

Johnson & Wales University

Prohibited Discrimination and Harassment (including Sexual Harassment) Policy *Rev. September 2022*

NOTICE OF NONDISCRIMINATION

Johnson & Wales University does not discriminate on the basis of age, color, disability, gender identity or expression, genetic information, national origin, actual or potential parental, family, or marital status, including pregnancy and related conditions, race, religion, sex, sexual orientation, status as a protected veteran, or any other legally protected status in its programs, activities or employment. It admits qualified students to all the rights, privileges, programs and activities generally accorded or made available to students at the university.

Johnson & Wales University has instituted these policies to ensure a nondiscriminatory environment and to meet legal requirements, including but not limited to Title IX of the Education Amendments of 1972, Section 504 of the Rehabilitation Act of 1973, the Age Discrimination Act of 1975, Title VII of the Civil Rights Act of 1964, and the Americans with Disabilities Act of 1990.

Johnson & Wales University also does not tolerate harassment of any kind. The university prohibits sexual harassment and sexual misconduct, which are a form of sex discrimination.

Inquiries regarding the application of Title IX and its implementing regulation and any inquiries regarding the university's nondiscrimination and harassment policies can be made to:

Title IX Coordinator/Nondiscrimination Coordinator/Section 504 Coordinator
Equity & Compliance Services
8 Abbott Park Place, Providence, RI 02903
401-598-2703 / titleix@jwu.edu

[Refer to the JWU Equity & Compliance Services webpage](#) for more information (www.jwu.edu/compliance).

[Providence Campus Incident Reporting Form.](#)
[Charlotte Campus Incident Reporting Form.](#)

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.

APPLICATION OF POLICY

This Policy will apply to all matters determined to fall under Section 504 of the Rehabilitation Act of 1973, the Age Discrimination Act of 1975, Title VI and VII of the Civil Rights Act of 1964, the Americans with Disabilities Act of 1990, and other applicable Federal and State statutes. If any matter is dismissed as outside the scope of this policy, then, in the sole discretion of the university, the university may bring charges and address such conduct under any other applicable university codes, policies, practices, procedures, or rules (collectively, "Rules"), which will apply to matters outside the scope of this policy.

PROHIBITED DISCRIMINATION AND HARASSMENT

JWU values and fosters an educational and employment environment free from all forms of hostility, intimidation, and offensive behavior. The university prohibits unlawful discrimination and harassment, including discrimination or harassment, on the basis of age, color, disability, gender identity or expression, genetic information, national origin, actual or potential parental, family, or marital status, including pregnancy and related conditions, race¹, religion, sex, sexual orientation, status as a protected veteran, or any other unlawful basis (“protected category”). Such conduct violates not only university policy, but may also violate federal, state, and (potentially) local 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 JWU. Such behavior or the tolerance of such behavior on the part of an employee violates university policy and will result in remedial and/or disciplinary action up to and including termination of employment. Such behavior on the part of a student also violates the [Student Code of Conduct](#), may violate [Title IX](#) of the Education Amendments of 1972, and will result in remedial action and/or student conduct sanctions up to and including dismissal from the university.

WHAT IS HARASSMENT?

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.

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 a hostile, intimidating, or offensive working or educational environment.

Whether something is offensive must be viewed from the perspective of a reasonable person; the mere fact that a complainant is offended does not necessarily mean the conduct at issue constitutes harassment. Harassment does not include words, conduct, or actions with reasonable educational or professional justification. Harassment also does not include behavior of a reasonably socially acceptable nature. However, some behavior that 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; examples of conduct that may constitute harassment include, but are not limited to:

- epithets, quips, slurs, 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

¹ The protected category of “race” includes traits historically associated with race, including, but not limited to, hair texture, hair type, hair length, and protective hairstyles.

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 or via electronic communications; or

- joking, pranks, teasing, or other forms of “humor” that are demeaning or hostile with regard to any protected category.

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 genderbased nature, and (1) submission to such behavior is made either explicitly or implicitly a term or condition of employment or education at JWU, (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, the [Title IX Policy and Procedures](#), [Policy Governing Reporting of Misconduct and Whistleblowing](#) 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 SHOULD I DO IF I AM A VICTIM OF OR LEARN ABOUT POSSIBLE DISCRIMINATION OR HARASSMENT?

If you think you are a victim of or learn about possible discrimination or harassment, you should report it. The university encourages individuals to come forward with concerns, regardless of whether the individual is personally involved in the matter, and offers various methods to report.

There is no obligation to address the matter directly with the potential offender. Occasionally, people are able to resolve a potentially harassing situation by speaking with the offending party directly about the conduct at issue. Informal discussions will sometimes resolve the problem; however, that may not always be appropriate. If you do not feel comfortable discussing it directly with the offending party or if the conduct at issue continues, you should notify the [nondiscrimination coordinator](#), Human Resources, or Campus Safety & Security as set forth under [Filing A Complaint](#). (www.jwu.edu/compliance). Managers and supervisors are required to report any complaint they receive, or any discrimination, harassment, or retaliation they observe or of which they become aware, to the [nondiscrimination coordinator](#).

Discrimination and harassment, including sexual harassment, constitute misconduct; the university will sanction those engaging in such misconduct, as well as managers and supervisors who fail to report suspected discrimination, harassment, or retaliation or who knowingly allow such misconduct to continue without taking appropriate remedial steps.

Reports may also be made confidentially and anonymously by filling out an **online confidential report** via the [Equity & Compliance Services](#) webpage (www.jwu.edu/compliance); or by calling the **JWU Reporting Hotline** and leaving a message by dialing 1-833-JWU-LINE (1-833-598-5463).

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

FILING A COMPLAINT

Any employees, students, or applicants for employment or admission who are aware of or believe they witnessed or have been subjected to any form of unlawful discrimination or harassment, including sexual harassment, sexual assault, and relationship violence, 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 incident(s), the individual(s) involved, the names of any witnesses, and any other relevant information.

Filing 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 have been subjected to any form of unlawful discrimination or harassment, including sexual harassment, sexual assault, relationship violence, or retaliation, by a student, should immediately report the behavior to Campus Safety & Security. Reports can also be made to the [nondiscrimination coordinator](#), Residential Life, or any other trusted university employee who will then report the incident to Campus Safety & Security.

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

Charlotte Campus Safety & Security: 980-598-1900

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

The [nondiscrimination coordinator](#) (who is also the university's Title IX coordinator 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 have been subjected to any form of unlawful discrimination or harassment, including sexual harassment, sexual assault, relationship violence, or retaliation by any employee of the university, by a student employee, or by a third party should immediately report the discrimination or harassment to the [nondiscrimination coordinator](#) (who is also the university's Title IX coordinator and Section 504 coordinator), or Human Resources. 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.

Reports may also be made confidentially and anonymously by filling out an **online confidential report** via the [Equity & Compliance Services](#) webpage (www.jwu.edu/compliance); or by calling the **JWU Reporting Hotline** and leaving a message by dialing 1-833-JWU-LINE (1-833-598-5463).

Who is the nondiscrimination coordinator?

The [nondiscrimination coordinator](#) (who is also the university's Title IX coordinator and Section 504 coordinator) is a university employee who is specially trained and authorized to take reports of discrimination and harassment, including sexual harassment, sexual assault, or relationship violence, and to conduct discrimination and harassment, including sexual harassment, sexual assault, or relationship violence, investigations. [Refer to the JWU Equity & Compliance Services webpage](#) for more information about the [nondiscrimination coordinator](#) (who is also the university's Title IX coordinator and Section 504 coordinator).

In the event of a conflict of interest or other circumstances where reporting to the university nondiscrimination coordinator would not be appropriate, reports of discrimination or harassment may be

made to any campus president.

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, the Age Discrimination Act of 1975, Americans with Disabilities Act of 1990, the Rehabilitation Act of 1973, Title VII of the Civil Rights Act of 1964, and Title IX of the Education Amendments of 1972 (all as amended). [Refer to the JWU Equity & Compliance Services webpage](#) for more information (www.jwu.edu/compliance).

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 university's [nondiscrimination coordinator](#) (who is also the university's Title IX coordinator and Section 504 coordinator). [Refer to the JWU Equity & Compliance Services webpage](#) for more information about the [nondiscrimination coordinator](#) (www.jwu.edu/compliance).

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 a confidential investigation that appropriately limits disclosures to those with a need-to-know. The investigation is designed to identify the facts and to protect the rights, including due process rights, of all persons involved, including complainants and respondents. 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. The university makes reasonable efforts to preserve anonymity where possible and requested; however, the university cannot guarantee 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.

The university will make reasonable efforts to complete the investigation and determine an outcome within 60 days of receipt of the complaint; however, that may not always be possible. Upon a determination of that a violation of this policy has occurred, 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 or including termination or dismissal from the university. In some instances, the university may take immediate interim action to help protect an individual or the community.

All employees, including managers and supervisors, are required to cooperate with any internal investigation of sexual harassment.

RETALIATION - University's Prohibition of Retaliation

Johnson & Wales University prohibits retaliation, including coercion, discrimination, intimidation, or threats, against any individual who has made a good faith complaint, who has participated as a witness or a complainant or has otherwise assisted in the investigation of such a complaint, or who has participated as a witness or complainant in any university proceeding. Retaliation can be any action that could discourage a reasonable person from coming forward to make or to support a complaint. Such retaliation is unlawful under federal, state, and (where applicable) local law and violates university policy. 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

Johnson & Wales University prohibits reports of knowingly false complaints; such reports may result in disciplinary action up to and including termination of employment or dismissal from the university.

ENFORCEMENT AGENCIES

In addition to the JWU policies and procedures regarding discrimination, harassment, or retaliation, if a complainant believes they have been subjected to discrimination, harassment, or retaliation, the complainant may contact the appropriate governmental agencies listed below.

FEDERAL ENFORCEMENT AGENCIES

The United States Equal Employment Opportunity Commission (EEOC) enforces federal anti-discrimination laws, including Title VII of the 1964 Civil Rights Act (codified as 42 U.S.C. § 2000e et seq.). An individual can file a complaint with the EEOC anytime within 300 days from the allegedly unlawful conduct. There is no cost to file a complaint with the EEOC. The EEOC will investigate the complaint, and determine whether there is reasonable cause to believe that sexual discrimination has occurred, at which point the EEOC will issue a Right to Sue letter permitting the individual to file a complaint in federal court.

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

This office may refer the matter to a regional Office for Civil Rights.

Please refer to the [Office for Civil Rights](#) for more information.

STATE ENFORCEMENT AGENCIES

Rhode Island

Equal Employment Opportunity Commission
John F. Kennedy Federal Building, 475 Government Center, Boston, MA 02203
Phone: 617-565-3200

Rhode Island State Commission for Human Rights
180 Westminster St., Third Floor, Providence, RI 02903-3768
Phone: 401-222-2661

Massachusetts

Equal Employment Opportunity Commission
John F. Kennedy Federal Building, 475 Government Center, Boston, MA 02203
Phone: 617-565-3200

Massachusetts Commission against Discrimination
One Ashburton Place, Sixth Floor, Room 601, Boston, MA 02108
Phone: 617-994-6000

North Carolina

Equal Employment Opportunity Commission
129 West Trade St., Suite 400, Charlotte, NC 28202
Phone: 800-669-4000

N.C. Human Relations Commission
116 W. Jones St., Suite 2109, Raleigh, NC 27601
Phone: 919-807-4420

Mailing Address:

N.C. Human Relations Commission
1318 Mail Service Center, Raleigh, NC 27699-1318

LOCAL POLICE DEPARTMENT

If the harassment involves unwanted physical touching, coerced physical confinement, or coerced sex acts, the conduct may constitute a crime. Contact the local police department.