

Northwestern Health Sciences University	
Policy: <b>Non-Discrimination and Non-Harassment</b>	Effective Date: <b>January 2019</b>
Page: <b>1 of 5</b>	Revised: <b>January 2025</b>

## **Policy**

Northwestern Health Sciences University ("NWHSU") is committed to providing a working and learning environment that maximizes the potential of each student, faculty member, and staff member. Discrimination or harassment of any sort interferes with that environment. Therefore, discrimination or harassment on the basis of actual or perceived race, color, creed, religion, national origin, sex/gender, gender identity, marital status, familial (or parental) status, disability, status with regard to public assistance, sexual orientation, age, family care leave status or veteran status or any other protected class defined by law ("discrimination or harassment") is prohibited and will not be tolerated. **Retaliation against a person who reports or complains about discrimination or harassment, or who participates in or supports the investigation of a discrimination or harassment complaint, is also prohibited and will not be tolerated.**

Any member of the NWHSU community found to have violated this policy is subject to disciplinary or corrective action, up to and including termination or expulsion.

NWHSU's Title IX Policy is available online at (<http://www.nwhealth.edu/title-ix/>) or a paper copy is available upon request from the Human Resources Office.

## **Scope**

This policy applies to all students and employees.

## **Definitions**

Discrimination occurs when an individual is treated adversely or differently because of that person's actual or perceived race, color, creed, religion, national origin, sex/gender, gender identity, marital status, familial (or parental) status, disability, status with regard to public assistance, sexual orientation, age, family care leave status or veteran status, membership or activity in a local commission, or any other protected class.

Harassment includes conduct that denigrates or shows hostility or aversion toward an individual because of their race, color, creed, religion, national origin, sex/gender, gender identity, marital status, familial (or parental) status, disability, status with regard to public assistance, sexual orientation, age, family care leave status or veteran status, membership or activity in a local commission, or any other protected class status defined by applicable law and that:

- 1) Has the purpose or effect of creating an intimidating, hostile, or offensive working or educational environment; or
- 2) Has the purpose or effect of unreasonably interfering with an individual's work or educational performance; or
- 3) Otherwise adversely affects an individual's employment or educational opportunities.

Some examples of conduct that may constitute discrimination or harassment include the following:

- 1) Failure or refusal to hire, train or promote because of an individual's protected class status; or
- 2) Limiting salary increases because of protected class status; or
- 3) Disciplining or terminating an individual because of protected class status; or
- 4) Treating an individual adversely in any other respect because of protected class status; or
- 5) Epithets, slurs, threatening or intimidating acts, including written or graphic material directed to an individual because of protected class status; or
- 6) Written, verbal or physical acts directed to an individual because of protected class status that purport to be jokes or pranks.

Sexual Harassment is behavior of a sexual nature that is unwelcome and offensive to the person or persons it targets and that:

- 1) Has the purpose or effect of creating an intimidating, hostile, or offensive working or educational environment; or
- 2) Has the purpose or effect of unreasonably interfering with an individual's work or educational performance; or
- 3) Otherwise adversely affects an individual's employment or educational opportunities.

Examples of sexually harassing behavior may include unwanted physical contact, foul language of an offensive sexual nature, sexual propositions, sexual jokes or remarks, obscene gestures, and displays of pornographic or sexually explicit pictures, drawings, or caricatures.

Behavior that meets the definition of sexual harassment set out in the NWHSU Title IX Policy will be addressed under the processes laid out in that Policy.

### **Reporting Procedure**

If a student, faculty member, or staff member believes that they have been discriminated against or harassed by another student, faculty member, staff member or any other person whom the student, faculty member, or staff member encounters in the course of employment or education, or if a student, faculty member, or staff member observes discrimination or harassment, the individual should immediately report the conduct as follows:

- 1) Students: To the Dean of Students, Dean(s), VP, Academic & Student Programs, or President & CEO. Anyone who receives a report or complaint of discrimination or harassment regarding a student should immediately report it to the Dean of Students.

Faculty and Staff: To the Vice President of Human Resources, any member of NWHSU's management team, or President & CEO. Anyone who receives a report or complaint of discrimination or harassment regarding a faculty or staff member should immediately report it to the Vice President, Human Resources.

Complaints of discrimination or harassment involving the President & CEO should immediately be reported to an Officer of the Board of Trustees.

If a complaint is made to anyone else, the complainant risks the possibility that it will not come to the attention of the appropriate management and, therefore, may not be acted upon.

**Students or employees with questions or who wish to file a complaint concerning sexual misconduct, sexual harassment, sexual intimidation, sexual exploitation, or sexual violence based on any of the above protected classes, may report the conduct to:**

- Student Title IX Coordinator (952) 214-0660.
- Employee Title IX Coordinator (952) 885-5437.

Students and Employees may also make a report on the University's Title IX Reporting Hotline. The University's hotline is hosted by a secure, independent provider, EthicsPoint and reports are treated confidentially. Reporters may remain anonymous, and the IP address of computers cannot be traced. Reports will be provided to the Vice President of Human Resources. It should be understood that an investigation may be hampered or be impracticable if the reporter cannot be identified and questioned about the incident and related facts. There are two ways to use the hotline:

- Online: <https://secure.ethicspoint.com/domain/media/en/gui/35060/index.html>
- Phone: toll-free, within the United States, Guam, Puerto Rico and Canada: **855-748-5772**.

If the discrimination or harassment reoccurs, it should immediately be reported to any of the individuals listed above.

NWHSU does not tolerate any retaliation or intimidation directed towards anyone who makes a complaint or report of discrimination or harassment or who participates in the investigation of a complaint. The reporting procedure described above should also be used if a student or employee believes they have been subjected to prohibited retaliation or intimidation.

### **Investigation of Complaint**

Every complaint or report of discrimination or harassment made to any individual listed above will be investigated. A complaint will be investigated by (a) the President & CEO's designee; or (b) an individual who is not an employee of NWHSU, who may be retained by NWHSU for the purpose of investigating complaints of harassment, and who has experience and expertise in conducting investigations ("Consultant"); or (c) a combination of the above. If the investigation is commenced by the President & CEO's designee, the investigation may be referred to the Consultant at any point in time. Reasons for referral could include, but are not limited to, the scope or complexity of the investigation or a perceived or actual conflict of interest.

The timing and specific nature of the investigation of any complaint will be determined by the investigator. Although investigations will be conducted with sensitivity to confidential issues, investigative information will be communicated as appropriate to those with a need to know. Because the circumstances of every complaint are different, discretion and flexibility will be utilized in conducting an appropriate investigation of each complaint.

If the investigation is commenced or completed by the Consultant, a written fact-finding report may be prepared upon completion of the investigation. This report may summarize information as appropriate. The President & CEO's designee will review the report, may conduct additional fact-finding, and will determine whether it appears this policy has been violated.

### **Disciplinary or Corrective Action**

If it appears that a violation of this policy may have occurred, timely and appropriate disciplinary or corrective action will be taken as follows:

1. A faculty or staff member found to have committed a violation of this policy may be subject to a broad range of consequences, up to and including termination of employment. Corrective action or dismissal of a faculty member will follow the procedure outlined in the Faculty Handbook.
2. A student found to have committed a violation of this policy may be subject to a broad range of consequences up to and including expulsion, suspension, or other appropriate action.

If it appears that the safety or security of NWHSU or of an individual member of the community may be jeopardized, the President & CEO's designee may take immediate action to prevent the occurrence or reoccurrence of discrimination or harassment.

### **Retaliation**

There will be no retaliation against any good faith complainant or reporter of discrimination under this policy, nor against any person who participates in an investigation. NWHSU will investigate complaints and take appropriate action against any employee or student who retaliates against any person who makes a good faith report; who testifies, assists, or participates in an investigation; or who testifies, assists or participates in a process relating to the report. Retaliation includes, but is not limited to, any form of intimidation, reprisal, or harassment. Appropriate action may include disciplinary or corrective action, up to and including termination or expulsion.

In addition, neither NWHSU, nor any officer, employee, or agent of NWHSU may retaliate, intimidate, threaten, coerce, or otherwise discriminate against a faculty member for exercising their rights to avail themselves of the faculty grievance procedure as outlined in the Faculty Handbook.

### **Questions**

Please direct any questions to the appropriate office:

- Faculty & Staff – Vice President of Human Resources, any member of NWHSU's management team, or President & CEO.
- Students – Dean of Students, Dean's, Provost, or President & CEO.

### **Alternative Complaint Procedures**

These procedures do not deny the right of any individual to pursue other avenues of recourse which may include, but are not limited to, contacting the following agencies:

Equal Employment Opportunity Commission  
1-800-669-4000  
info@eeoc.gov  
<http://eeoc.gov/>

U.S. Department of Education Office for Civil Rights  
1-800-421-3481  
ocr@ed.gov  
<http://www2.ed.gov/about/offices/list/ocr/index.html>

Policy Cross Reference  
Title IX Policy