

## **POLICY ON DISCRIMINATORY HARASSMENT (NON-SEX-BASED) REV. 07.15**

**Policy Title:** Discriminatory Harassment (Non---Sex---Based)

**Policy Category:** University Policy

**Policy Owner:** Title IX Coordinator/Equity and Inclusion Policy Specialist

**Review Period:** Annually

**Effective Date:** May, 2006; Revision Effective August 24, 2015

### **Related University Policies:**

#### [Code of Student Conduct:](#)

<http://www.drake.edu/studentlife/handbook---resources/handbook/conduct/>

#### [Sexual and Interpersonal Misconduct Policy and Notification of Complainant's Rights:](#)

<http://www.drake.edu/media/policies/university/SexualInterpersonalMisconductAndNotificationOfComplainantsRights---082415.pdf>

## **I. INTRODUCTION**

Drake University strives to foster respect for the dignity and worth of all members of the University community by providing an educational and work environment free of discriminatory harassment. Harassment stifles the realization of the victim's full potential as a student, faculty or staff member. The purpose of this Policy is to advance these goals and address all forms of non-sex-based discriminatory harassment. Drake's policy on sex-based harassment (including sexual harassment) is found within the University's [Sexual and Interpersonal Misconduct Policy and Notification of Complainant's Rights](#).

## **II. STATEMENT OF POLICY ON DISCRIMINATORY HARASSMENT (NON-SEX-BASED)**

### **A. Definition of Discriminatory Harassment (Non-Sex-Based)**

Drake University prohibits discrimination based upon race, color, national origin, creed, religion, age, disability, sex, pregnancy, gender identity or expression, sexual orientation, genetic information, veteran status or any characteristic protected by law in its educational programs and activities, admissions, or employment are not tolerated.<sup>1</sup> Any such harassment undermines the mission of the University through its insidious and detrimental impact on individual students, faculty, staff, and on the University community as a whole.

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<sup>1</sup> As noted above, the University also prohibits sex---based harassment (including sexual harassment) and the University policy covering such harassment is found within the [Sexual and Interpersonal Misconduct Policy and Notification of Complainant's Rights](#).

Discriminatory Harassment (Non-Sex-Based) is conduct based on race, color, national origin, creed, religion, age, disability, gender identity, sexual orientation genetic information or veteran status, when such conduct has the purpose or effect of unreasonably interfering with an individual's work or educational performance or of creating an intimidating, hostile, or offensive environment for work or learning.

### **B. Examples of Discriminatory Harassment (Non-Sex Based)**

Examples of the types of behavior that could be considered discriminatory harassment based on the above characteristics include any patterns of conduct aimed at another because of a protected characteristic that would denigrate, distress or humiliate a reasonable person, such as:

- name-calling, jokes or negative comments about the protected characteristics
- physical intimidation, vandalism or pranks
- displays of reading materials or pictures containing negative material about these characteristics, including electronic materials

## **III. PROCEDURES – SEEKING GUIDANCE AND FILING A COMPLAINT**

### **A. Questions or Guidance**

Any member of the Drake faculty, staff or student body who has questions about this Policy, believes he/she may have been subjected to discriminatory harassment or knows someone who may have been subjected to discriminatory harassment should contact:

- Drake University's Acting Dean of Students, Dr. Jerry Parker: (515-271-2835)
- Drake University's Human Resources Director, Gary Johnson: (515-271-4804)
- Anyone designated by such individuals to respond to questions under this Policy.

### **B. Filing a Complaint**

An individual who believes he or she has been or may have been harassed within the meaning of this Policy may file a complaint with:

- Drake University's Human Resources Director, Gary Johnson: (515-271-4804) in all cases where the accused is an employee or in cases where the complainant is an employee and the accused is a third party; or
- Drake University's Acting Dean of Students, Dr. Jerry Parker: (515-271-2835) in all cases where the accused is a student or in cases where the complainant is a student and the accused is a third party.
- Alternatively, a complaint may be filed electronically or via telephone using Ethics Point, which is a company Drake has contracted with to provide an alternative reporting option to the campus community. Ethics Point complaints may be made anonymously, but please be aware that it may not be feasible for the University to fully investigate and follow-up on certain types of reports if they are made anonymously.
  - Link to electronic Ethics Point reporting tool:  
<https://secure.ethicspoint.com/domain/media/en/gui/24191/index.html>

- Ethics Point Toll Free Telephone Number: **877-295-7940**

Complainants are encouraged to be promptly report so that appropriate action may be taken and an investigation completed while events are still relatively recent.

### **C. The Investigation**

In cases where the accused is a student or the complainant is a student and the accused is a third party, the Dean of Students or his or her designee will conduct a prompt, thorough and impartial investigation into the complaint under the Student Code of Conduct.

In cases where the accused is an employee or where the complainant is an employee and the accused is a third party, the Director of Human Resources or his or her designee will conduct a prompt, thorough and impartial investigation into the complaint.

Complainants should identify the parties and witnesses involved, describe the harassing behavior, when and where it occurred, and provide any documentation (including electronic) and other tangible evidence.

The parties, as well as witnesses, will be interviewed as part of the investigation. The parties and witnesses will likewise be asked to provide relevant information, including documentation and other tangible evidence. The parties will be informed of the status of the investigation as deemed appropriate. Absent extenuating circumstances, the investigation will generally be concluded within sixty (60) days.

A confidential record of the investigation will be kept on file in the office Human Resources, or with the Dean of Students, as applicable.

### **D. Discipline/Remedial Action**

If a finding of discriminatory harassment in violation of this Policy is made, appropriate disciplinary/remedial action will be taken in accordance with applicable University policies and procedures.

If the results of an investigation show that the complainant knowingly filed false accusations of discriminatory harassment, or that a witness gave false statements, such individuals will be subject to appropriate disciplinary action. A finding for the accused does not constitute a finding that the complaint was made in bad faith.

### **V. RETALIATION PROHIBITED**

Retaliation occurs when action is taken against another because they have sought guidance, filed complaint or participated in an investigation into Sexual or Interpersonal Misconduct. Examples of retaliation include, but are not limited to, any action that has an adverse impact on the complainant's employment, compensation or work assignments, or, in the case of students, grades, class selection or any other matter pertaining to student.

### **VI. ADDITIONAL RESOURCES**

The following resources are available to students and/or employees who may want to talk to someone about alleged discriminatory harassment. These resources do not take complaints of

discriminatory harassment, but offer a source of support. These resources should not replace the reporting procedures set forth in this Policy above.

**Employee Assistance Program** - The **Employee Assistance Program** (EAP) is a free, confidential service designed for the benefit of Drake employees and their families. Confidentiality is the cornerstone of the EAP program and your use of EAP is strictly confidential within the limits of state and federal regulations. Your job security and promotional opportunities will not be jeopardized due to involvement in the employee assistance program. The EAP is offered through Employee and Family Resources. You may reach the EAP 24-hours a day, 7-days a week at 1-800-327-4692.

**Student Counseling Center** – The Student Counseling Center works with students on a wide variety of issues and concerns. All information obtained in counseling is confidential within the limits of state law and not released without the written consent of the student. The Student Counseling Center is open 8 a.m. to 5 p.m. Monday through Friday. It is located at 3116 Carpenter Ave., Des Moines, IA 50311. The Counseling Center phone number is (515)271-3864.

#### Policy History

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