



Policy Title: **Non-Discrimination Policy**

Policy Number: PS 6

Purpose of Policy: To prohibit discrimination, harassment, and retaliation on the basis of protected categories.

Applies to: All Students, Staff, Faculty, and Third-Parties

Policy Statement:

Bellevue University is committed to providing an environment that emphasizes the dignity and worth of every member of its community and that is free from discrimination, harassment, and retaliation based upon race, color, religion, sex, national origin, age, disability, genetic information, military obligations, or status in any other group protected by local, state, or federal law (individually and collectively referred to as a “Protected Category” or “Protected Categories”). Such an environment is necessary to a healthy learning, working, and living atmosphere because discrimination and harassment undermine human dignity and the positive connection among all people at our University

I. Scope.

- A.** Discrimination, harassment, and retaliation on the basis of a Protected Category are strictly prohibited. Persons who engage in such conduct are subject to discipline up to and including termination or dismissal. This policy applies to discrimination, harassment, and retaliation in all the University’s education programs and activities and applies to all participants in such education programs and activities, including administrators, faculty, staff, students, volunteers, contractors, and guests.
- B.** This policy applies to conduct that occurs on campus, during or at an official University program or activity (regardless of location), and to off campus conduct when the conduct could deny or limit a person’s ability to participate in or benefit from the University’s programs and activities.

II. Relationship to the Title IX Policy.

- A.** Regardless of other language in this policy notwithstanding, Sexual Harassment (including Sexual Assault, Domestic Violence, Dating Violence, and Stalking), as defined in the Sexual Harassment Policy, will be governed exclusively by the Title IX Policy (University Policy Statement 4) and processes stated therein. All other forms of sex-based discrimination are governed by this policy, including sex-based Harassment, as defined in this policy that does not rise to the level of Sexual Harassment as defined in the Title IX Policy.

- B. Conduct that is initially raised through a formal complaint under the Title IX Policy may also be addressed under this policy, in the institution's discretion, when: (1) the conduct, or some part of it, may amount to a violation of this policy regardless of whether it meets the definition of Sexual Harassment under the Title IX Policy; (2) the formal complaint, or some part of it, has been dismissed under the Title IX Policy; or (3) a final determination of a formal complaint has been made under the Title IX Policy and separate or additional action may be necessary to enforce this policy.

III. Substantive Definitions of Discrimination, Harassment, and Retaliation. The following definitions apply to this policy and procedure:

- A. **Discrimination** means material, adverse treatment of an individual based on a protected category as described above.
- B. **Harassment** consists of unwelcome conduct on the basis of a Protected Category that explicitly or implicitly affects an individual's employment, unreasonably interferes with an individual's work performance, or creates an intimidating, hostile, or offensive work environment.
 - 1. A person's subjective belief that behavior is intimidating, hostile, or offensive does not make that behavior harassment. The behavior must create a hostile environment from both a subjective and objective perspective and must be so severe, persistent, or pervasive that it unreasonably interferes with, limits, or deprives a member of the community of the ability to participate in or to receive benefits, services, or opportunities from the College's education or employment programs and/or activities. In determining whether a hostile environment exists, the University examines the context, nature, scope, frequency, duration, and location of incidents, as well as the relationships of the persons involved.
 - 2. Examples of conduct prohibited by this policy may include, but are not limited to, jokes or pranks that are hostile or demeaning with regard to a person's protected status or have the purpose or effect of creating an intimidating, hostile, abusive or offensive working or academic environment.
- C. **Retaliation** means any act by any person to intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege under this policy, or because the individual has made a report or complaint, provided statements or evidence, assisted, or participated or refused to participate in any manner in an investigation or proceeding under this policy.

IV. Reports; Responsible Officials.

- A. Reports of alleged violations of this policy may be submitted to the Dean of Students or Human Resources, as appropriate based upon the following subsections. The Dean of Students and Human Resources shall collaborate and share information as appropriate to ensure reports are handled by the appropriate Responsible Official.
- B. Human Resources is responsible for investigating reports, making determinations of violations, and imposing appropriate discipline or sanctions for violations of this policy by non-student employees (faculty and staff), University contractors, and non-student volunteers.

- C. The Dean of Students Office is responsible for investigating reports, making determinations of violations, and imposing appropriate discipline or sanctions for violations of this policy by students, campus guests, and other individuals not falling under the responsibility of Human Resources in the preceding section.

V. Violations; Sanctions.

- A. The Responsible Official identified above in Section IV is responsible for determining violations of this policy and for providing written notice of the finding and any sanctions imposed.
- B. The following sanctions may be imposed for violations of this policy. In each case, the sanction(s) to be imposed will be determined by examining the nature and severity of the violation. The cumulative effect of an individual's prior violations and the individual's prior disciplinary records may also be considered in determining the appropriate sanction.
 - 1. A requirement not to repeat or continue the prohibited conduct;
 - 2. Reprimand or warning;
 - 3. A no-contact directive;
 - 4. Reassignment or a requirement to change the academic, on-campus work, or on-campus living situation;
 - 5. Probation;
 - 6. Suspension (of student and/or employee roles);
 - 7. Removal from student housing;
 - 8. Expulsion from the University;
 - 9. Termination of employment with the University;
 - 10. With respect to students, any of the sanctions identified in the Bellevue University Student Code of Conduct (PS 1901);
 - 11. With respect to employees, any of the disciplinary actions identified in the Bellevue University Employee Handbook;
 - 12. Any other reasonable punitive or disciplinary measure.

VI. Appeals.

- A. An individual subject to a determination of violation under this policy may appeal the decision based on the basis of one or more of the grounds listed below. The appeal must be in writing, and must be filed with the Responsible Official who made the determination not later than ten (10) calendar days after the date of the decision. The appeal will be considered only if based upon one of the following grounds:
 - 1. Procedural irregularity that affected the outcome of the matter;
 - 2. New evidence that was not reasonably available at the time the conduct decision was made, that could affect the outcome of the matter; and/or
 - 3. The Responsible Official had a conflict of interest or bias for or against the individual that affected the outcome of the matter.

- B. The Appeal Officer will be designated by the President. Postponement of any sanctions pending review by the Appeal Officer is at the discretion of the Appeal Officer.
- C. Review by the Appeal Officer will be limited to a review of the evidence reviewed and considered by the Responsible Official who made the determination of violation. Opportunity for the appealing individual to personally discuss the matter with the Appeal Officer shall be at the discretion of the Appeal Officer.
- D. The Appeal Officer shall send the decision on the appeal in writing.
- E. The decision of the Appeal Officer shall be final and not subject to further appeal.

Supporting Documentation: Various state and federal laws regarding protected categories; Title IX Policy, Bellevue University Student Code of Conduct, Bellevue University Employee Handbook, Bellevue University Faculty Handbook, Bellevue University Student Housing Handbook.

Keywords: discrimination, harassment, protected category, Title IX, investigation, sanction, appeal

Responsible Office: Office of the President
Contact Information: 402-557-7002

Approved by: Dr. Mary Hawkins, President

Effective Date: August 14, 2020

Review Cycle and Dates: This policy statement is new.

APPROVED:

/signed/
Dr. Mary Hawkins, Bellevue University President

08/14/2020
Date