programs and activities on the basis of sex; or
- x Unequal treatment of another on the basis of sex in the course of conducting those programs and activities; or
- x The existence or implementation of a program or activity that has a disparate impact on participation, improperly based on the sex of participants.

Sex discrimination is illegal under federal and state law. Furthermore, the University strictly prohibits any conduct that discriminates on the basis of sex.

### **Sexual Harassment**

Sexual harassment under this Policy includes unwelcome sexual advances, requests for sexual favors, sexually motivated physical contact, and other verbal, non-verbal or physical conduct of a sexual nature, when:

- x Submission to such conduct is made either implicitly or explicitly a term or condition of an individual's employment or status in a course, program or activity;

x

- of interfering with or limiting one's ability to participate in or benefit from an educational program or activity.

For the purposes of this definition, communication may be oral, written, or electronically transmitted. Without limiting the foregoing, use of audio, computer, or visual equipment in violation of the University's policy on such use may constitute sexual harassment.

Examples of sexual harassment may include, but are not limited to the following:

1. Stalking another member of the Salus University community. Stalking may include persistent attempts to contact the person by phone, electronic communication, or regular mail; vandalizing the person's property or leaving unwanted items for the person; and/or constantly appearing at the person's classroom, residence, or workplace without permission.
2. Direct or implied threats that submission to sexual advances will be a condition of employment, work status, compensation, promotion, grades, or letters of recommendation.
3. Sexual advances, physical or implied, or direct propositions of a sexual nature. This activity may include inappropriate/unnecessary touching or rubbing against another, sexually suggestive or degrading jokes or comments, remarks of a sexual nature about one's clothing and/or body, preferential treatment in exchange for sexual activity, and the inappropriate display of sexually explicit pictures, text, printed materials, or objects that do not serve an academic purpose.
4. A pattern of conduct, which can be subtle in nature, that has sexual overtones and is intended to create or has the effect of creating discomfort and/or that humiliates another.
5. Remarks speculating about a person's sexual activities or sexual history, or remarks about one's own sexual activities or sexual history that do not serve a medical or academic purpose.

Sexual harassment can occur regardless of the relationship, position or respective sex of the parties. Sexual harassment can be committed by a man, a woman, or a group of people against a person or persons of the same or opposite sex. Same sex harassment violates this Policy as does harassment by a student of a faculty member or a subordinate employee of his/her supervisor.

Sexual harassment can be committed by friends, acquaintances, supervisors, co-workers, administrators, faculty

- x The person has substantially impaired the complainant’s power to appraise or control his or her conduct by administering or employing, without the knowledge of the complainant, drugs, intoxicants or other means for the purpose of preventing resistance; or
- x The complainant is unable to consent due to temporary or permanent incapacity or impairment, mental or physical. “Incapacity” or “impairment” may include, but is not limited to, being under the influence of alcohol or drugs to a degree which renders the person incapable of consent.

Sexual violence is a form of sex discrimination that is illegal under both federal and state law and is strictly prohibited by the University. The University will not tolerate any form of sexual violence carried out by administrators, faculty, staff, employees, students, or other third-parties involving members of the Salus University community.

**Discriminatory Harassment**

At Salus University, discriminatory harassment is defined as:

Unwelcome verbal or physical conduct based on race, color, religion, national origin, sex, sexual orientation, age,



programs are covered by this Policy and should be reported, including but are not limited to, incidents that occur in: community outreach programs, internships, student teaching, and applied learning experiences.

The University will pursue sanctions, including possible criminal action, against non-University visitors, guests, patrons, independent contractors or clients who commit acts of unlawful discrimination, including but not limited to, sex discrimination, sexual harassment or sexual violence, against members of the Salus University community.

This Policy is not meant to address differences in opinion regarding matters that are unrelated to unpio-2.8 ( u)5dcfi (n)5o1 (la)- i0pio-2

#### **IV. PROCEDURE**





coordinator will conduct an adequate and impartial investigation into the allegations of the complaint and prepare a written investigative report. Once the investigative report is complete, the Investigator(s) will prepare and submit the report to the Title IX Coordinator or Deputy Title IX Coordinator, as appropriate. Thereafter, the Title IX Coordinator or Deputy Title IX Coordinator will review the investigative report and render a decision. The complainant and the respondent will be notified in writing of the results of the investigation and the University's decision.

### **Investigative Data**

During the investigation, the Investigator(s) will keep private the information gathered during the investigation to the extent permitted by state and federal law. The Investigator(s) shall exercise due care in sharing identifiable information about students, staff or faculty. Confidentiality will be maintained throughout the investigation process to the extent that it is practical and appropriate under the circumstances.

### **Summary Action**

The President or his/her designee may impose a summary suspension prior to the completion of the investigation and resolution of a complaint. However, a summary suspension may be imposed only when, in the judgment of the President, he 1.2 8 (e(m)21 (a)-1n-7.8 (s)-2.5 (o)-1r(4b)8.9 (ar)-11 (s)e(4bma1B-24.1 (f)1.7 51 (m)5 (ta)-9.2 (m(a)7.8 ( )TJ 0.(at)2(es

sole discretion extend the time for an appeal. The President or his/her designee may receive additional information if he/she believes such information would aid in the appeal. The President or his/her designee will determine, based upon the facts, whether the University's policies and procedures have been fairly and properly applied. A decision by the President or his/her designee will be made within a reasonable time and the Investigator(s), the complainant, and the respondent will be notified in writing of the decision on the appeal. During the time of appeal and review, disciplinary action, if any, taken as a result of the original complaint, may be implemented and enforced.

### **Prohibition against retaliation**

The University strictly prohibits any form of retaliation against any person who raises or reports an allegation of sex discrimination, sexual harassment, sexual violence, or other forms of prohibited discrimination. Anyone who, in good faith, reports what s/he believes to be discrimination or harassment, or who participates or cooperates in any investigation, will not be subjected to retaliation. Anyone who believes he or she has been the victim of retaliation for reporting discrimination or harassment or participating or cooperating in an investigation should immediately contact the Compliance Officer. Any person found to have retaliated against a person who has participated or cooperated in an investigation will be in violation of this Policy and will be subject to disciplinary action in