

EQUAL OPPORTUNITY AND NONDISCRIMINATION POLICY

1. SCOPE OF THE POLICY

Mount St. Joseph University (the “University”) is committed to providing a working and educational environment free from discrimination and harassment on the basis of race, color, national origin, religion, age, disability, sex, pregnancy, sexual orientation, gender identity, or any other legally protected status. This policy focuses on incidents of discrimination, harassment, or retaliation related to race, color, national origin, religion, age, disability, or other legally protected statuses (including incidents of discrimination, harassment or retaliation that are outside the scope of Title IX, as set forth in the University’s Sex Discrimination, Sexual Misconduct and Interpersonal Violence Policy).

For incidents of sex discrimination, sexual harassment, sexual misconduct, and interpersonal violence please see the University’s [Sex Discrimination, Sexual Misconduct and Interpersonal Violence Policy](#).

This policy applies to all University community members, including students, prospective students, employees (subject to the “Complaints Against Employees” section, below), visitors, or other third-parties. This policy applies to all of the University’s education programs and activities, which extends to admissions and employment. This policy applies not only to conduct occurring within the typical classroom or campus settings, but also to any location owned or operated by the University (or owned or controlled by a student organization that is officially recognized by the University) as well as locations, events, or circumstances over which the University exercises substantial control even if it takes place outside of those typical settings.

Off-campus conduct may also be subject to and violate this policy, in the sole discretion of the University. The University will consider the effects of off-campus conduct—including conduct that did not occur in the context of an education program or activity—when evaluating whether there is a violation of this policy. The University expects that all members of its community will help promote a learning and working environment free from the conduct prohibited under this policy.

Complaints Against Employees.

Notwithstanding anything in this policy, in any situation where the respondent is not a student (i.e., the respondent is an employee or person other than a student over whom the University has significant control), the Equal Opportunity Officer/CHRO of Human Resources may implement and/or delegate all, some, or none of the terms, rights, obligations, or procedures set forth in this policy, as determined in the sole and absolute discretion of such individual. Without limitation and by way of example, the Equal Opportunity Officer/CHRO of Human Resources, Investigator, Appellate Officer (if any), and other Equal Opportunity Team members may provide notices, engage in discussions, offer or not offer supportive measures, conduct the formal and informal investigation, issue determinations, and establish appeal procedures using all, some, or none of the terms of this policy and any other resources such individual deems appropriate.

2. NOTICE OF NON-DISCRIMINATION

The University does not tolerate discrimination, harassment, or retaliation on the basis of race, color, origin, religion, age, disability, sex, pregnancy, sexual orientation, gender identity, veteran status, or any other legally protected status and takes steps to ensure that students, employees, visitors, and other third-parties are not subject to a hostile environment.

The University will respond promptly to allegations of discrimination, harassment, or retaliation on the basis of race, color, origin, religion, age, disability, sex, pregnancy, sexual orientation, gender identity, or other legally protected status. The University will promptly conduct investigations and take action it deems appropriate, including disciplinary action, against individuals found to have violated this policy, as well as provide remedies it deems appropriate to complainants and the campus community. The University will take prompt action to end a hostile environment if one is determined to have been created, prevent its recurrence, and remedy the effects of any hostile environment on affected members of the campus community.

All students found in violation of this policy will be subject to disciplinary action up to and including suspension or dismissal from the University. Similarly, any employee found in violation of this policy

If a student or employee tells a Campus Security Authority (“CSA”) about a criminal incident that was not reported to the MSJ Police Department, the CSA is required to report the information to the MSJ Police Department.

Students may seek support from the University’s Wellness Center. Counselors and/or licensed health care professionals such as nurses and physicians are available to students through the Wellness Center. These trained professionals can provide students with counseling, information, and support in a confidential setting. Information shared by a student with a confidential resource at the University will not be disclosed to anyone else, including the University, except under limited circumstances. Incidents reported to a confidential resource will not be included in the University’s annual crime statistics. These confidential resources available at the Wellness Center will not share information about a student (including whether that individual has received services) without the student’s express permission, unless there is a continuing threat of serious harm to the individual patient/client or to others or there is a legal obligation to reveal such information. These support service providers are also available to help a student make a report to the University.

For employees, support from healthcare professionals may be available th

Supportive measures may include but are not limited to counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, campus escort services, mutual restrictions on contact between the parties, changes in work or housing locations, leaves of absence, increased security and monitoring of certain areas of the campus, and other similar measures.

The Equal Opportunity Officer/Chief Human Resource Office of the Office of Human Resources will be responsible for determining and coordinating implementation of supportive measures. Individuals requesting additional supportive measures or experiencing difficulty with a violation of supportive measures that have been approved should immediately contact the Equal Opportunity Officer/CHRO of the Office of Human Resources. The University will use commercially reasonable efforts to maintain as confidential any supportive measures provided to the complainant or respondent, to the extent that maintaining that confidentiality is reasonably practicable and would not impair the ability of the University to provide the supportive measures.

An individual may also consider seeking a protection or restraining order through a court of law. A protection or restraining order is a temporary order intended to help provide safety and protection from another individual. If you have a protection or restraining order against someone and that person violates the order in any way, law enforcement may be able to arrest that person and charge that person with a violation of the order. If needed and to the extent possible, the University will provide assistance in obtaining a protection order. To the extent possible, any such protective measures will be confidential. Please contact the Equal Opportunity Officer/CHRO of the Office of Human Resources for more information about these protective measures, including for contact information for law enforcement agencies and/or the prosecutor's office.

Other Available Resources

Any complainant and respondent will be notified upon request regarding medical, counseling, victim advocacy, support, respondent advisor support, legal assistance, visa and immigration assistance, student financial aid assistance, and pastoral resources available through the University or through external referral sources.

Good Samaritan/Amnesty Policy

The University values a safe environment conducive to learning and is committed to ensuring the safety and well-being of each student and employee. The University is also committed to providing guidance so that all members of the University community develop a responsible approach to social challenges, including whether to use alcohol, how to do so in moderation, and how to comply with local, state, and federal laws governing alcohol consumption.

Additionally, the University encourages reporting of conduct prohibited by this policy and seeks to remove any barriers to making a report. The University recognizes that an individual who has been drinking alcohol or using drugs at the time of an incident may be hesitant to make a report and/or file a formal complaint because of potential consequences for his/her own conduct. An individual that reports conduct prohibited by this policy, either on his/her own behalf or as a witness, will not be subject to disciplinary action by the University for the individual's own personal consumption of alcohol or drugs at or near the time of the incident, provided that any such violation did not and does not place the health or safety of any other person at risk.

material risk to the operations or interests of the University, arising from the alleged violation(s) of this

Members assigned to the particular report/institutional complaint and each Equal Opportunity Team Member's assigned role, as follows:

- Equal Opportunity Investigator(s) (more than one member may be assigned)
- Equal Opportunity Appellate Official(s) (more than one member may be assigned)
- Alternate (one member, in the event that any assigned Equal Opportunity Team Member becomes unavailable)

Before assigning someone to the Equal Opportunity Team, the Equal Opportunity Officer/ Chief Human Resources Office of the Office of Human Resources will assess the individual for a potential conflict of interest, bias, or prejudice. If any complainant and/or a respondent believes that any Equal Opportunity Team Member, including the Equal Opportunity Officer, assigned to the particular report/ complaint has a conflict of interest, bias or prejudice, the party must contact the Equal Opportunity Officer/ Chief Human Resources Office of the Office of Human Resources in writing no more than seven (7) days (excluding University holidays) of receiving the Initial Equal Opportunity Team Assignment (the "Conflict of Interest Notice Period") with an eq.2

9. APPEAL

After the Equal Opportunity Investigator(s) provides the parties with the Investigation Report with Determination(s), the parties will have seven (7) days (excluding University holidays) to submit a written appeal to the assigned Equal Opportunity Appellate Official(s).

Other sanctions include, but are not limited to, disciplinary warning, disciplinary probation, disciplinary probation with restrictions, no contact orders, fines, restitution, notification to others, educational/work assignment/community service, counseling, loss of privileges, restricted access, room transfer, termination of housing contract, or mandatory withdrawal from University housing.

Where a student or employee has been found to have engaged in conduct in violation of this policy, the University will take appropriate steps to prevent recurrence and to correct discriminatory effects on the complainant, the campus, and others, as necessary.

12. KNOWINGLY PROVIDED FALSE INFORMATION

If it is determined by the University in its sole discretion that any individual involved in an investigation of a potential violation of this policy has deliberately or knowingly provided false information to those administering this policy, the individual will be subject to discipline, up to and including termination of employment or dismissal from the University.

13. RIGHT TO FILE CRIMINAL COMPLAINT AND/OR WITH A GOVERNMENT AGENCY

Nothing in this policy should be construed as impeding or prohibiting an employee or student from pursuing a criminal complaint with the appropriate internal or external law enforcement agency or in filing a complaint with the appropriate external governmental agency. Although an employee or student with a concern or complaint is encouraged to attempt to resolve his/her grievance within this procedure when appropriate, each individual has the right to file a grievance/charge directly with the Department of Education's Office for Civil Rights, the Equal Employment Opportunity Commission, the Ohio Civil Rights Commission, or any other applicable state or federal agency.

Laws and regulations prohibiting discrimination, harassment, or retaliation on the basis of race, color, origin, religion, age, disability, sex, pregnancy, sexual orientation, gender identity, or other legally protected status include, but are not limited to, Title VI and Title VII of the Civil Rights Act of 1964, the Age Discrimination Act of 1975, and the Americans With Disabilities Act.

14. EDUCATION, TRAINING AND RESOURCES

The University offers a variety of education, training and support resources to students and employees related to discrimination, harassment, or retaliation on the basis of race, color, origin, religion, age, disability, sex, pregnancy, sexual orientation, gender identity, or other legally protected status.

Information about education and training provided by the University can be found at <http://www.ohio.edu/office-for-civil-rights/>, <http://www.ohio.edu/equal-employment-opportunity/>, <http://www.ohio.edu/civil-rights-commission/>, or <http://www.ohio.edu/ada/>.