Student Policy Prohibiting Race-, National Origin-, and Ethnicity-Based Harassment or Discrimination

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Introduction

This policy applies to students with race, national origin or ethnicity harassment complaints as they pursue their educational programs. Non-student employees should refer to policies related to racial discrimination, harassment, or other protected areas that are found in the Master Policy Manual.

Taylor University is a community of Christians intentionally joined together for academic progress, personal development, and spiritual growth. The mission of Taylor University is to develop servant leaders marked with a passion to minister Christ’s redemptive love and truth to a world in need.

We believe that it is imperative to provide a safe and nurturing environment for all students, employees, and guests. Harassment, discrimination or bias due to race, color, religion, ethnicity, national origin, ancestry, citizenship status, or any other condition made unlawful by relevant law in matters of admissions, employment, housing, or any aspect of the educational programs or activities it offers is prohibited. Responding to issues of discrimination, harassment, or bias requires a unique response.

This policy is based on our Biblical conviction that all humans are created in God’s image (Genesis 1:27) and are therefore of immeasurable value and worthy of protection. The purpose of this policy is 1) to protect our community from harm; 2) respond to race, national origin, and ethnicity-based harassment and comply with federal law (Title VI and Title VII); 3) to provide standardized policy in keeping with current legal requirements; and 4) to set clear definitions and to be a resource to university officials as they work together to better protect and serve the Taylor University students, faculty, staff, and visitors.

As a religious institution, Taylor University retains the right to make employment, admission, and educational decisions based on an individual’s religious beliefs and conduct consistent with the Life Together Covenant and applicable law. The University does not tolerate and prohibits race, national origin, and ethnicity-based discrimination, harassment, or bias. The University will take prompt and equitable action to eliminate prohibited conduct, prevent its recurrence, and remedy its effects.

A violation of this policy or inappropriate conduct that threatens to violate this policy may result in disciplinary action up to and including suspension or expulsion.

All sex or gender-based discrimination falls under Taylor University’s policy prohibiting discrimination based on sex and gender (Title IX) and should be reported to the Title IX Coordinator.

To be clear, students experiencing any form of racial harassment should use this policy as their steps for care and resolution. Non-student employees experiencing racial
harassment should report their concerns immediately to the Director of Human Resources.

**Definitions and Prohibited Behaviors**

The below-listed items are definitions of behaviors prohibited under this policy. An individual found responsible for violating this policy can expect to face disciplinary sanctions.

**Discrimination and Harassment**

*Discrimination* is unequal, adverse treatment of an individual because of his or her protected status. *Harassment* is unwelcome conduct based on an individual’s protected status that denies or limits a student’s ability to participate in or benefit from the University’s educational programs and activities. The University prohibits inappropriate conduct based on a student’s legally protected status, regardless of whether such conduct rises to the level of legally actionable discrimination or harassment. Inappropriate conduct includes verbal or physical conduct that may or may not include demeaning gestures, threats of harm, physical attacks, threatening remarks, vandalism, graffiti, or destruction of personal property. It may also include unwelcome and offensive jokes, mocking or epithets about another person’s race, national origin, or ethnicity, teasing or practical jokes directed at a person based on his or her race, national origin, or ethnicity, or displaying or circulating of written materials or pictures that degrade a person or group based upon race, national origin, or ethnicity.

Inappropriate conduct may also include giving two similarly situated individuals different pay, opportunities for advancement, or educational opportunities if the reason for the different treatment is the race, national origin, or ethnicity of one of the individuals, or refusing to offer educational opportunities to someone because of the person’s race, national origin, or ethnicity.

**Bias-Related Incidents**

Bias-related incidents can be physical, spoken, visual, or written acts of abuse, harassment, intimidation, vulgarity, or remarks of a personally destructive nature toward another person because of actual or perceived defining characteristics. Bias-related incidents can occur whether the act is intentional or unintentional. Bias-related incidents can be directed toward an individual or group regarding their race, color, religion, nationality, citizenship status, or any other condition made unlawful by relevant law in matters of admissions, student employment, or housing.

**Hate Crime**
A hate crime is a criminal offense against a person or property motivated in whole or in part by an offender’s bias against a race, color, creed, religion, disability, sexual orientation, national origin, gender, gender identity, or other legally protected characteristics. These crimes may involve but are not limited to physical assault, damage to property, bullying, or offensive graffiti or letters.

**Retaliation**

No individual who makes a complaint alleging a violation of this policy or who participates in the investigation or resolution of such a complaint shall be subject to retaliation as a result of such activity or participation. Retaliation exists when action is taken against a Complainant or participant in the complaint process that (i) adversely affects the individual’s opportunity to benefit from the University’s programs or activities, and (ii) is motivated in whole or in part by the individual’s participation in the complaint process. The University will take steps to prevent retaliation and may respond with disciplinary action, changes in accommodation/office/classroom space, or other interim measures that achieve the outcomes of this policy. Any acts of retaliation, as defined in this policy, shall be grounds for disciplinary action, up to and including dismissal for students and termination of student employment.

If an individual believes he or she has been the victim of retaliation or retaliatory harassment, he or she should report the conduct in accordance with the provisions in this policy.

**Reporting Alleged or Suspected Violations of the Policy**

Whenever an individual believes a crime has been committed, he or she should contact the police immediately by calling 911 or contacting the Taylor University Police department at 765.998.5555.

A student who has a complaint against a student, employee, or another individual (including a third-party vendor or visitor) involving an alleged violation of this policy has several reporting options. A report may be made 1. online at my.taylor.edu/makeareport or 2. in-person or 3. by email to any of the individuals listed below.

- Gregory Dyson, VP Intercultural Leadership & Church Relations, 765.998.5284, greg_dyson@taylor.edu, Sickler 225
- Jesse Brown, Dean of Students, 765.998.5344, jesse_brown@taylor.edu, Boren Campus Center 221
- Jeff Wallace, Chief of Police, 765.998.5396, jfwallace@taylor.edu, Boren Campus Center 175
- Any member of Residence Life Staff, including Hall Directors, Assistant Hall Directors, Personnel Assistants, and Discipleship Assistants
Once an incident is reported to one of the individuals listed above, the preliminary details will be shared with the Dean of Students, VP of Intercultural Leadership & Church Relations, and Campus Police. Either the VP of Intercultural Leadership & Church Relations or his/her designee will then coordinate the next steps in response and will schedule a preliminary meeting with the individual reporting the complaint.

The University’s ability to investigate in a particular situation, or the extent of the investigation in any given situation, may be affected by any number of factors, including whether the Complainant is willing to file a complaint or to consent to an investigation, the location where the alleged conduct occurred, and the University’s access to information relevant to the alleged or suspected violation of this policy. The University is nonetheless committed to investigating all alleged and suspected violations of this policy to the fullest extent possible under the circumstances.

The University reserves the right to investigate any alleged or suspected violation of this policy even if the Complainant requests the University not to do so. Such action will be taken if it is determined that failing to investigate the situation may inhibit the University’s ability to provide a safe and nondiscriminatory environment for all students and employees. Instances where the University may conduct an investigation even if the individual requests for the University not to do so include circumstances that suggest there is an increased risk of the alleged perpetrator committing additional acts of discrimination, harassment, or hate crimes. Examples of such circumstances include, but are not limited to, the following: other complaints about the same alleged perpetrator, a history of similar prior behavior from the alleged perpetrator, a report that the alleged perpetrator threatened further harm, a report that gives reason to believe that the alleged perpetrator may be likely to cause future harm, a report that the incident was committed by multiple perpetrators, or a report that the incident reveals a pattern of perpetration at a given location or by a particular group (e.g., a recurring party).

**Time Period for Reporting**

The University encourages reports of discrimination, harassment, and/or retaliation in violation of this policy to be made as promptly as possible. Although there is no time limitation on the filing of complaints, prompt reporting is key to maximizing the University’s ability to respond promptly and effectively, investigate allegations, evaluate the facts, provide remedies and support, determine disciplinary action if appropriate, and prevent further harm to those at risk. If the Respondent is no longer a student or employee, the University may not be able to take action against the Respondent. However, it will still seek to meet its obligations by taking steps to end any inappropriate conduct, prevent its recurrence, and address its effects, when appropriate.

**Resolution Process**

When an alleged violation of this policy is brought forth to any of the individuals listed above, a prompt and equitable investigation and resolution of the alleged incident will take place. The VP of Intercultural Leadership & Church Relations will coordinate the investigation when the alleged incident involves only students, and the Dean of Students and Assistant Director of Human Resources will both coordinate the investigation when the alleged incident involves students and others (e.g., employees, vendors, visitors, etc.). The VP of Intercultural Leadership
& Church Relations, or his/her designee, will assign investigators and adjudicators to determine if the alleged behavior violates this policy.

**Informal Resolution**

For situations not involving employees, an informal resolution process has been established to quickly address situations that have not become escalated and will only be used if the parties voluntarily agree to do so. As such, if an individual feels that his/her grievance is most effectively addressed through an informal process, he/she should make this known in the reporting process. Please note that incidents of hate crimes are not appropriate to process through this informal step, and there is no expectation that the victim meets with or ‘work things out’ with the Respondent. Furthermore, when filing an allegation related to harassment, the Complainant is not required to have a conversation with the Respondent, even if the matter is processed at this informal step.

An informal resolution is coordinated by the VP of Intercultural Leadership & Church Relations. This process can include mediated conversations, written communication shared through a mediator, or other forms of interaction intended to ensure that the alleged behavior would not happen in the future; however, the Complainant will not be required to resolve the problem directly with the Respondent.

Both persons must be notified of the right to end the informal process at any time and begin the formal stage of the complaint process.

**Procedures for Formal Investigation**

**Preliminary Meeting.** The VP of Intercultural Leadership & Church Relations or his/her designee will meet with the individual alleging a violation of this policy, also known as the Complainant. At this meeting 1) Complainant will be provided with a copy of this policy and written notification that interim measures are available during the University’s investigation, and 2) the availability and how to request interim measures will be provided; The meeting will provide the basis for determining what if any, interim, corrective measures need to be taken. The Complainant will be informed about the next steps in the process.

**Interim Measures.** When a complaint is received, the University will provide appropriate interim action to prevent further acts of misconduct; safeguard the wellbeing of the Complainant, the accused, or the broader campus community while the investigation is in process; and ensure equal access to the University’s educational programs. The University will determine the necessity and scope of any interim measure. Such measures may include ensuring access to counseling and medical services; issuing a campus no-contact order; providing alternative work arrangements such as adjusting work schedules or supervisors; providing access to appropriate academic support, such as tutoring or permission to withdraw from or retake a class; providing alternate living arrangements; any other remedy that
can be used to achieve the goals of this policy. All University personnel must cooperate with the interim measures.

Notice of Investigation. The VP of Intercultural Leadership & Church Relations or his/her designee will notify the Complainant and Respondent, in writing, of the commencement of an investigation. The communication will (1.) identify the persons involved; (2.) specify the date, time, and location of the alleged incident; (3.) identify possible policy violations; (4.) identify the persons investigating and adjudicating the process, and (5.) explain the process of investigation.

Investigation. A designee(s) of the VP of Intercultural Leadership & Church Relations will investigate an alleged violation of this policy. This investigation will include reviewing appropriate evidence (texts, emails, pictures, etc.) and interviews of the persons involved, including witnesses. If the respondent is a non-student employee of the University, a Human Resource staff member will be part of the investigating team.

The Investigator(s) will prepare a concise report documenting the allegations, responses to the allegations, witness testimony, and relevant evidence to the Adjudicator(s). This report will be shared with both the Complainant and Respondent. Once the report is completed, the Complainant and Respondent can write a 500-word response to the report, which will be submitted within three business days of receipt of the report.

Adjudication Panel and Findings. The designees of the VP of Intercultural Leadership & Church Relations, the Dean of Students, and the Provost will serve as an Adjudication Panel that will determine whether the complained-of conduct violated this policy. If the respondent is a non-student employee, every effort will be made to involve a Human Resource staff member / representative in the adjudication process.

The Adjudication Panel has two responsibilities: 1) Finding (or not) of a violation; and 2) If a violation occurred, the Adjudication Panel will determine sanctions, corrective actions, and remedies.

1) Finding of Violation: The Adjudication team will review the investigation report and any 500-word responses from Complainant and Respondent and evaluate them according to this policy. A determination of violation will be based on a preponderance of evidence standard.

Whether conduct constitutes a violation of this policy may depend, in part, on whether the conduct is viewed by the person who is subject to the conduct as unwelcome or offensive. Thus, any student who initiates or persists in this type of conduct could be subject to discipline even if such behavior might not have been intended to be offensive.
If a violation has been determined, the Adjudication Panel will ask Student Development for any other circumstances related to harassment or other disciplinary matters before determining sanctions, corrective actions, or remedies.

2) Sanctions, Corrective Actions, and Remedies. If the Adjudicators determine that there is sufficient evidence that the Respondent more likely than not violated the Policy Prohibiting Race-, National Origin- and Ethnicity-Based Harassment or Discrimination, the Adjudicators will propose any sanctions or other corrective actions consistent with this policy and the student conduct policies to the Vice President of Intercultural Leadership. The University will take reasonable steps to prevent the recurrence of any violations of this policy and to correct the discriminatory effects on the Complainant (and others, if appropriate). Examples of potential sanctions or corrective actions that may be imposed in the event of a policy violation include but are not limited to the following:

- mandatory training or counseling,
- written warning,
- “no contact” order or other contact restrictions or boundaries,
- disciplinary probation,
- suspension (including for student employees, with or without pay), and demotion,
- Student employment termination, and
- Expulsion (subject to approval by the VP of Student Development)

Students who have been expelled may be issued a “No Trespass Order,” which prohibits individuals from being present on any University property. Guests and other third parties who are found to have violated this policy are subject to corrective action deemed appropriate by the University, which may include a “No Trespass Order” and termination of any applicable contractual or other arrangements. If a non-community member violates this policy, the University may be unable to discipline or take corrective action against him or her. Therefore, the University will pursue other steps to limit the effects of the conduct at issue and prevent its recurrence.

Opportunity for Appeal. Once written notification of the outcome of the adjudication has been provided, both the Complainant and the Respondent have the opportunity to request an appeal of the outcome. If neither party seeks further review, as described below, the outcome, including any proposed sanctions, will be implemented and considered final.

Any request for further review must be submitted in writing to the University representative who informed the Complainant and the Respondent of the outcome and any sanctions within five business days of being notified of the outcome. Any
appeal must set forth the grounds upon which the request for further review is based (see below).

Upon receiving the written appeal, the VP of Student Development will make a determination as to whether the reason for appeal meets one or more criteria described below. Should it not meet one of these criteria, the Adjudication Panel will notify the appealing party of this determination. When an appeal is received, the non-appealing party will be notified of this appeal and will have the opportunity to participate equally in the appeal process.

All appeals will be heard by the Provost or his/her designee. A request for an appeal must be based on one or more of the following reasons:

1. Procedural irregularity that affected the outcome of the matter;

2. New evidence that was not reasonably available at the time the determination regarding responsibility was made that could affect the outcome of the matter. A summary of this new evidence and its potential impact must be included; or

3. The Investigator(s) and/or Adjudicator(s) had a conflict of interest or bias for or against Complainants or Respondents generally or the individual Complainant or Respondent that affected the outcome of the matter.

Any information included in the appeal that does not apply to the above three reasons for filing an appeal will not be considered in the appeal process.

After reading the investigation report, appeal letter, and other pertinent information, the appeals officer will make a decision within ten business days of receiving the appeal and any related information, unless a determination is made that more time is necessary. If more time is needed, the Complainant and the Respondent will be notified.

The decision of the appeals officer will be provided simultaneously to both parties in writing and will be final.