Discrimination and Harassment Policy (Non-Title IX)

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Effective: October 2, 2014

Last Revision: October 2026

Responsible University Officer
Associate VP of People and Culture
VP of Academic Affairs
VP of Student Student Life

Responsible Office
Human Resources & Academic Affairs

Policy Statement

Friends University affirms its commitment to promote the goals of fairness and equity in all aspects of the educational enterprise. All policies below are subject to resolution using the Friends University's Grievance Process, as detailed below. The Grievance Process is applicable regardless of the status of the parties involved, who may be members or non-members of the campus community, students, student organizations, faculty, administrators, and/or staff. Friends University reserves the right to act on incidents occurring on-campus or off-campus, when the off-campus conduct could have an on-campus impact or impact on the educational mission of Friends University.

Inquiries about this policy and procedure may be made internally to:

Danita Mason
Associate VP of People and Culture
Office of Human Resources
Tel: (316) 295-5864
Email: Danita_Mason@friends.edu

Darin Kater
Vice President of Student Life
316-295-5844
Email: Darin_Kater@friends.edu

Who Should Know This Policy

All members and non-members of Friends University including: Students, Faculty, Adjunct Faculty, Staff, Administrators, Independent Contractors, and On-Site Vendors.

Section 1: Discriminatory Conduct

Friends University adheres to all federal and state civil rights laws prohibiting discrimination in private institutions of higher education. Friends University does not discriminate on the basis of sex, age, race, color, national origin, or disability in its programs and activities generally available to students.

I. *Discrimination* is conduct that is based upon an individual's race, color, national origin, sex, age, disability, or any other category protected by applicable law, that excludes an individual from participation, denies the individual the benefits of, treats the individual differently or otherwise adversely affects a term or condition of an individual's employment, education, living environment, or participation in a University program or activity. This includes failing to provide reasonable accommodation, consistent with state and federal law, to persons with disabilities.

II. *Harassment* is covered under this policy if it is based upon an individual's race, sex, age, color, national origin, disability, or any other category protected by applicable law. Harassing conduct may take various forms, including name-calling, graphic or written statements (including the use of cell phone or the Internet), or other conduct that may be physically threatening, harmful, or humiliating. Harassment does not have to include intent to harm be directed at a specific target, or involve repeated incidents.

Harassment violates this policy when it is quid pro quo or creates a hostile environment, as defined in Section II.A& B below.

A. Quid Pro Quo Harassment

This type of harassment occurs when the terms or conditions of employment, educational benefits, academic grades or opportunities, or living environment or participation in a University activity is conditioned upon, either explicitly or implicitly, submission to or rejection of unwelcome conduct on the basis of race, color, national origin, sex, age, disability, or any other category protected by applicable law where such submission or rejection is a factor in decisions affecting that individual's employment, education, living environment, or participation in a University program or activity. Generally, perpetrators will be agents or employees with some authority from the University.

B. Hostile Environment Harassment

A Hostile Environment based on race, color, national origin, sex, age, disability, or any other category protected by applicable law exists when harassment:

i. is sufficiently serious (i.e., severe, pervasive, or persistent) and objectively offensive so as to deny or limit a person's ability to participate in or benefit from the University's programs, services, opportunities, or activities; or
ii. when such conduct has the purpose or effect of unreasonably interfering with an individual's employment.

A hostile environment can be created by anyone involved in a University program or activity (e.g., administrators, faculty members, students, and even campus guests). Mere offensiveness is not enough to create a hostile environment.

In determining whether harassment has created a hostile environment, consideration will be given not only as to whether the conduct was unwelcome to the person who feels harassed, but also whether a reasonable person in a similar situation would have perceived the conduct as objectively offensive. Also, the following factors will be considered:

- The degree to which the conduct affected one or more students' education or individual's employment;
- The nature, scope, frequency, duration, and location of incident or incidents;
- The identity, number, and relationships of persons involved;
- The nature of higher education.

III. *Relationship to the Sexual Harassment Policy*

Other language in this policy notwithstanding, Sexual Harassment, as defined in the Sexual Harassment Policy, will be governed exclusively by the Sexual Harassment Policy and processes stated therein. All other forms of sex-based discrimination are governed by this policy, including sex-based quid pro quo and hostile environment harassment, as defined in this policy, that does not rise to the level of Sexual Harassment as defined in the Sexual Harassment Policy.

Conduct that is initially raised through a formal complaint under the Sexual Harassment Policy may also be addressed under this policy, in the institution's discretion, when: (i) the conduct at issue, or some part of it, may constitute a violation of this policy irrespective of whether it constitutes Sexual Harassment under the Sexual Harassment Policy; (ii) the formal complaint, or some part of it, has been dismissed under the Sexual Harassment Policy; or (iii) a final determination of a formal complaint has been made under the Sexual Harassment Policy and separate or additional action may be necessary to enforce this policy.

Section 2: Consensual Relationships

There are inherent risks in any romantic or sexual relationship between individuals in unequal positions (such as faculty and student, supervisor and employee). These relationships may be less consensual than perceived by the individual whose position confers power. The relationship also may be viewed in different ways by each of the parties, particularly in retrospect. Furthermore, circumstances may change, and conduct that was previously welcome may become unwelcome. Even when both parties have consented at the outset to a romantic or sexual

involvement, this past consent may not remove grounds for a later charge of a violation of applicable sections of this policy. Friends University does not wish to interfere with private choices regarding personal relationships when these relationships do not interfere with the goals and policies of the Friends University. For the personal protection of members of this community, relationships in which power differentials are inherent (faculty-student, staff-student, administrator-student) are generally discouraged.

Consensual romantic or sexual relationships in which one party maintains a direct supervisory or evaluative role over the other party are unethical. Therefore, persons with direct supervisory or evaluative responsibilities who are involved in such relationships must bring those relationships to the timely attention of their supervisor, and will likely result in the necessity to remove the employee from the supervisory or evaluative responsibilities, or shift a party out of being supervised or evaluated by someone with whom they have established a consensual relationship. This includes RAs and students over whom they have direct responsibility. While no relationships are prohibited by this policy, failure to self-report such relationships to a supervisor as required may result in disciplinary action for an employee.

Section 3: Off-Campus Conduct

Conduct that occurs off campus can be the subject of a complaint or report and will be evaluated to determine whether it violates this policy, *e.g.* if off-campus harassment has continuing effects that create a hostile environment on campus.

Section 4: Sanctions and Corrective Action

Violations of this policy will be addressed through the Discrimination Grievance Procedures. Consequences for violating this policy will depend upon the facts and circumstances of each particular situation. Sanctions and Corrective Action could include: a requirement not to repeat or continue the discriminatory, harassing, or retaliatory conduct: a reprimand; a no-contact order; denial of a pay increase; reassignment; suspension; or termination. The severity of sanctions or corrective action will depend on the frequency and severity of the offense and any history of past discriminatory, harassing or retaliatory conduct, and if an employee, other employment history or performance. A finding of discrimination, quid pro quo harassment, or hostile environment harassment may be cause for disciplinary action, up to and including the discharge of employees and the expulsion of students, in accordance with applicable University procedures. The University may also take appropriate action if it does not find discrimination or harassment but (a) the University found that the respondent engaged in disruptive behavior, or (b) to prevent the creation of a hostile environment.

Section 5: Academic Freedom

Constitutionally protected speech and traditional notions of academic freedom are valued in higher education. These ideals help to create the stimulating and challenging learning environment that should characterize higher education. In the spirit of a true university environment, individuals are encouraged to invite, rather than inhibit, discourse on ideas. In addressing all complaints and reports under this policy, the University will take all permissible actions to ensure the safety of students and employees while complying with any applicable free speech requirements for students and employees. While the University will vigilantly protect students' and employees' rights against sex discrimination under this policy, this policy does not apply to curriculum or in

any way prohibit or abridge the use of particular textbooks or curricular materials.

Section 6: External Complaints

Students:
Office for Civil Rights (OCR)
U.S. Department of Education
400 Maryland Avenue, SW
Washington, DC 20202-1100.
Customer Service Hotline #: (800) 421-3481
Fax: (202) 453-6012
TDD#: (877) 521-2172
Email: OCR@ed.gov
Web: http://www.ed.gov/ocr

Employees:
U.S. Equal Employment Opportunity Commission (EEOC)
Contact: http://www.eeoc.gov/contact/
The charge filing process:
(800) 669-4000
(800 669-6820 (TTY)
info@eeoc.gov

Kansas Human Rights Commission (KHRC)
900 SW Jackson, Suite 568-S
Topeka, KS 66612-1258
Tel: 785.296.3206
Fax: 785.296.0589
Web: http://www.khrc.net/contact
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Section 7: Discrimination Grievance Procedures

Purpose
The purpose of these procedures is to provide a prompt and equitable resolution for complaints or reports of discrimination based upon race, color, national origin, sex, age, disability, or any other category protected by applicable law. Any person believing that they have been subjected to discrimination or harassment on any of these bases may file a complaint or report with the University. These procedures address all complaints or reports of alleged discrimination or harassment. The procedures also address complaints or reports of retaliation against those who have opposed practices forbidden under the policy, those who have filed complaints or reports under the policy, and those who have testified or otherwise participated in enforcement of the policy.

University Complaints and Reporting
Complaints and third-party reports of discrimination, including Policy Violations, should be made to the Non-Discrimination Coordinator or Deputy. The Non-Discrimination Coordinator and Deputy are trained to help you find the resources you might need, to explain all reporting options, and to respond appropriately to conduct of concern. All instances of retaliation should be reported and will be addressed in the same manner. The contact information for the Non-Discrimination Coordinator and Deputy is listed below.

Danita Mason
Associate Vice President of People and Culture
(316) 295-5864
Email: Danita_Mason@friends.edu

Darin Kater
Vice President of Student Life
316-295-5844
Email: Darin_Kater@friends.edu

If there is a complaint about the -Non-Discrimination Coordinator or Deputy that complaint should be filed with the President of the University. The President will appoint another trained individual to take the place of the Non-Discrimination Coordinator or Deputy for purposes of the complaint.

Criminal Reporting
Please remember that if someone is in immediate danger or needs immediate medical attention, the first place to report is 911. You may also report to the University Security by dialing 316-295-5911or to the Wichita Police Department. Some forms of discrimination and harassment may also be crimes Criminal reports should be made to law enforcement, even if it is uncertain whether the particular conduct is a crime. Calling local law enforcement can help you: obtain emergency and nonemergency medical care; get immediate law enforcement response for your protection; understand how to provide assistance in a situation that may escalate to more severe criminal behavior; arrange a meeting with victim advocate services; find counseling and support; initiate a criminal investigation; and answer questions about the criminal process.

Confidentiality of Complaints and Reports
Parties in these processes, including the Complainant, the individual accused of a Policy Violation ("Respondent"), and witnesses, have privacy rights and reasonable expectations of confidentiality in the investigation of matters subject to this procedure. In addition, the integrity of the process depends on ensuring reasonable expectations of confidentiality. The Non-Discrimination Coordinator will keep confidential the complaint, report, witness statements, and any other information provided by the Complainant, Respondent, or witnesses, and will disclose this information only to the Complainant, Respondent, or witnesses, as necessary to give fair notice of the allegations and to conduct the investigation; to law enforcement consistent with state and federal law; to other University officials as necessary for coordinating interim measures or for health, welfare, and safety reasons; and to government agencies who review the University's compliance with federal law. The investigation report and any written decision will be disclosed only to the Complainant, Respondent, Non-Discrimination Coordinator or Deputy, Management authority as necessary, and University officials as

necessary to prepare for subsequent proceedings (e.g., University President and University Legal Counsel). Information about complaints and reports, absent personally identifiable information, may be reported to University officials, including the University Council on Student Assault, and external entities for statistical and analysis purposes pursuant to federal and state law or University policy.

Anonymous and Third Party Reporting

The Non-Discrimination Coordinator accepts anonymous and third-party reports of conduct alleged to violate this Policy and will follow up on such reports. The individual making the report (Reporter) is encouraged to provide as much detailed information as possible to allow the Non-Discrimination Coordinator to investigate and respond as appropriate. The Non-Discrimination Coordinator may be limited in the ability to investigate an anonymous report unless sufficient information is furnished to enable the Non-Discrimination Coordinator to conduct a meaningful and fair investigation.

Role of the Non-Discrimination Coordinator

The Non-Discrimination Coordinator is charged with coordinating the University's compliance with federal civil rights laws, which are listed at the end of these Procedures. The Non-Discrimination Coordinator is not an advocate for either the Complainant or the Respondent. The Non-Discrimination Coordinator will explain to both parties the informal and formal processes outlined below and the confidentiality provisions as outlined above. Where appropriate, the Non-Discrimination Coordinator will provide to both parties: information about options for obtaining medical and counseling services; information about making a criminal report; information about receiving advocacy services; and information about other helpful campus and community resources. The Non-Discrimination Coordinator will offer to coordinate with other campus officials, when appropriate, to implement interim remedial measures, such as no-contact orders, rearrangement of living arrangements, or academic accommodations. The Non-Discrimination Coordinator will describe the process of a fair and impartial investigation. The Non-Discrimination Coordinator will explain the right of the Respondent to review and respond to allegations and evidence against him or her. The Non-Discrimination Coordinator will explain to both parties their rights to have a person of support, union representative (if applicable), or attorney, with them during their interviews and during all stages of these procedures. If an individual does not want to pursue a complaint, the Non-Discrimination Coordinator will inform the individual that the University is limited in the actions it can take without the cooperation of the individual. The Non-Discrimination Coordinator will also explain to parties and witnesses that retaliation for reporting alleged violations of the policy, or participating in an investigation of an alleged violation, is strictly prohibited, and that any retaliation should be immediately reported and will be promptly addressed.

Immediate Action and Interim Measures

The University may take interim measures to assist or protect the parties during the grievance process, as necessary, and with the Complainant's consent. Such measures for a student Complainant may include: arranging for changes in class schedules or living arrangements; issuing a no-contact order; obtaining counseling; and modifying test schedules or other class requirements temporarily. For an employee Complainant, the University may temporarily reassign or place on administrative leave an employee alleged to have violated this policy.

Resolution

If a Complainant chooses to file a complaint, there are two avenues for resolution of an alleged Policy Violation: formal and informal resolution. The Complainant has the option to proceed informally, when permissible.

A. Informal Process and Resolution

If the Complainant, the Respondent, and the -Non-Discrimination Coordinator all agree that an informal resolution should be pursued, the Non-Discrimination Coordinator (or her/his designee) shall attempt to facilitate a resolution of the conflict that is agreeable to all parties. Under the informal process, the Non-Discrimination Coordinator shall be required only to conduct such fact-finding as is useful to resolve the conflict and is necessary to protect the interests of the parties, the University, and the community. Typically, an informal investigation will be completed within twenty (20) days of receipt of the complaint. If it becomes necessary to extend the process, both parties will be notified of a revised expected resolution timeframe.

A Complainant or Respondent always has the option to request a formal investigation. The Non-Discrimination Coordinator also always has the discretion to initiate a formal investigation. If at any point during the informal process, the Complainant, the Respondent, or the Non-Discrimination Coordinator -wishes to cease the informal process and to proceed through formal grievance procedures, the formal process outlined below will be invoked.

The informal resolution must adequately address the concerns of the Complainant, as well as the rights of the Respondent, and the overall intent of the University to stop, remedy and prevent Policy Violations. (Informal actions might include, but are not limited to: providing training to a work unit; having an informal discussion with an individual whose conduct, if not stopped, could rise to the level of discrimination or hostile environment harassment; or having a confidential conversation with a supervisor or instructor.)

B. Formal Process (Non-Discrimination Coordinator also refers to trained designees)

Step 1: Non-Discrimination Coordinator discusses concerns with Complainant, and the Respondent as appropriate, including providing information about the policy and procedures and other helpful resources. Non-Discrimination Coordinator also considers whether immediate or interim actions or involvement of other University offices is appropriate. Non-Discrimination Coordinator determines whether the office has jurisdiction to investigate the matter. The Non-Discrimination Coordinator only has jurisdiction to investigate complaints alleging discrimination and harassment as defined in this policy.

> **Option 1:** If the Non-Discrimination Coordinator determines that there is no jurisdiction, he/she will offer to assist the Complainant and, as appropriate, the Respondent, in finding appropriate campus and off-campus resources for addressing the issue of concern.
>
> **Option 2:** If the Non-Discrimination Coordinator determines that there is jurisdiction, they will proceed to Step 2.

Step 2: Non-Discrimination Coordinator conducts or oversees the conducting of a fair and impartial investigation of the alleged Policy Violation, and proceeds to Step 3. Typically, an investigation will be completed within twenty (20) days of receipt of the complaint. If it becomes necessary to extend the process, both parties will be notified of a revised expected resolution timeframe.

Step 3: Non-Discrimination Coordinator determines whether there is a preponderance of the evidence to believe that an individual engaged in a Policy Violation. This means that individuals are presumed not to have engaged in alleged conduct unless a "preponderance of the evidence" supports a finding that the conduct has occurred. This "preponderance of the evidence" standard requires that the evidence supporting each finding be more convincing than the evidence in opposition to it.

In making the determination of whether harassment has created a hostile environment, the Non-Discrimination Coordinator will consider not only whether the conduct was unwelcome to the Complainant, but also whether a reasonable person in the Complainant's situation would have perceived the conduct as objectively offensive. The Non-Discrimination Coordinator 's findings will be in writing and will be provided to both the Complainant and to the Respondent(s).

Option 1: If Non-Discrimination Coordinator finds a preponderance of the evidence of a Policy Violation does not exist, the matter is documented and closed; in this case, the Complainant may appeal the finding to the President.

Option 2: If Non-Discrimination Coordinator finds that a preponderance of the evidence of a policy violation exists, the Non-Discrimination Coordinator 's written report will include recommendations for steps to take to prevent recurrence of any such violation, and as appropriate, remedies for the Complainant. The Respondent may appeal the finding to the President. If the Respondent does not contest the finding, the Respondent will be required to sign the written finding, and the written finding will be provided to the Discipline Authority for a determination of appropriate sanctions. In the case of student Respondents, the Discipline Authority will be the VP of Student Affairs. In the case of employee Respondents, the Discipline Authority is the University Administrator with the authority to impose sanctions in accordance with applicable employment policies and procedures and any active collective bargaining agreements. The Discipline Authority must inform the Non-Discrimination Coordinator of the ultimate sanctions imposed upon a Respondent. The Non-Discrimination Coordinator will inform the Complainant of the sanctions, as permitted by applicable privacy laws.

Relation to the Student Code of Conduct

The VP of Student Affairs is charged with imposing sanctions on students who are found to have violated the policy. Sanctions may include eviction from campus housing, suspension, expulsion, probation, a warning, or any other sanction set forth in the Student Conduct Code. Disciplinary records for policy violations are maintained in the same manner as other disciplinary records, as described in the Student Conduct Code.

Reporter or Complainant Requests No Investigation

If a reporter or Complainant requests that an investigation not be conducted, the Non-Discrimination Coordinator will consider the reasons for the request, including concerns about continued safety of the person reportedly harmed, and members of the campus community. The Non-Discrimination Coordinator must also balance considerations about the continued health and safety of members of the community against a reporter's or Complainant's desire not to have the report investigated. In cases when a reporter or Complainant does not want to have a report investigated, but the Non-Discrimination Coordinator has concerns that not taking formal or informal action might endanger the health or safety of members of the campus community, the Non-

Discrimination Coordinator will initiate confidential consultation with appropriate individuals to analyze the situation and assist in determining appropriate measures to take. Consultation may occur with the appropriate members of the University with relevant knowledge and with legal counsel. The Non-Discrimination Coordinator will make the ultimate decision about whether to conduct a formal investigation or respond to the report in another manner, including taking informal actions, such as those described above.

Appeals to the President

A party that disagrees with the Non-Discrimination Coordinator's decision may file an appeal with the President. The appeal must be submitted directly to the President within five (5) working days of the receipt of the Non-Discrimination Coordinator's decision, unless good cause can be shown for an extension of time. The appeal must be in writing, describe the appellant's desired outcome, and explain how the appellant believes the Non-Discrimination Coordinator: (1) exhibited unfair bias which influenced the result of the investigation; (2) failed to conduct a thorough investigation; (3) issued arbitrary findings and recommendations; (4) had a conflict of interest; or (5) issued findings and recommendations that, if adopted, would result in substantial injustice. The President may summarily dismiss any appeal that is untimely or that fails to describe the desired outcome and one or more of the specified grounds for appeal.

Upon receipt of a valid appeal, the President will notify the non-appealing party and provide the non-appealing party with a copy of the appeal. The non-appealing party will then have five (5) working days in which to submit a written response to the President. Upon receipt of the written response, the President will proceed to deliberate and decide the appeal. The President has broad discretion to take whatever action the President believes necessary in the event an appeal is granted. The President will provide the parties with written notice of the outcome.

Conflict of Interest and Training

All University officials who are involved in the discrimination grievance process, including the Non-Discrimination Coordinator, designated investigators, and Administrators, will have adequate training. Training will address, but is not limited to, recognizing and appropriately responding to allegations of discrimination and harassment; conducting investigations; and protecting confidentiality.

The names of the investigator(s) for a particular matter will be readily accessible. These individuals must promptly disclose any potential conflict of interest they might have in a particular case. In the rare situation in which an actual or perceived conflict of interest arises between an Investigator, that conflict must be disclosed to both parties.

The University prohibits retaliation against individuals who report harassment or discrimination in good faith under this policy and who participate in an investigation of a harassment, discrimination, or retaliation complaint pursuant to the grievance process stated herein. Any individual who has reported conduct subject to this policy, filed a complaint pursuant to this grievance process, or has participated in an investigation under this grievance process should immediately notify the Non-Discrimination Coordinator or Deputy Non-Discrimination Coordinator if the individual believes they have been subjected to retaliation or intimidation.

Contacts

Policy Administrator	Contact	Phone
Associate Vice President of People & Culture	Human Resources	Ext. 5864

Supporting Policies

- Title IX Sex Discrimination and Harassment Policy
- Consensual Relations Policy

History / Policy Revisions

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