



## **Prohibited Discrimination & Harassment (including Sexual Harassment) Policy**

*Rev. September 2024*

### **I. Scope and Application**

This Prohibited Discrimination and Harassment (including Sexual Harassment) Policy (“Policy”) applies to all Johnson & Wales University (“JWU”) employees (including student employees, acting in their capacity as such), agents, officers, and persons directly under university control or acting on the university’s behalf (collectively, “Covered Persons”).

### **II. Policy**

#### **A. Notice of Nondiscrimination**

1. JWU does not illegally discriminate on the basis of any protected class, including age, ancestry, color, disability, familial status, gender or gender identity, genetic information, military service, national origin, pregnancy and related conditions, race, religion, sex, veteran status, and any other protected class (collectively, “Protected Class” or “Protected Classes”), and prohibits all illegal discrimination, including illegal sex discrimination, in any education program or activity that it operates, as required by Title IX of the Education Amendments of 1972 (“Title IX”) and other law, including in admission and employment. The university prohibits sexual harassment and sexual misconduct, which are a form of sex discrimination.
2. Inquiries about Title IX may be referred to JWU’s Title IX Coordinator, the U.S. Department of Education’s Office for Civil Rights (OCR), or both. JWU’s Title IX Coordinator is:  
Matthias Rubekeil, JD,  
Title IX Coordinator of Johnson & Wales University  
91 Friendship Street, Providence, RI 02903  
Telephone: 401-598-2703  
E-mail: [titleix@jwu.edu](mailto:titleix@jwu.edu)  
JWU’s nondiscrimination policy and grievance procedures can be located at <https://www.jwu.edu/about-jwu/equity-and-compliance-services.html>. To report information about conduct that may constitute sex discrimination or make a complaint of sex discrimination under Title IX, please refer to <https://www.jwu.edu/about-jwu/title-ix.html>. Refer to the JWU Equity & Compliance Services webpage for more information ([www.jwu.edu/compliance](http://www.jwu.edu/compliance)).  
[Providence Campus Bias Incident Reporting Form.](#)  
[Charlotte Campus Bias Incident Reporting Form.](#)
3. 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.

#### **B. Application of Policy**

1. Except insofar as the university’s Title IX Policy and Procedures apply, this Policy will apply to all matters determined to fall under any applicable laws that prohibit

discrimination based on any Protected Classes. 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.

### **C. Prohibited Discrimination and Harassment**

1. JWU values and fosters an educational and employment environment free from all forms of hostility, intimidation, and offensive behavior. The university prohibits unlawful discrimination based on any Protected Classes. Such conduct violates not only university policy, but may also violate federal, state, and (potentially) local laws.
2. Harassment may take many forms, including physical, verbal, and nonverbal acts and written statements.
3. 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.
4. 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 and will result in remedial action and/or student conduct sanctions up to and including dismissal from the university.

### **D. What is Harassment?**

1. 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.
2. Under this Policy, harassment is defined as unwelcome words, conduct, or actions based on any Protected Class 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.
3. 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:

- a) epithets, negative stereotyping, quips, or slurs that relate to any Protected Class;
- b) threatening, intimidating, or hostile acts that relate to any Protected Class; and
- c) 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 Class 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 Class.

#### **E. What is Sexual Harassment?**

1. 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 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 or offensive or a hostile working or educational environment.
2. 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 oral or written derogatory or discriminatory statements that may affect favorable work assignments, promotions, raises, recommendations, or status for employees, or campus life, class assignments, grades, or recommendations for students.
3. 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.
4. 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.
5. 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:
  - a) unwelcome sexual advances and requests for sexual favors;
  - b) sexual gestures, joking, staring, suggestive looks, or teasing;
  - c) 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;

- d) direct or implied threats that submission to sexual advances will be a condition of employment, grades, letters of recommendation, participation in an activity, promotion, or status in a course or program;
- e) unwelcome touching of any nature, including caressing, embracing, patting, or pinching;
- f) improper brushing against another's body, or "friendly" arms around the shoulders;
- g) offers of money or other consideration, including an employment-related or education-related reward, for sexual activity;
- h) repeated requests for dates despite being refused or asked to stop;
- i) suggestive sexual remarks or innuendos;
- j) improper or unwelcome inquiries about someone's sexual or personal life, or sharing information about one's own sexual or personal life;
- k) overt or subtle pressure for sexual activity or direct or implied propositions of a sexual nature;
- l) sexual assault and relationship violence prohibited by any other university Rules, including but not limited to the university's Sexual Assault and Relationship Violence Policy, Policy Governing Reporting of Misconduct and Whistleblowing, and the Student Code of Conduct;
- m) 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
- n) epithets, negative stereotyping, quips, or slurs that relate to sex and/or gender.

**F. What Should I do if I am a Victim of or Learn About Possible Discrimination or Harassment?**

1. 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.
2. 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 the section "Filing A Complaint." ([www.jwu.edu/compliance](http://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 or Human Resources.

3. 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.
4. 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](http://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).
5. For a list of state and federal government enforcement agencies, please see the section “Enforcement Agencies.”

### **G. Filing a Complaint**

1. 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.
2. Filing Discrimination or Harassment Complaints against Students
  - a) Campus Safety & Security investigates complaints about student behavior. Concerns about the behavior of student-employees are reported as set forth below.
  - b) 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.
3. How do I contact Campus Safety & Security to report a complaint?
  - a) 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
4. Filing Discrimination or Harassment Complaints against Employees, Student Employees, and Third Parties.
  - a) The nondiscrimination 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).
  - b) 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, 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.

- c) 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](http://www.jwu.edu/compliance)). You may call the JWU Reporting Hotline and leave a message by dialing 1-833-JWU-LINE (1-833-598-5463). If you want to leave an anonymous message on the JWU Reporting Hotline, please dial \*67 plus the hotline telephone number (\*67-401-383-7026) to block your caller ID before leaving your message.
5. Who is the nondiscrimination coordinator?
    - a) The nondiscrimination coordinator is also the university's Title IX coordinator and Section 504 coordinator and is a university employee 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.
  6. 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.
  7. Who coordinates the university's compliance with anti-discrimination laws?
    - a) The nondiscrimination coordinator has been designated to carry out the university's responsibilities under all federal and state discrimination laws. Refer to the JWU Equity & Compliance Services webpage for more information ([www.jwu.edu/compliance](http://www.jwu.edu/compliance)).
  8. What should I do if I have a complaint about gender equity in Athletics?
    - a) If you have a complaint about gender equity in university athletics programs, you should contact the university's nondiscrimination coordinator. Refer to the JWU Equity & Compliance Services webpage for more information about the nondiscrimination coordinator ([www.jwu.edu/compliance](http://www.jwu.edu/compliance)).
  9. Sexual Assault and Relationship Violence
    - a) 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.

## **H. Investigation and Resolution**

1. Once discrimination or harassment has been reported, the university will promptly commence a confidential investigation that appropriately seeks to limit disclosures to those with a need-to-know. The investigation is designed to identify the facts and to protect the 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.

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

**I. Retaliation - University's Prohibition of Retaliation**

1. JWU 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.

**J. False Claims - University's Prohibition of False Claims**

1. JWU 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.

**K. Enforcement Agencies**

1. 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.

**L. Federal Enforcement Agencies**

1. 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.

2. 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.

#### **M. State Enforcement Agencies**

1. Rhode Island
  - a) Equal Employment Opportunity Commission  
John F. Kennedy Federal Building, 475 Government Center, Boston, MA 02203  
Phone: 800-669-4000
  - b) Rhode Island State Commission for Human Rights  
180 Westminister St., Third Floor, Providence, RI 02903-3768  
Phone: 401-222-2661
2. Massachusetts
  - a) Equal Employment Opportunity Commission  
John F. Kennedy Federal Building, 475 Government Center, Boston, MA 02203  
Phone: 800-669-4000
  - b) Massachusetts Commission against Discrimination  
One Ashburton Place, Sixth Floor, Room 601, Boston, MA 02108  
Phone: 617-994-6000
3. North Carolina
  - a) Equal Employment Opportunity Commission  
129 West Trade St., Suite 400, Charlotte, NC 28202  
Phone: 800-669-4000
  - b) N.C. Human Relations Commission  
1711 New Hope Church Road (mailing address and physical address) Raleigh NC,  
27609  
Phone: 984-236-1850

#### **N. Local Police Department**

1. 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.

### **III. Policy Owner**

Human Resources