

## **Non-Discrimination and Non-Harassment Policy**

<https://www.rockhurst.edu/about/human-resources/non-discrimination/policy>

Rockhurst University welcomes persons from all backgrounds and beliefs to join our staff and University Community. We seek to create and foster a sense of community that facilitates the development, both personal and professional, of all our members, including faculty, staff, and students.

Consistent with its Catholic and Jesuit tradition of focus on individual dignity and *cura personalis*, the University is committed to providing equal opportunities for all persons and prohibits the discrimination, harassment or retaliation on the basis of race, color, ethnicity, national origin or ancestry, citizenship or intended citizenship status, creed, religion, age, sex, pregnancy status, sexual orientation, marital status, gender, gender identity, disability, veteran status or any other status protected by law (“protected status”). This policy applies to all members of the University community, as well as others that participate in the University’s educational programs and activities (employees, students, applicants for employment or admission, contractors, vendors, visitors, guests and potentially others). This policy applies to: (a) all terms and conditions of University employment, and (2) all educational programs and activities, whether on- or off-campus, including but not limited to, admissions, academics, athletics, housing, and student services.

The University complies with federal, state, and local equal opportunity laws and strives to keep the workplace free from all forms of illegal discrimination, harassment, and retaliation.

As part of its commitment to equal opportunity, the University is committed to providing qualified individuals with disabilities, reasonable accommodation. Any applicant or employee who requires reasonable accommodation to complete the application process, and/or to perform the essential functions of the job, should contact the Director of Human Resources. Any student with a disability, who requires assistance to ensure access to educational opportunities, should contact the Disability Resource Center Coordinator:

Disability Resource Center  
[drc@rockhurst.edu](mailto:drc@rockhurst.edu)  
Van Ackeren 200 F- within the Learning Center  
Office 816-501-4037

The University has designated its Director of Compliance and Risk Management/Title IX Coordinator to coordinate compliance with discrimination laws, including Title IX of the Education Amendments of 1972, Section 504 of the Rehabilitation Act of 1973, the Age Act, Title VI, and the Americans with Disabilities Act.

Questions or concerns arising out of the Equal Employment Opportunity Statement and Anti-Discrimination Statement can also be raised with a supervisor, the Director of Human Resources, or the Provost and Senior Vice President for Academic Affairs. Students who have questions or concerns should contact the Vice President for Student Development & Athletics/Dean of Students. Additionally, a person can file a complaint of sex discrimination with the U.S. Department of Education’s Office for Civil Rights by visiting [www2.ed.gov/about/offices/list/ocr/complaintintro.html](http://www2.ed.gov/about/offices/list/ocr/complaintintro.html) or by calling 1-800-421-3481.

## **POLICY AGAINST HARASSMENT, DISCRIMINATION AND RETALIATION**

### **I. Commitment to Non-Discrimination, Non-Harassment and Non-Retaliation**

The purpose of this policy is to uphold the University's mission in preserving the fundamental dignity and rights of all individuals involved in University educational programs and activities. Discrimination, harassment and retaliation on the basis of protected status are strictly prohibited. Such conduct is contrary to the education and employment values of Rockhurst University. Persons who engage in such conduct are subject to discipline up to and including termination or dismissal.

Preventing prohibited discrimination, harassment and retaliation is the responsibility of all members of the University Community. Employees, students, applicants for employment, contractors, vendors, visitors, and guests should report a potential violation of this policy (other than complaints of sex-based discrimination, which is addressed and defined below) as soon as possible to the Director of Human Resources:

Jackie Michaels  
Director of Human Resources/Deputy Title IX Coordinator  
Conway 102  
816-501-4555  
[jackie.michaels@rockhurst.edu](mailto:jackie.michaels@rockhurst.edu)

Students, applicants for admission, or participants in University educational programs and activities should report a potential violation of this policy (other than complaints of sex-based discrimination), which is addressed below) as soon as possible to a Residence Life staff member, Security (8165014010), or one of the following:

Mark Hetzler  
Associate Vice President for Student Development  
& Residence Life  
Massman 3  
8165014843  
[mark.hetzler@rockhurst.edu](mailto:mark.hetzler@rockhurst.edu)

Breyanna Primous  
Area Coordinator, Residence Life  
THV Community Center  
816-501-4429  
[Breyanna.primous@rockhurst.edu](mailto:Breyanna.primous@rockhurst.edu)

All complaints of sex--based discrimination (defined below) can be reported by any University Community member to the Title IX Coordinator as follows:

Kimberly Brant Schmelzle  
Director of Compliance and Risk Management/Title IX Coordinator

Massman 3  
1100 Rockhurst Road  
Kansas City, MO 641110  
816-501-4036  
TitleIX@rockhurst.edu

Rockhurst will respond to complaints of a potential policy violation that occur in educational programs and activities or employment in a reasonable, thorough, and prompt manner.

## **II. Scope**

This policy applies to complaints of discrimination, harassment and retaliation on the basis of protected status (with the exception of Sexual Harassment, addressed below).

This policy governs complaints of discrimination, harassment and retaliation in all the University's educational programs and activities or employment and applies to all members of the University Community (employees, students, applicants for employment or admission, contractors, vendors, visitors, guests and potentially others). This policy applies to: (a) all terms and conditions of University employment, and (2) all educational programs and activities, whether on or off-campus, including but not limited to, admissions, academics, athletics, housing, and student services.

Regardless of other language in this policy, Sexual Harassment complaints (including Sexual Assault, Domestic Violence, Dating Violence, and Stalking), as defined in the University's [Sexual Harassment Policy](#), will be governed exclusively by the Sexual Harassment Policy 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 Sexual Harassment Policy.

Therefore, a complaint initially reported under the Sexual Harassment Policy may be addressed under and governed by this policy, in the institution's discretion, when: (i) the alleged conduct, or some part of it, may amount to a violation of this policy regardless of whether the alleged conduct meets the definition of Sexual Harassment under the Sexual Harassment Policy; (ii) the formal complaint, or some part of it, has been dismissed under the Sexual Harassment Policy and the report also alleges violations of this policy; or (iii) a final determination of a formal complaint has been made under the Sexual Harassment Policy and separate or additional action may be necessary to enforce this policy.

## **III. Prohibited Conduct**

### **Discrimination**

Discrimination is material, adverse treatment of an individual based on protected status. Discrimination in employment can be defined, generally, as an adverse employment action directed at a specific individual, or a group of identifiable individuals based on that individual's or group's protected status.

Discrimination in education can be defined, generally, as materially adverse conduct that, based on an individual's or group's protected status, subjects that individual or group to

treatment that adversely affects their ability to enjoy a full right to educational opportunities, including participation in academics, and/or the University's other educational programs and activities.

## **Harassment**

Harassment in employment can be defined, generally, as unwelcome conduct that is based on a protected status, where enduring the offensive conduct becomes a condition of continued employment, or the conduct is severe or pervasive enough to create a work environment that a reasonable person would consider intimidating, hostile, or abusive.

Harassment in education can be defined, generally, as conduct motivated by an individual's protected status that is sufficiently severe, persistent, or pervasive so as to interfere with or limit the ability of an individual to participate in or benefit from the educational programs or activities.

A person's subjective belief that behavior is intimidating, hostile, or offensive or abusive does not make that behavior harassment. The behavior must create a hostile environment from both a subjective and objective perspective. 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.

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.

## **Retaliation**

The University prohibits retaliation against anyone for reporting discrimination or harassment, assisting in making a complaint, cooperating in an investigation, or otherwise exercising their rights or responsibilities under this policy and applicable federal, state, and local laws. Retaliation prohibited by this policy consists of materially adverse action, such as disparaging comments, uncivil behavior, or other negative treatment of an employee, student, or other member of the University Community because a report or complaint has been made pursuant to this policy or because an individual otherwise cooperated with the University's investigation.

## **Reporting**

### ***Sex-based Complaints under this policy:***

#### **[Sexual Misconduct Reporting Form](#)**

- For all complaints of sex-based discrimination or harassment under this policy (including claims under this policy based on sex, pregnancy status, gender, sexual orientation, gender identity or marital status), the Title IX Coordinator will make the initial determination as to whether the complaint involves Sexual Harassment under the Sexual

Harassment Policy, in which case the complaint will be investigated and resolved under the Sexual Harassment Policy, or whether it alternatively involves sex-based discrimination, harassment or retaliation as defined under this policy, in which case the complaint will be handled under this policy as set forth below.

- For sex-based Harassment, as defined in this policy, that does not rise to the level of Sexual Harassment as defined in the Sexual Harassment Policy, the complaint will be referred to Student Development for investigation and resolution pursuant to the process for handling other types of student misconduct as contained in the Student Code of Conduct. As provided for in the Student Code of Conduct, The Vice President of Student Development & Athletics may designate other University officials, including the Title IX Coordinator, to investigate potential violations of the Code of Conduct.
- For discrimination in employment, the Title IX Coordinator will refer these cases to the Director of Human Resources for handling under the same process for handling non-sex-based complaints set forth below.
- For all other sex-based discrimination complaints, the Title IX Coordinator or a designated investigator will investigate the report. During the investigation, both the complainant and respondent will have the opportunity to identify witnesses and evidence. The investigator will prepare a written report summarizing the results of the investigation and deliver it to the Title IX Coordinator. The Title IX Coordinator will review the report, consult with other University administrators and officials as the Title IX Coordinator deems appropriate, and issue a determination, as it relates to a finding or no finding of a violation under this policy and, if so, what remedial measures, discipline if applicable or actions will be taken. The Title IX Coordinator's determination is not subject to appeal or further review.

***Non-sex-based Complaints under this policy:***

[Discrimination, Harassment and Retaliation Reporting Form](#)

**Complaints Alleging Misconduct by A Student**

If a complaint of discrimination, harassment, or retaliation alleging misconduct on the part of a student is received, the complaint will be referred to Student Development for investigation and resolution pursuant to the process for handling other types of student misconduct as contained in the **Student Code of Conduct**.

**Complaints Alleging Misconduct by Any Other Person**

When a complaint of discrimination, harassment or retaliation alleging misconduct on the part of any other person is received, a University official will be designated to investigate the complaint. During the investigation, both the complainant and respondent will have the opportunity to identify witnesses and evidence. Investigations will be handled discreetly, with information shared only with those persons who need to know the information in order for there to be a full and fair investigation. The investigator may impose interim measures during the pendency of the investigation to protect and separate the parties. The investigator will prepare a written report summarizing the results of the investigation and deliver it to the

Director of Human Resources. The Director of Human Resources will review the report, consult with other University administrators and officials as the Director of Human Resources deems appropriate, and issue a determination as to whether or not the report is substantiated and, if so, what remedial measures will be taken to address the misconduct, including discipline for the respondent or initiation of disciplinary proceedings pursuant to other applicable University policies (including, for example, initiation of disciplinary proceedings under Section III of the Faculty Handbook). Substantiated incidents of conduct prohibited by this policy can lead to discipline up to and including termination or dismissal. The Director of Human Resource's determination is not subject to appeal or further review.

## **Provisions applicable to all Complaints**

### **Content for Complaint**

So that the University has sufficient information to investigate a complaint, the complaint should include: (1) the date(s) and time(s) of the alleged conduct; (2) the names of all person(s) involved in the alleged conduct, including possible witnesses; (3) all details outlining what happened; and (4) contact information for the complainant so that the University may follow up appropriately.

### **Conduct that Constitutes a Crime**

Any person who wishes to make a complaint of discrimination or harassment that also constitutes a crime—including hate crimes, assault, or property offences—is encouraged to make a complaint with the Department of Campus Safety and Security (Emergency on campus (816) 501-4010) or law enforcement (off campus 911). If requested, the University will assist the complainant in notifying the appropriate law enforcement authorities. In the event of an emergency, please contact 911. A victim may decline to notify such authorities.

### **Timing of Complaints**

The University encourages persons to make complaints of discrimination and harassment as soon as possible because late reporting may limit the University's ability to investigate and respond to the conduct complained of.

### **Anonymous Complaints**

While anonymous complaints will be accepted, the University may be limited in its ability to investigate or resolve anonymous complaints. If the anonymous complaint contains sufficient information regarding the conduct, the University will take reasonable steps to address the concerns in coordination with any relevant department or division.

### **Bad-Faith Complaints**

While the University encourages all good-faith complaints of discrimination and harassment, the University has the responsibility to balance the rights of all parties. Therefore, if the University's investigation reveals that a complaint was knowingly false, the complaint will be dismissed, and the person who filed the knowingly false complaint may be subject to discipline.

The University will take efforts to preserve an individual's privacy and protect the confidentiality of information when investigating and resolving a complaint; however, the University cannot guarantee confidentiality to those who make complaints.

### **Confidentiality:**

In the event a complainant requests confidentiality or asks that a complaint not be investigated, the University will take steps to investigate and respond to the complaint consistent with the request for confidentiality or request not to pursue an investigation. If a complainant insists that his or her name not be disclosed to the alleged perpetrator, the University's ability to respond may be limited. **The University reserves the right to initiate an investigation and take action despite a complainant's request for confidentiality in limited circumstances involving a potential crime, serious or repeated harassment or where the alleged perpetrator may pose a continuing threat to the University Community.**

Updated December 12, 2022.