



University Policies

Prohibited Discrimination and Harassment (including Sexual Harassment) Policy *Rev. Nov. 2015*

NOTICE OF NONDISCRIMINATION

Johnson & Wales University does not discriminate unlawfully on the basis of race, religion, color, national origin, age, sex, sexual orientation, gender identity or expression, genetic information, disability, status as a protected veteran, pregnancy or marital status, or any other unlawful basis in admission to, access to, treatment of, or employment in its programs and activities.

The following person has been designated to handle inquiries regarding this statement:

The nondiscrimination coordinator (who is also the university's Vice President of Human Resources and Section 504 coordinator) has been designated to carry out the university's responsibilities under all federal and state discrimination laws, including, but not limited to, Section 504 of the Rehabilitation Act of 1973 (504), the Age Discrimination Act of 1975, Title VII of the Civil Rights Act of 1964 and the Americans with Disabilities Act of 1990. [Refer to the JWU Equity & Compliance Services webpage for more information \(https://www1.jwu.edu/about/equity-compliance-services/\)](https://www1.jwu.edu/about/equity-compliance-services/)

The Acting Title IX Coordinator has been designated to carry out the university's responsibilities under Title IX of the Education Amendments of 1972 (Title IX). [Refer to the JWU Equity & Compliance Services webpage for more information \(https://www1.jwu.edu/about/equity-compliance-services/\)](https://www1.jwu.edu/about/equity-compliance-services/)

Inquiries concerning the application of the notice of nondiscrimination may also be referred to the appropriate government agencies listed below under State and Federal Discrimination and Harassment [Enforcement Agencies](#).

PROHIBITED DISCRIMINATION AND HARASSMENT

It is the goal of Johnson & Wales University to provide an educational and employment environment free from all forms of intimidation, hostility, offensive behavior, discrimination and harassment, including sexual harassment. The university prohibits unlawful discrimination, including harassment, on the basis of race, religion, color, national origin, age, sex, sexual orientation, gender identity or expression, genetic information, disability, status as a protected veteran, pregnancy or marital status, or any other unlawful basis in admission to, access to, treatment of, or employment in its programs and activities. Such conduct violates not only university policy, but may also violate federal and state laws.

Harassment may take many forms, including physical, verbal, and nonverbal acts and written statements. Harassment does not have to include intent to harm, be directed at a specific target or involve repeated incidents. A single incident involving severe misconduct may sometimes rise to the level of harassment.

Discrimination and harassment are inappropriate and will not be tolerated at Johnson & Wales University. Such behavior or the tolerance of such behavior on the part of an employee violates university policy and may result in disciplinary action up to and including termination of employment. Such behavior on the part of a student also violates the [Student Code of Conduct](#) and may result in student conduct sanctions up to and including dismissal from the university.

WHAT IS SEXUAL HARASSMENT?

Sexual harassment is a form of sex discrimination prohibited by federal and state laws and university policy. Under this policy, sexual harassment is defined as: unwelcome words, conduct or actions of a sexual or gender-based nature, and (1) submission to such behavior is made either explicitly or implicitly a term or condition of employment or education at Johnson & Wales University, (2) submission to or rejection of such behavior is used as the basis for employment, academic or other decisions, or (3) it is sufficiently severe, pervasive or persistent and has the purpose or effect of unreasonably interfering with work or academic performance, denying or limiting the ability to participate in or to receive benefits, services or opportunities in the university's programs, or creating an intimidating, hostile or offensive working or educational environment.

Sexual harassment includes the misuse of authority to emphasize the sexuality of an individual in a manner that prevents or impairs that individual's full enjoyment of employment or educational benefits, environment or opportunities. While sexual harassment may take the form of physical conduct, it may also appear in verbal or written derogatory or discriminatory statements that may affect recommendations, status, promotions, raises or favorable work assignments for employees, or campus life, class assignments, grades or recommendations for students.

While sexual harassment often takes place in relationships with a power differential between the persons involved, the university also recognizes that sexual harassment may occur between persons in the absence of such a relationship.

Sexual harassment does not include words, conduct or action of a reasonably socially acceptable nature. However, some behavior which is appropriate in a social setting may not be appropriate in the workplace or academic environment. Additionally, sexual harassment does not include words, conduct or actions with reasonable educational or professional justification.

It is not always easy to define precisely what behavior constitutes sexual harassment; however, examples of conduct which may constitute sexual harassment include, but are not limited to

- unwelcome sexual advances and requests for sexual favors;
- sexual teasing, joking, suggestive looks, gestures or staring;
- peer harassment that creates a hostile environment, such as spreading rumors about sexual behavior, sexually charged name calling, or inappropriate sexual text messages, emails, social media posts and/or inappropriate communications in any other manner or media;
- direct or implied threats that submission to sexual advances will be a condition of employment, promotion, grades, status in a course or program, letters of recommendation, or participation in an activity;
- unwelcome touching of any nature, including patting, embracing, caressing, or pinching;
- improper brushing against another's body, or "friendly" arms around the shoulders;
- offers of money or other consideration, including an employment-related or education-related reward, for sexual activity;
- repeated requests for dates despite being asked to stop;
- suggestive sexual remarks or innuendos;
- improper or unwelcome inquiries about someone's sexual or personal life, or sharing information about one's own sexual or personal life;
- overt or subtle pressure for sexual activity or direct or implied propositions of a sexual nature;
- sexual assault and relationship violence prohibited by the university's Sexual Assault and Relationship Violence Policy, and the [Student Code of Conduct](#);

- the use or display of pornographic or sexual materials without reasonable educational justification. In the educational setting, judgment must be used in determining the appropriate content when the presentation of academic material is required; or
- epithets, slurs, quips, or negative stereotyping that relate to sex and/or gender.

WHAT ARE OTHER TYPES OF PROHIBITED HARASSMENT?

In addition to sexual harassment, offensive conduct on the basis of one or more of the other listed protected categories (race, religion, color, national origin, age, sexual orientation, gender identity or expression, genetic information, disability, status as a protected veteran, pregnancy or marital status, or any other unlawful basis) may constitute prohibited harassment. Under this policy, harassment is defined as unwelcome words, conduct or actions based on any protected category that are sufficiently severe, pervasive or persistent and have the purpose or effect of unreasonably interfering with work or academic performance, denying or limiting the ability to participate in or to receive benefits, services or opportunities in the university's programs, or creating an intimidating, hostile or offensive working or educational environment.

Harassment does not include behavior of a reasonably socially acceptable nature. However, some behavior which is appropriate in a social setting may not be appropriate in the workplace or academic environment. It is not always easy to define precisely what conduct constitutes harassment; however, examples of conduct which may constitute harassment include, but are not limited to

- epithets, slurs, quips or negative stereotyping that relate to any protected category;
- threatening, intimidating or hostile acts that relate to any protected category;
- written or graphic material (including graffiti) that denigrates or shows hostility or aversion toward an individual or group because of actual or perceived membership in any protected category and that is placed on walls, bulletin boards or elsewhere on a university premises, or circulated or displayed in the workplace;
- teasing, joking, pranks or other forms of "humor" that are demeaning or hostile with regard to any protected category; or
- the use or display of offensive or discriminatory materials without reasonable educational justification. In the educational setting, judgment must be used in determining the appropriate content when the presentation of academic material is required.

WHAT TO DO

What should I do if I think I am the victim of, a witness to, or learn of discrimination or harassment? There is no obligation to address the matter directly with the offending party. Occasionally, people are able to resolve a potentially harassing situation by speaking with the offending party directly about the conduct they find offensive and/or unwelcome. Informal discussions will sometimes resolve the problem; however, the university strongly advises anyone who has a concern of discrimination or harassment to report the incident if they are not comfortable discussing it directly with the offending party or if the behavior they find unwelcome and/or offensive continues. For information regarding reporting a complaint or concern, please see [Filing A Complaint](#), [Investigation and Resolution](#) and [Retaliation](#).

Anyone who is aware of or believes they have witnessed or have been the subject of discrimination or harassment, including sexual harassment or relationship violence should immediately notify the [nondiscrimination coordinator, a nondiscrimination campus liaison](#), Human Resources & Payroll or Campus Safety & Security as set forth under [Filing A Complaint](#). (<https://www1.jwu.edu/about/equity-compliance-services/>)

For a list of state and federal government enforcement agencies, please see [Enforcement Agencies](#).

FILING A COMPLAINT

Any employee, student or applicant for employment or admission who is aware or believes that he or she has witnessed or has been subjected to any form of unlawful discrimination or harassment may make a complaint as outlined below. The complaint should be as specific as possible regarding the circumstances, including the dates and places of the incidents, the individuals involved, the names of any witnesses and any other relevant information.

Discrimination or Harassment Complaints against Students

Campus Safety & Security investigates complaints about student behavior. Concerns about the behavior of student-employees are reported as set forth below.

Anyone who is aware of or believes they have witnessed or been the subject of discrimination or harassment, including sexual harassment, sexual assault and relationship violence, by a student, should immediately report the behavior to Campus Safety & Security. Reports can also be made to the [nondiscrimination coordinator, to any nondiscrimination campus liaison](#), Residential Life or any other trusted university employee who will then report the incident to Campus Safety & Security. (<https://www1.jwu.edu/about/equity-compliance-services/> Click Liaisons by Campus)

How do I contact Campus Safety & Security to report a complaint?

You may contact Campus Safety & Security on your campus by calling the number listed below:

- Providence Campus Safety & Security: 401-598-1103
- North Miami Campus Safety & Security: 305-892-7011
- Denver Campus Safety & Security: 303-256-9500
- Charlotte Campus Safety & Security: 980-598-1900

Discrimination or Harassment Complaints against Employees, Student Employees and Third Parties

The [nondiscrimination coordinator](#) (who is also the university's Vice President of Human Resources and Section 504 coordinator) investigates complaints about the behavior of employees, student employees (acting in their capacity as employees) and third parties (e.g., a visitor to campus or an individual doing business with the university).

Anyone who is aware of or believes they have witnessed or been the subject of discrimination or harassment, including sexual harassment, sexual assault or relationship violence, by any employee of the university, by a student employee or by a third party should immediately report the discrimination or harassment to the [Acting Title IX Coordinator, nondiscrimination coordinator, any nondiscrimination campus liaison](#) or Human Resources & Payroll. Reports can also be made to Campus Safety & Security, Residential Life or any other trusted university employee who will then report the incident to the nondiscrimination coordinator.

Who are the nondiscrimination coordinator and the nondiscrimination campus liaisons?

The [nondiscrimination coordinator](#) (who is also the university's Vice President of Human Resources and Section 504 coordinator) and the [Acting Title IX Coordinator](#) and [nondiscrimination campus liaisons](#) are university employees who are specially trained and authorized to take reports of discrimination, harassment, sexual assault and relationship violence, and to conduct discrimination, harassment, sexual assault and relationship violence investigations. Refer to the JWU Equity & Compliance Services webpage for more information about the [nondiscrimination coordinator, Acting Title IX Coordinator and the nondiscrimination campus liaisons](#) (<https://www1.jwu.edu/about/equity-compliance-services/> Click Liaisons by Campus)

In the event of a conflict of interest or other circumstances where reporting to the university nondiscrimination coordinator or a nondiscrimination campus liaison would not be appropriate, reports of discrimination or harassment may be made to any campus vice president or the senior vice president of administration on the Providence Campus (401-598-1754).

Who coordinates the university's compliance with Title IX, Section 504 and other discrimination laws?

The nondiscrimination coordinator has been designated to carry out the university's responsibilities under all federal and state discrimination laws, including, but not limited to, Title IX of the Education Amendments of 1972 (Title IX), Section 504 of the Rehabilitation Act of 1973 (504), the Age Discrimination Act of 1975, the Civil Rights Act of 1964 and the Americans with Disabilities Act of 1990. [Refer to the JWU Equity & Compliance Services webpage for more information](https://www1.jwu.edu/about/equity-compliance-services/) (<https://www1.jwu.edu/about/equity-compliance-services/>)

What should I do if I have a complaint about gender equity in athletics?

If you have a complaint about gender equity in university athletics programs, you should contact the [nondiscrimination coordinator](#) (who is also the university's Vice President of Human Resources and Section 504 coordinator), or the [Acting Title IX Coordinator](#).

Sexual Assault and Relationship Violence

In addition to the procedures described above, employees, students or third parties who are victims of sexual assault or relationship violence (including dating violence, domestic violence or stalking) may seek assistance as described in the university's Sexual Assault and Relationship Violence Policy.

INVESTIGATION AND RESOLUTION

Once discrimination or harassment has been reported, the university promptly begins an investigation. The investigation may involve meeting with and interviewing the parties, providing the parties the opportunity to identify witnesses or present other information, interviewing witnesses with relevant knowledge, and reviewing other relevant materials and documents. Reasonable efforts are made to preserve confidentiality and to protect the rights of all parties; however, the university cannot guarantee confidentiality or anonymity if disclosure is necessary to investigate or resolve the situation or put an end to any discriminatory and/or harassing behavior in compliance with applicable law.

Reasonable efforts will be made to complete the investigation and determine an outcome within 60 days of receipt of the complaint; and, upon a determination of responsibility, the university will take action to prevent the recurrence of the harassing or discriminatory behavior and to mitigate its effects, including providing appropriate remedies or sanctions up to and including termination or dismissal from the university. In some instances, immediate interim action may be taken to help protect an individual or the community.

RETALIATION

University's Prohibition of Retaliation

Johnson & Wales University prohibits retaliation, including intimidation, threats, coercion or discrimination, against any individual who has made a good faith complaint, who has cooperated as a witness or a complainant in the investigation of such a complaint, or who has participated as a witness or complainant in any university proceeding. Any person found to have engaged in retaliation, or to have encouraged others to engage in retaliation, will be subject to disciplinary action up to and including termination of employment or dismissal from the university.

FALSE CLAIMS

University's Prohibition of False Claims

The reporting of a knowingly false complaint of behavior prohibited by university policy or the Student Code of Conduct is also a violation of university policy and the Student Code of Conduct and may result in disciplinary action up to and including termination of employment or dismissal from the university.

ENFORCEMENT AGENCIES

State and Federal Discrimination and Harassment Enforcement Agencies

In addition to the Johnson & Wales University policies and procedures regarding discrimination and harassment, if a student believes they have been subjected to discrimination or harassment, the student may contact the appropriate governmental agencies listed below.

Office of Civil Rights, U.S. Department of Education

- Office for Civil Rights, U.S. Department of Education, Customer Service Team **800-421-3481**
400 Maryland Ave., SW, Washington, DC 20202-1100

This office may refer the matter to a regional Office for Civil Rights. Students may also refer to the [Office for Civil Rights](#) for more information.

Rhode Island

- Equal Employment Opportunity Commission **617-565-3200**
John F. Kennedy Federal Building, 475 Government Center, Boston, MA 02203
- Rhode Island State Commission for Human Rights **401-222-2661**
180 Westminster St., Third Floor, Providence, RI 02903-3768

Massachusetts

- Equal Employment Opportunity Commission **617-565-3200**
John F. Kennedy Federal Building, 475 Government Center, Boston, MA 02203
- Massachusetts Commission Against Discrimination **617-994-6000**
One Ashburton Place, Sixth Floor, Room 601, Boston, MA 02108

Florida

- Equal Employment Opportunity Commission, Miami **800-669-4000**
100 SE 2nd Street, Suite 1500, Miami, FL 33131
- Florida Commission on Human Relations **850-488-7082**
4075 Esplanade Way, Room 110, Tallahassee, FL 32399

Colorado

- Equal Employment Opportunity Commission **800-669-4000**
303 East 17th Ave., Suite 410, Denver, CO 80203
- Colorado Civil Rights Division **303-894-2997**
1560 Broadway, Suite 1050, Denver, CO 80202-5143

North Carolina

- Equal Employment Opportunity Commission **800-669-4000**
129 West Trade St., Suite 400, Charlotte, NC 28202
- N.C. Human Relations Commission **919-807-4420**
116 W. Jones St., Suite 2109, Raleigh, NC 27601

Mailing Address:

N.C. Human Relations Commission

1318 Mail Service Center, Raleigh, NC 27699-1318