



Non-Discrimination and Non-Harassment Policy

Policy 2.27

It is the policy of Elmhurst College (the College) to afford equal opportunity to students, employees and applicants regardless of race, color, national origin, religion, sex, gender identity, sexual orientation, age, disability, citizenship, veteran status, marital status or other protected group status as those terms are defined by applicable federal, state and local law.

The College believes that all employees and students should be able to work and learn in an educational environment free from discrimination and harassment. Harassment includes unwelcome conduct, whether verbal, physical, written or graphic, that is based on protected group status such as race, color, national origin, religion, sex, gender identity, sexual orientation, age, disability, veteran's status, or other protected status.

The College will not tolerate discrimination based on protected status or harassing conduct that affects tangible job benefits or that interferes unreasonably with an individual's work or academic performance, or that creates an intimidating, hostile or offensive working, educational or learning environment. Such conduct shall be considered discriminatory harassment and is specifically prohibited by this policy. Sexual harassment is also specifically prohibited by this policy.

Any employee, student, vendor or affiliated person who engages in prohibited discrimination or harassment will be subject to disciplinary action up to and including permanent exclusion from the College or termination in the case of employees.

Prohibited harassment includes but is not limited to:

Harassment

Examples of words or conduct which may violate this policy are:

- Verbal abuse, slurs, derogatory comments, or insults about, directed at, or made in the presence of an individual or group based on a protected status.
- Display or circulation of written materials or pictures that are degrading, based on, protected status.
- Damage to, trespass to, or unauthorized use of property, such as spraying or scratching of a motor vehicle, damage or theft of property, based upon protected status.
- Physical contact or verbal threats based upon the protected status.

Conduct of this sort is prohibited by this policy without regard to whether the conduct would violate applicable law.

Sexual Harassment

Sexual harassment deserves special mention. It shall be defined in this policy as unwelcome sexual advances, requests for sexual favors and/or other physical, verbal or visual conduct based on sex when:

- Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or a student's status in a course, program or activity or;
- Submission to or rejection of such conduct by an employee or student is used as the basis for employment or academic decisions; or
- The conduct has the purpose or effect of unreasonably interfering with an employee's work performance or a student's academic performance or creating an intimidating, hostile, or offensive employment, educational, or living environment.
- With regard to students, this policy is intended to prohibit harassment as a basis for determination on issues includes: (1) admissions; (2) educational performance required or expected of a student; (3) attendance or assignment requirements; (4) to what courses, fields of study or programs the student will be admitted; (5) what placement or proficiency requirements are applicable; (6) the quality of instruction; (7) tuition or fee requirements; (8) scholarship opportunities; (9) co-curricular programs and activities in which the student will participate; (10) any grade the student will receive; (11) the progress of the student toward completion of a program; (12) what degree, if any, the student will receive.

The following is a partial list of unwelcome behavior, which will generally be considered sexual harassment:

- Sexual jokes, language, epithets, advances or propositions;
- The display of sexually suggestive objects, pictures, magazines, posters or cartoons;
- Comments about an individual's body, sexual orientation, sexual prowess or sexual deficiencies;



- Asking questions about sexual conduct;
- Touching, leering, whistling, brushing against the body, or suggestive, insulting, or obscene comments or gestures; and
- Demanding sexual favors in exchange for favorable reviews, assignments, promotions, continued employment or promises of the same.

Conduct of this sort is prohibited by this policy without regard to whether the conduct would violate applicable laws.

2.27.1 Complaint Procedure

Employees, customers, students, vendors, and other persons affiliated with the College who believe they have experienced or have witnessed discrimination or harassment have the responsibility to immediately notify their Supervisor or the Director of Human Resources, Dean of Students, Senior Vice President for Finance and Administration or Vice President for Academic Affairs/Dean of the Faculty of the situation.

2.27.2 Investigation Procedure

The College will promptly investigate any and all complaints of discrimination and harassment. Any investigation will be confidential to the fullest extent practical. The complainant and the person about whom the complaint is made will be notified of the results of the College's investigation. Decisions may be appealed to the President for review. Decisions made by the President are final.

2.27.3 Sanctions

Any employee or affiliated person who is found, after investigation, to have violated this policy or other policies of the College will be subject to sanctions, depending on the circumstances, from a warning up to and including termination. The College, in its discretion may also require any person violating this policy to go through additional training on the policy and expected conduct.

2.27.4 Retaliation

Retaliation is a very serious violation of this policy and should be reported immediately to any of the persons listed in this policy. Retaliation against any individual for reporting discrimination or harassment will not be tolerated and will be treated as a separate and independent violation of this policy. Each offense will be investigated and sanctioned separately. Individuals who are not themselves complainants, but who assist in a harassment investigation, will also be protected from retaliation under the policy.

2.27.5 Complaints of Student Peer-to-Peer Discriminatory Harassment

A violation of this policy in a student peer-to-peer situation is a violation of the Student Code of Conduct. Complaints of peer-to-peer harassment are considered matters of student conduct and are delegated to the Dean of Students for address under the disciplinary procedures and sanctions outlined in the current edition of the E-Book.

2.27.6 Title IX

Under Federal Legislation for Title IX, "No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any educational program or activity receiving federal financial assistance." **Title IX legislation is specific to students and athletes of the college.** Elmhurst College employees have the same form of discrimination protection, though under Title VII. The College has always and will continue to do everything it can to assure that no person is discriminated against for any reason in any way. The College mission, policies, and strategies support the rights of all individuals in the campus community.

Title IX Coordinator for our campus:

Lynita Gebhardt

Director of Human Resources

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If you have a concern that your rights are being violated (whether student, faculty, or staff), you should follow the College's existing guidelines as described in the E-Book (for students), Faculty Manual (for faculty), or the Employee Handbook (for all employees of the College). If you are not sure who to go to, or believe you have a complaint that falls under Title IX, you may reach out directly to the Director of Human Resources.