

EQUAL OPPORTUNITY AND NONDISCRIMINATION POLICY

1. SCOPE OF THE POLICY

Mount St. Joseph University (the “University”) is committed to providing a working and educational environment free from discrimination and harassment on the basis of race, color, national origin, religion, age, disability, sex, pregnancy, sexual orientation, gender identity, veteran status, or any other legally protected status. This policy focuses on incidents of discrimination, harassment, or retaliation related to race, color, national origin, religion, age, disability, or other legally protected statuses (including incidents of discrimination, harassment or retaliation that are outside the scope of Title IX, as set forth in the University’s Sex Discrimination, Sexual Misconduct and Interpersonal Violence Policy).

For incidents of sex discrimination, sexual harassment, sexual misconduct, and interpersonal violence please see the University’s [Sex Discrimination, Sexual Misconduct and Interpersonal Violence Policy](#).

This policy applies to all University community members, including students, prospective students, employees (subject to the “Complaints Against Employees” section, below), visitors, or other third-parties. This policy applies to all of the University’s education programs and activities, which extends to admissions and employment. This policy applies not only to conduct occurring within the typical classroom or campus settings, but also to any location owned or operated by the University (or owned or controlled by a student organization that is officially recognized by the University). This policy does not apply to clinical settings and third-party medical centers at which a student may be participating for credit. Off-campus conduct may also be subject to and violate this policy, in the sole discretion of the University.

Complaints Against Employees.

Notwithstanding anything in this policy, in any situation where the respondent is not a student (i.e., the respondent is an employee or person other than a student over whom the University has significant control), the Equal Opportunity Officer/CHRO of Human Resources may implement and/or delegate all, some, or none of the terms, rights, obligations, or procedures set forth in this policy, as determined in the sole and absolute discretion of such individual. Without limitation and by way of example, the Equal Opportunity Officer/CHRO of Human Resources, and any designee thereof, may provide notices, engage in discussions, offer or not offer supportive measures, conduct an investigation, issue determinations, and establish appeal procedures using all, some, or none of the terms of this policy and any other resources such individual deems appropriate.

2. NOTICE OF NON-DISCRIMINATION

The University does not tolerate discrimination, harassment, or retaliation on the basis of race, color, origin, religion, age, disability, sex, pregnancy, sexual orientation, gender identity, veteran status, or any other legally protected status and takes steps to ensure that students, employees, visitors, and other third-parties are not subject to a hostile environment. Without limiting the foregoing, the University does not tolerate antisemitism, Islamophobia, or anti-Christian behavior, nor does it tolerate hatred, harassment, bullying, or violence toward others on the basis of their actual religious identity or what is assumed to be their religious identity.

The University will respond promptly to allegations of discrimination, harassment, or retaliation on the basis of race, color, origin, religion, age, disability, sex, pregnancy, sexual orientation, gender identity, veteran status, or other legally protected status. The University will promptly conduct investigations and take action it deems appropriate, including disciplinary action, against individuals found to have violated this policy, as well as provide remedies it deems appropriate to complainants and the campus community. The University will take prompt action to end a hostile environment if one is determined to have been created, prevent its recurrence, and remedy the effects of any hostile environment on affected members of the campus community.

All students found in violation of this policy will be subject to disciplinary action up to and including suspension or dismissal from the University. Similarly, any employee found in violation of this policy shall be subject to disciplinary action up to and including termination of employment. Behavior that violates this policy may also violate federal, state, and/or local laws.

3. ANTI-HARASSMENT

The University's prohibition against discrimination also includes harassment. Harassment of any person or group of persons, on the basis of race, color, national origin, religion, age, disability, sex, pregnancy, sexual orientation, gender identity, veteran status or any other legally protected status, is prohibited by the University.

Prohibited harassment includes any words or conduct (verbal, physical, graphic or written) directed against any person or group of persons because of their race, color, national origin, religion, age, disability, sex, pregnancy, sexual orientation, gender identity, veteran status or any other legally protected status that has the purpose or reasonably foreseeable effect of creating an offensive, demeaning, intimidating, or hostile environment for any person or group of persons. Such words or conduct may include, but are not limited to, epithets, slurs, negative stereotyping, demeaning depictions or treatment, and threatened or actual abuse or harm.

4. ANTI-RETALIATION

The University will not tolerate any form of retaliation taken against anyone who makes a complaint of conduct prohibited by this policy or anyone who cooperates in the investigation of a complaint of conduct prohibited by this policy. Retaliatory acts prohibited by this policy may include, but are not limited to, adverse employment action taken against employees; adverse action relating to participation in an educational program or activity; unreasonable interference with an individual's academic or professional career; stalking, harassment, or assault; and inciting or aiding and abetting the retaliatory conduct of another.

5. OTHER MISCONDUCT

Inappropriate or unprofessional remarks or other conduct may be reason for intervention and/or discipline even if such misconduct does not ultimately constitute or rise to the level of unlawful or prohibited discrimination, harassment, or retaliation as those terms are defined in this policy and/or by applicable law. In addition, if any student or employee is found through proceedings brought pursuant to this policy to have engaged in misconduct in violation of another University policy or standard of conduct, that student or employee will be subject to disciplinary action pursuant to policy or standard that was violated even if no violation of this policy is found.

6. EQUAL OPPORTUNITY OFFICE AND OFFICER

The University has designated its Office of Human Resources as its Equal Opportunity Office. The Equal Opportunity Office is managed by the University's Chief Human Resources Officer of the Office of Human Resources, Teri Compton, who is also the University's designated Equal Opportunity Officer. Ms. Compton can be reached by phone at (513) 244-4979 or by email at tericompton@msj.edu. The Equal Opportunity Office is the office responsible for responding to inquiries, addressing complaints, and coordinating compliance with the University's responsibilities under the various federal and state civil rights laws, including but not limited to Title VI and Title VII of the Civil Rights Act of 1964, the Age Discrimination Act of 1975, and the Americans with Disabilities Act. All inquiries, issues, or complaints relating to discriminatory, harassing, or retaliatory conduct related to race, color, national origin, religion, age, disability, or another legally protected status should be directed to the Equal Opportunity Office.

For incidents of sex discrimination, sexual harassment, sexual misconduct, and interpersonal violence, please see the University's Sex Discrimination, Sexual Misconduct and Interpersonal Violence Policy for contact information for the University's Title IX Coordinator.

7. REPORTING

The University encourages any student or employee who has experienced any conduct prohibited by this policy to report such conduct immediately and in accordance with the procedures detailed below. Any student or employee who has witnessed or become aware of any conduct prohibited by this policy must report such conduct immediately and in accordance with the procedures detailed below. Employees who become aware of an alleged violation of this policy are required to report such conduct immediately to the Equal Opportunity Officer/CHRO of the Office of Human Resources, unless there is a legal privilege of confidentiality.

While the University strongly encourages everyone to report incidents of conduct prohibited by this policy, it recognizes an alleged victim's right to decline such reporting. Nonetheless, if the University is made aware of an allegation of conduct that is prohibited by this policy, the University may investigate and/or act in response to that conduct, with or without the cooperation of the alleged victim, in its sole discretion.

Crimes (or any conduct prohibited by this policy which a student or employee may believe is a crime) in progress should be reported immediately to the MSJ Police Department at 513-244-4226 or dial 0 from any campus phone.

Reporting Discrimination, Harassment, or Retaliation

Any student or employee who has been the victim of, witnessed, or become aware of discrimination, harassment, or retaliation on the basis of race, color, origin, religion, age, disability, or any other legally protected class (other than sex) should report such conduct to the following offices:

- Criminal complaint
 - MSJ Police Department, (513) 244-4226 or dial 0 from any campus phone; additional information regarding reporting emergencies can be found on the MSJ Police Department Webpage
- Institutional complaint
 - Teri Compton, Equal Opportunity Officer/Chief Human Resources Officer of the Office of Human Resources, (513) 244-4749, teri.compton@msj.edu, or submit a report/complaint Reporting Form

A student or employee may pursue both the University's processes and criminal processes.

Any student or employee who has been the victim of, witnessed, or become aware of discrimination, harassment, or retaliation on the basis of race, color, origin, religion, age, disability, or any other legally protected class (other than sex) should report such conduct to the following offices:

Anonymous Reporting

Reports of violations of this policy can be made anonymously by calling or texting 513-244-TIPS or emailing 244TIPS@msj.edu. These anonymous reporting options are available 24 hours a day/365 days a year.

Please note that these anonymous reporting options are not intended for any immediate safety or emergency situations. All immediate safety or emergency situations should be reported immediately to the MSJ Police Department at 513-244-4226 or dialing 0 from any campus phone.

Campus Security Authorities

Reports of any type of discrimination or retaliation prohibited under this policy can also be made to any of the University's Campus Security Authorities ("CSAs").

Confidentiality and Support

The University may, to the extent permitted by law and deemed appropriate by the Equal Opportunity Officer/Chief Human Resources Officer, honor a request by a complainant that no investigation be pursued. Confidentiality requests should be made directly to the Equal Opportunity Officer/Chief Human Resources Office of the Office of Human Resources, Teri Compton, (513) 244-4979 or teri.compton@msj.edu. Confidentiality can never be guaranteed.

If a complainant requests that the University not reveal the complainant's name to the respondent and/or asks the University to not investigate a report, this may limit the University's ability to respond fully to the incident, including pursuing disciplinary action against the respondent. However, in order to ensure a safe and nondiscriminatory environment for all students or if required to report the incident by law, the University may not be able to honor a request for confidentiality. Regarding its obligation to ensure a safe and nondiscriminatory environment, a complainant's request for confidentiality will be determined after considering factors such as the seriousness of the alleged incident, the ages of the individuals involved, other complaints that may have been filed against a respondent, the University's ability to conduct a fair and effective investigation, and a respondent's legal right to receive information maintained by the University as an education record.

Additionally, the University has a duty to complete certain publicly available recordkeeping, including reporting and disclosing information about certain crimes pursuant to a federal law known as the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (the "Clery Act"). The University is also obligated to issue timely warnings of crimes enumerated in the Clery Act occurring within relevant geography that represent a serious or continuing threat to students and employees, except in those circumstances where issuing such a warning may compromise current law enforcement efforts or when the warning itself could potentially identify the reporting individual. Duties under the Clery Act will not require the University to report or disclose a complainant's personally identifying information.

Further, there may be situations where disclosing some information about a complainant (or respondent) is necessary to provide a safe and non-discriminatory environment and/or to provide any supportive measures. For allegations of conduct related to discrimination, harassment, or retaliation on the basis of race, color, origin, religion, age, disability, or any other legally protected class, the Equal Opportunity Officer/Chief Human Resources Office of the Office of Human Resources will determine what information about an individual needs to be disclosed and to whom this information will be disclosed.

If a student or employee tells a Campus Security Authority (“CSA”) about a criminal incident that was not reported to the MSJ Police Department, the CSA is required to report the information to the MSJ Police Department.

Students may seek support from the University’s Wellness Center. Counselors and/or licensed health care professionals such as nurses and physicians are available to students through the Wellness Center. These trained professionals can provide students with counseling, information, and support in a confidential setting. Information shared by a student with a confidential resource at the University will not be disclosed to anyone else, including the University, except under limited circumstances. Incidents reported to a confidential resource will not be included in the University’s annual crime statistics. These confidential resources available at the Wellness Center will not share information about a student (including whether that individual has received services) without the student’s express permission, unless there is a continuing threat of serious harm to the individual patient/client or to others or there is a legal obligation to reveal such information. These support service providers are also available to help a student make a report to the University.

For employees, support from healthcare professionals may be available through the TriHealth Employee Assistance Program (EAP). The EAP is a benefit provided to all full-time and pro rata faculty and full-time, pro rata, and benefit-eligible part-time staff and members of their immediate households. The EAP may provide employees with assessment, short-term counseling, and referral and follow up services. All EAP services are offered to eligible faculty, staff and household members free of charge. The TriHealth EAP can be contacted at (513) 891-1627, at 1-800-642- 9794, or at www.TriHealthEAP.com. Information shared by an employee with a confidential resource through the EAP will not be disclosed to anyone else, including the University, except under limited circumstances. Incidents reported to a confidential resource through the EAP will not be included in the University’s annual crime statistics. These confidential resources available through the EAP will not share information about an employee (including whether that individual has received services) without the employee’s express permission, unless there is a continuing threat of serious harm to the individual patient/client or to others or there is a legal obligation to reveal such information.

An alleged victim is encouraged to make a report even if the alleged victim is not seeking disciplinary action against the respondent. Supportive measures and resources are always available to an alleged victim regardless of the chosen course of action. Receiving a report of an incident permits the University to keep records of reported incidents and determine the appropriate response and the potential need to alert the University community to potential danger. Reported incidents will also be included in the University’s annual crime statistics as required.

Supportive Measures

As appropriate and in the sole discretion of the Equal Opportunity Officer/Chief Human Resources Officer, the Equal Opportunity Officer/Chief Human Resource Office of the Office of Human Resources may provide supportive measures to the complainant and the respondent. Supportive measures may include non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the complainant or the respondent. Such measures are intended to help restore or preserve equal access to the University’s education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the University’s educational environment, or deter conduct in violation of this policy.

Supportive measures may include but are not limited to counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, campus escort services, mutual restrictions on contact between the parties, changes in work or housing locations, leaves of absence, increased security and monitoring of certain areas of the campus, and other similar measures.

The Equal Opportunity Officer/Chief Human Resource Office of the Office of Human Resources will be responsible for determining and coordinating implementation of supportive measures. Individuals requesting additional supportive measures or experiencing difficulty with a violation of supportive measures that have been approved should immediately contact the Equal Opportunity Officer/CHRO of the Office of Human Resources.

An individual may also consider seeking a protection or restraining order through a court of law. A protection or restraining order is a temporary order intended to help provide safety and protection from another individual. If you have a protection or restraining order against someone and that person violates the order in any way, law enforcement may be able to arrest that person and charge that person with a violation of the order. Please contact the Equal Opportunity Officer/CHRO of the Office of Human Resources for more information about these protective measures, including for contact information for law enforcement agencies and/or the prosecutor's office.

Other Available Resources

Any complainant and respondent will be notified upon request regarding medical, counseling, victim advocacy, support, respondent advisor support, legal assistance, visa and immigration assistance, student financial aid assistance, and pastoral resources available through the University or through external referral sources.

Good Samaritan/Amnesty Policy

The University values a safe environment conducive to learning and is committed to ensuring the safety and well-being of each student and employee. The University is also committed to providing guidance so that all members of the University community develop a responsible approach to social challenges, including whether to use alcohol, how to do so in moderation, and how to comply with local, state, and federal laws governing alcohol consumption.

Additionally, the University encourages reporting of conduct prohibited by this policy and seeks to remove any barriers to making a report. The University recognizes that an individual who has been drinking alcohol or using drugs at the time of an incident may be hesitant to make a report and/or file a complaint because of potential consequences for his/her own conduct. An individual that reports conduct prohibited by this policy, either on his/her own behalf or as a witness, will not be subject to disciplinary action by the University for the individual's own personal consumption of alcohol or drugs at or near the time of the incident, provided that any such violation did not and does not place the health or safety of any other person at risk.

Emergency Removal and Administrative Leave

The University may remove a respondent from the University's education programs and activities on an emergency basis where, after undertaking an individualized safety and risk analysis, the University

determines that an immediate threat to the physical health or safety of any student or other individual, or a material risk to the operations or interests of the University, arising from the alleged violation(s) of this policy justifies removal.

The University retains full discretion to place an employee respondent on administrative leave with or without pay during the pendency of the resolution process.

8. INVESTIGATORY PROCEDURES

Criminal Complaints

Criminal complaints follow criminal processes which may include a police investigation, a referral to the Hamilton County Prosecutor's Office, and/or the criminal court system for resolution.

Institutional Reports and Complaints

The University's investigation of reports and/or institutional complaints of policy violations is different and separate from a criminal complaint investigation by any law enforcement agency. An ongoing law enforcement investigation is separate from the University's investigation of allegations of conduct prohibited by this policy. In cases involving potential criminal conduct, University personnel must determine, consistent with federal, state, and local law, whether appropriate law enforcement agencies or other authorities should be notified. Conduct may constitute a violation of this policy and result in disciplinary action by the University even if a law enforcement agency and/or court of law determines that the conduct did not constitute a crime.

If the MSJ Police Department receives a report/complaint of conduct potentially in violation of this policy, the MSJ Police Department will notify the Equal Opportunity Officer/Chief Human Resources Office of the Office of Human Resources.

Upon receipt of a report or complaint that a violation of this policy may have occurred, the Equal Opportunity Officer, or any designee thereof, will investigate the allegations therein and make a determination as to whether a violation of the policy has occurred and if so, what disciplinary measures will be taken as a result. In conducting such investigation, the Equal Opportunity Officer, or designee thereof, shall determine in his or her sole discretion the means, manner, method, and timing of such investigation. The Equal Opportunity Officer, or designee thereof, will summarize his or her findings, conclusions, and disciplinary decisions in a written "Determination Letter" delivered to complainant (or the alleged victim, in the case of a third-party complaint or report) and respondent.

The complainant, respondent, and witnesses will not be permitted to have legal representation during any processes or procedures set forth herein.

Good faith participation in such investigation and all processes herein is required of all students and employees.

[Continued on Next page]

9. APPEAL

After the Equal Opportunity Officer provides the parties with the Determination Letter, the parties will have five (5) days to submit a written appeal to the University's Provost

The five grounds of appeal include: (1) new evidence that was not reasonably available at the time the determination was made and that could materially affect the outcome of the matter; or (2) the Equal Opportunity Officer/ Chief Human Resources Office CHRO of the Office of Human Resources and/or designee thereof had a conflict of interest with complainant or respondent that materially affected the outcome of the matter. If an appeal is made on any basis other than the foregoing, the same may be denied in whole or in part by the Provost.

The Provost has the authority to determine that appeal criteria has not been met, affirm the determination(s) in the Determination Letter, reverse the determination(s) in the Determination Letter, remand the matter back to the Equal Opportunity Officer or other alternative individual, to consider additional evidence or remedy a procedural error, or alter the recommended discipline/sanctions. Any Decision on Appeal will be simultaneously issued in writing to both parties and is final.

10. POSSIBLE DISCIPLINE/SANCTION(S)

If it is determined that an employee of the University has engaged in conduct in violation of this policy, the employee will be promptly disciplined, up to and potentially including termination of employment, depending on the seriousness of the offense and individual circumstances. Possible sanctions and corrective actions include, but are not limited to, discrimination or harassment education, counseling, reassignment, no contact orders, demotion, suspension, non-reappointment, and termination from employment.

If it is determined that a student has engaged in conduct in violation of this policy, the student will be promptly disciplined with penalties up to and including suspension or dismissal from the University.

Other sanctions include, but are not limited to, disciplinary warning, disciplinary probation, disciplinary probation with restrictions, no contact orders, fines, restitution, notification to others, educational/work assignment/community service, counseling, loss of privileges, restricted access, room transfer, termination of housing contract, or mandatory withdrawal from University housing.

11.KNOWINGLY PROVIDED FALSE INFORMATION

If it is determined by the University in its sole discretion that any individual involved in an investigation of a potential violation of this policy has deliberately or knowingly provided false information to those administering this policy, the individual will be subject to discipline, up to and including termination of employment or dismissal from the University.

12.RIGHT TO FILE CRIMINAL COMPLAINT AND/OR WITH A GOVERNMENT AGENCY

Nothing in this policy should be construed as impeding or prohibiting an employee or student from pursuing a criminal complaint with the appropriate internal or external law enforcement agency or in filing a complaint with the appropriate external governmental agency. Although an employee or student with a concern or complaint is encouraged to attempt to resolve his/her grievance within this procedure when appropriate, each individual has the right to file a grievance/charge directly with the Department of Education's Office for Civil Rights, the Equal Employment Opportunity Commission, the Ohio Civil Rights Commission, or any other applicable state or federal agency.

Laws and regulations prohibiting discrimination, harassment, or retaliation on the basis of race, color, origin, religion, age, disability, sex, pregnancy, sexual orientation, gender identity, veteran status, or other legally protected status include, but are not limited to, Title VI and Title VII of the Civil Rights Act of 1964, the Age Discrimination Act of 1975, and the Americans With Disabilities Act.

13. EDUCATION, TRAINING AND RESOURCES

The University offers a variety of education, training and support resources to students and employees related to discrimination, harassment, or retaliation on the basis of race, color, origin, religion, age, disability, sex, pregnancy, sexual orientation, gender identity, veteran status or other legally protected status. Information about education and training provided by the University can be found in the Sex Discrimination, Sexual Misconduct and Interpersonal Violence Policy and on the University's website (search "discrimination"). Information about additional resources for students and employees related to discrimination, harassment, or retaliation on the basis of race, color, origin, religion, age, disability, sex, pregnancy, sexual orientation, gender identity, veteran status or other legally protected status can be found in the University's Equal Opportunity and Nondiscrimination Brochure and on the University's website (search "discrimination").