

## **2.1.2 Institutional Policy on Discrimination and Harassment**

### **2.1.2.1 NOTICE OF NON-DISCRIMINATION**

Fontbonne University does not discriminate on the basis of race, color, religion, age, sex, gender identity, sexual orientation, national origin, disability, genetic information, or any other characteristic protected by applicable law in employment or in the administration of its educational policies, admission policies, educational programs, scholarship and loan programs, or athletic and other programs and activities. Furthermore, Fontbonne University prohibits retaliation against anyone who either opposes unlawful discrimination, assists or participates in an investigation of a complaint of discrimination, or exercises that person's rights under any law that forbids discrimination.

The Fontbonne University coordinators for Title IX of the Education Amendments of 1972, Section 504 of the Rehabilitation Act of 1973, the Age Discrimination Act of 1975, Titles VI and VII of the Civil Rights Act of 1964 and other laws and regulations prohibiting discrimination are:

Vice President for Finance and Administration  
Fontbonne University  
6800 Wydown Boulevard  
St. Louis, MO 63105  
Phone: (314) 719-8017  
Fax: (314) 719-8023

Director of Academic Services  
Fontbonne University  
6800 Wydown Blvd.  
St. Louis, MO 63105  
Phone: (314) 719-3627  
Fax: (314) 719-3614

Questions about this non-discrimination policy and any complaints of discrimination shall be directed to either of these coordinators.

Fontbonne University complies with the Family Educational Rights and Privacy Act of 1974, Public Law 93-380, as amended.

### **2.1.2.2 POLICY PROHIBITING HARASSMENT**

Harassment based on an individual's race, color, religion, age, gender, gender orientation, national or ethnic origin, disability or other status protected by law is not tolerated at Fontbonne University. Harassment consists of unwelcome conduct, whether verbal, physical or visual, that is based on a person's protected status. Examples of harassing conduct include: epithets, slurs, jokes, teasing, kidding, negative stereotyping, and threatening or hostile acts that relate to an individual's protected status, and physical acts of aggression, assault, or violence, regardless of whether these acts are being, or have been, investigated as criminal offenses by a law enforcement agency.

Any written or graphic material, including any electronically transmitted or displayed material that likewise denigrates or shows hostility toward members of these protected groups is considered harassment. Fontbonne University will not tolerate harassing conduct that:

- creates an intimidating, hostile or offensive working or academic environment.
- affects tangible employment benefits.
- interferes unreasonably with an individual's working or academic environment or performance.

This policy applies to complaints alleging harassment carried out by 1) University employees, 2) University students, and 3) third parties, in accordance with applicable law governing liability for third parties.

### **2.1.2.3 SEXUAL HARASSMENT**

Sexual harassment involves any one or more of unwelcome sexual advances, requests for sexual favors, and other visual, verbal or physical conduct based on sex when:

1. Such conduct has the purpose or effect of creating an intimidating, hostile or offensive working or learning environment or unreasonably interfering with an individual's work or academic performance.
2. Submission to such conduct is an explicit or implicit term or condition of an individual's employment or academic activities.
3. Submission to rejection of such conduct by an individual is used as the basis for employment or academic decisions affecting that individual.

Sexual harassment may include but not be limited to: unwanted sexual advances; explicit sexual propositions; displaying sexually suggestive objects; pictures or materials; sexual innuendo; sexually-oriented verbal abuse; sexually suggestive comments; unwanted contact such as touching, patting, stroking, pinching, or brushing against another's body; sexually oriented kidding, teasing or practical jokes; jokes about gender specific traits; foul or obscene gestures or language; and physical acts of aggression, assault, or violence, regardless of whether these acts are being, or have been, investigated as criminal offenses by a law enforcement agency (such as rape, sexual assault or battery, and stalking) made against a person's will or where a person is incapable of giving consent due to victim's age, intellectual disability, or use of drugs or alcohol. Sexual harassment also involves inappropriate conduct toward an individual which, although not motivated by sexual desire, would not have occurred except for that person's gender.

### **2.1.2.4 REPORTING PROCEDURES**

All employees and students have the responsibility to assure that Fontbonne University's non-discrimination and anti-harassment policies are effective. Any University employee or student who experiences, observes, hears, or otherwise witnesses unlawful harassment or discrimination, or who receives a report of unlawful harassment or discrimination of which one or both is carried out by 1) University employees, 2) University students, or 3) third parties, in accordance with applicable law governing liability for third parties, must immediately notify either of the compliance coordinators identified above.

If a report of discrimination or harassment alleges involvement of the Vice President for Finance and Administration or the Director of Academic Services, then the report of discrimination or harassment may be made to the Vice President for Academic Affairs.

No employee or student is required to confront the alleged harasser or report that person's concern to the alleged harasser. The University will thoroughly and promptly investigate all complaints and take corrective or disciplinary action when appropriate. Likewise, the University will initiate a thorough investigation and take corrective or disciplinary action as appropriate against incidents of discrimination or harassment that come to the University's attention, regardless of whether a formal complaint is made.

Fontbonne University will investigate every harassment and discrimination complaint thoroughly, promptly and impartially and the parties will be given an opportunity to present witnesses and provide evidence. Fontbonne University will evaluate all relevant information and documentation relating to a complaint of discrimination or harassment. All investigations shall be conducted in a sensitive manner and, to the extent feasible, confidentiality will be honored. The investigation and all actions taken will be shared only with those who have a need to know. The investigation findings will be documented, and the complaining individual and the alleged harasser will be kept advised of the progress of the investigation and of the University's final determination. If, after investigation, Fontbonne University determines that an employee or student has engaged in illegal discrimination or harassment, appropriate disciplinary action, up to and including discharge or dismissal, will be taken against the offending individual. Fontbonne University will take prompt steps to prevent recurrence of any harassment or discrimination and correct its discriminatory effects on the complainant and others, as appropriate. In addition, the University will take immediate steps to stop any retaliation and prevent its recurrence against the alleged victim and any person(s) associated with the alleged victim.

In the event that the complaint involves an employee of the University, a complaint of alleged discrimination or harassment may also coincide with a Grievance (see online policy manuals, Volume V, paragraph 5.8). At the discretion of the University Administration, separate investigations may be conducted, or the investigations may be merged. Where allegations of sexual misconduct are brought against a student or student group, they will be handled via the Student Misconduct Policy in the student handbook (Volume VII or the Griffin Scratch) through the Code of Student Character and Conduct. The University will not wait for the conclusion or outcome of a criminal investigation or proceeding to begin an investigation required by this grievance procedure.

### **2.1.2.5 INVESTIGATION PROCEDURES**

Fontbonne University will provide a prompt, equitable resolution of complaints of discrimination by students, employees and beneficiaries of the University's programs and activities.

#### **2.1.2.5.1 Level I - Informal Procedure**

Informal procedures are designed to work out a mutually agreeable solution to a problem and are completely optional and voluntary. Any informal resolution activities will not delay the prompt, adequate, reliable and impartial investigation of the complaint of discrimination or harassment or

interfere with the provision of immediate or interim actions, if necessary. Informal procedures are not appropriate for cases involving sexual misconduct and will therefore move immediately to a formal procedure as defined in the below paragraph 2.1.2.5.2.

At the option of the complainant only, it may be possible to resolve a harassment or discrimination complaint through a voluntary conversation between the complainant and the alleged harasser or discriminator, which conversation is facilitated by a University designee appointed by the Vice President for Finance and Administration. If the complainant, the accused, and the University designee feel that a resolution has been achieved through this informal procedure, then no further action need be taken. Fontbonne University recognizes that a voluntary conversation between the complainant and the alleged harasser may not be appropriate for harassment complaints. The results of any informal resolution shall be reported by the University designee in writing signed by the complainant and the accused, and submitted to the Vice President for Finance and Administration.

#### **2.1.2.5.2 Level II - Formal Procedure**

The complainant shall submit a written and signed complaint with the Vice President for Finance and Administration which clearly states the particulars concerning each incident of harassment or discrimination, including:

- the name and position of the accused
- the nature of discrimination or harassment
- the date(s) when the alleged harassment or discrimination occurred
- the details of the alleged conduct including any information that would support the complaint
- the redress that is sought

In the absence of a written complaint, the University will investigate any notifications of discrimination or harassment that may come to its attention. Such investigation will be considered a formal procedure.

The Vice President for Finance and Administration shall inform the Vice President(s) in whose area the accused and accuser are employed of the complaint, or, in the case of students, shall inform the Vice President for Student Affairs.

The Vice President for Finance and Administration will promptly investigate the complaint or will appoint a University designee to promptly investigate the complaint. The complainant and the accused will each be interviewed. The accused will be furnished with a copy of the written complaint and will have an opportunity to respond in writing within ten (10) working days.

Within twenty (20) working days after the time the accused has to respond in writing to the written complaint, the Vice President for Finance and Administration (or University designee, if applicable), will prepare investigation findings and, if appropriate, determine any corrective or disciplinary action to be taken. The Vice President for Finance and Administration will inform the appropriate Vice President or Dean of the findings of the investigation. Both the accused and the complainant will be informed in writing of the findings of the investigation by the Vice

President for Finance and Administration within three (3) working days of the preparation of findings and, if appropriate, determination of corrective or disciplinary action.

### **2.1.2.5 APPEAL PROCEDURES**

Individuals requesting an appeal of the findings of an investigation of a harassment or discrimination complaint must appeal in writing to the Vice President and Dean for Academic Affairs within ten (10) days of being informed of the findings of the investigation.

If an individual requests an appeal, the appeal must be in writing, and, if applicable, it must cite any alleged procedural or substantive error that occurred during the investigation, if applicable, and provide an account of any new information that has become available since the investigation was conducted.

Within ten (10) days after receipt of the written appeal, the Vice President and Dean for Academic Affairs must meet with the complainant and with the alleged harasser or discriminator. The written decision of the Vice President and Dean for Academic Affairs shall be issued within five (5) days of the latter of these two meetings and shall be final and binding.

If the underlying allegations involve the Vice President and Dean for Academic Affairs, then written request for appeal shall be made to another member of the Office of the President.

### **2.1.2.6 RETALIATION PROHIBITED**

Fontbonne University prohibits retaliation against any person who makes a complaint of discrimination or harassment, opposes discrimination or harassment, or testifies, assists or participates in an investigation proceeding or hearing relating to such discrimination or harassment. Retaliation includes, but is not limited to, any form of intimidation, reprisal, harassment or treatment based upon retaliatory motive that is reasonably likely to deter protected activity.

#### **2.1.2.7.1 RIGHT TO ALTERNATIVE COMPLAINT PROCEDURES**

A student's complaints of discrimination on the basis of race, color, religion, age, gender, gender orientation, national or ethnic origin, or disability, including complaints of racial, sexual or other unlawful harassment, may be filed with the:

U.S. Department of Education  
Office for Civil Rights  
8930 Ward Parkway, Suite 2037  
Kansas City, Missouri 64114  
Phone: (816) 268-0550; TDD: 1 (800) 437-0833; E-mail: [ocr.kansascity@ed.gov](mailto:ocr.kansascity@ed.gov).