

POLICY AGAINST DISCRIMINATION AND HARASSMENT

As a Catholic/Franciscan institution of higher education, Felician University supports and promotes values that affirm the dignity and rights of all people. In keeping with these fundamental principles, we value diversity and welcome persons of all groups, cultures, and religious traditions to Felician University.

Every person associated with Felician University contributes a unique richness of tradition that enhances the community. We welcome the enriching experience of the growing diversity on campus, for diversity presents experiences, challenges, and opportunities to the entire community. In order to achieve the goals of our university community, it is essential that we ensure a safe, healthy, work and learning environment for all.

We unconditionally reject all forms of discrimination. We acknowledge our obligation to safeguard and enhance the dignity of every member of our university community. We seek to foster an understanding of all differences and encourage and support the ethical and moral values that are the basis of a humane social order.

To fulfill these aspirations, we commit ourselves to create and maintain an environment free of discrimination, intimidation, humiliation, and harassment of any kind. We urge all members of the Felician University community to adhere to the following values:

- Respect for human dignity;
- Compassion for others;
- Recognition of and appreciation for the characteristics that make individuals unique;
- Service to others;
- Reverence for the people and world in which we live;
- Solidarity;
- Promotion of the common good by forging right relationships;
- Pursuit of peace.

Commitments to the principles of free speech and academic freedom are of vital importance to the Felician University community. These commitments are at the heart of the educational mission and inform our work in teaching, learning and research, as well as in educational activities beyond the classroom. We are dedicated to allowing vigorous and open academic discourse and intellectual inquiry, including speech that espouses controversial ideas.

This policy is based on the expectation that all members of the Felician University community will actively work to bring these values to full, living, and genuine realization. Discrimination of any kind is a violation of university policy and may be the basis for disciplinary action. No member of our university community may engage in discrimination.

II. Applicability

This policy applies to all University students, faculty, administrators, staff members and employees, as well as vendors and guests on or off campus. This includes those members of the University community who are involved in the University's off-campus programs, such as internships, clinical practice, student teaching, etc. This policy does not replace or supersede an individual's rights and remedies under the law.

III. Protected Categories

Felician University is committed to providing every community member with an environment free from discrimination and harassment. Under this policy, forms of discrimination or harassment based upon the following protected categories are prohibited and will not be tolerated: race, creed, color, national origin, nationality, ancestry, age, sex/gender, pregnancy, marital status, civil union status, domestic partnership status, familial status, religion, affectional or sexual orientation, gender identity or expression, AIDS and/or HIV status, atypical hereditary cellular or blood trait, genetic information, veteran status or military service, liability for service in the Armed Forces of the United States, disability and/or handicap, status as a domestic violence victim, or membership in any other class protected by state or federal laws, now or in the future.

To achieve the goal of maintaining a work environment free from discrimination and harassment, the University prohibits the conduct that is described in this policy. This is a zero-tolerance policy; therefore, the University reserves the right to take either disciplinary action, if appropriate, or other corrective action, to address any unacceptable conduct that violates this policy, regardless of whether the conduct satisfies the legal definition of discrimination or harassment.

IV. Definitions

- A. **Discrimination** is any distinction, preference, advantage for, or detriment to an individual compared to others that is based on an individual's actual or perceived race, creed, color, national origin, nationality, ancestry, age, sex/gender, pregnancy, marital status, civil union status, domestic partnership status, familial status, religion, affectional or sexual orientation, gender identity or expression, AIDS and/or HIV status, atypical hereditary

cellular or blood trait, genetic information, veteran status or military service, liability for service in the Armed Forces of the United States, disability and/or handicap, status as a domestic violence victim, or membership in any other class protected by state or federal laws, now or in the future, that may adversely and unreasonably affect a term or condition of an individual's employment, education, living environment, or participation in a University activity, or is used as the basis for, or a factor in, decisions affecting that individual's employment, education, living environment, or participation in a University activity. Discrimination may be oral, written and/or physical conduct directed against any person or group of persons.

B. Discriminatory Harassment is unwelcome conduct directed toward an individual based on an individual's actual or perceived race, creed, color, national origin, nationality, ancestry, age, sex/gender, pregnancy, marital status, civil union status, domestic partnership status, familial status, religion, affectional or sexual orientation, gender identity or expression, AIDS and/or HIV status, atypical hereditary cellular or blood trait, genetic information, veteran status or military service, liability for service in the Armed Forces of the United States, disability and/or handicap, status as a domestic violence victim, or membership in any other class protected by state or federal laws, now or in the future, that is so severe or pervasive that it unreasonably interferes with an individual's employment or educational performance, or creates an intimidating, hostile, offensive, or abusive environment for that individual's employment, education, living environment, or participation in a University activity. Harassment can be verbal, written, graphic, physical or through digital, online, or social media communications.

C. Retaliation is an intentional action taken by an individual or allied third party, absent legitimate nondiscriminatory reasons, as reprisal for engaging in a "protected activity," that unreasonably interferes with an individual's employment or educational performance; or creates an intimidating, hostile, offensive, or abusive environment for that individual's employment, education, living environment; and/or participation in a university activity. Protected activities for which protections apply, include but are not limited to:

- i. Reporting, making a complaint, participating in an investigation or grievance proceeding or for assisting in any such proceeding;
- ii. Communicating with a supervisor or manager about employment discrimination, including harassment;
- iii. Refusing to follow orders that would result in discrimination;
- iv. Resisting sexual advances, or intervening to protect others;
- v. Requesting accommodation for a disability or for a religious practice; and
- vi. Asking managers or co-workers about salary information to uncover potentially discriminatory wages.

D. Preponderance of Evidence is defined to mean more likely than not. It is the standard of proof applied in determining responsibility under this policy.

V. Reporting

Once a report is made, the University will initiate a prompt, thorough, and impartial investigation of allegations of discrimination, harassment, and/or retaliation under this policy, pursue effective and reliable procedures and remedies, and seek to protect the rights of those involved.

While the prevention of harassment and discrimination is the responsibility of all members of the University community, University Directors and Supervisors must set an example by treating all people with mutual respect and dignity, fostering a positive climate, and taking appropriate action when conduct is discriminatory, harassing, and/or otherwise unprofessional. Any Director or Supervisor who receives a complaint of harassment, discrimination, or otherwise becomes aware of possible harassment or discrimination, must report such information promptly to the Office of Equity.

A. Anonymous Reporting for Students and Employees: In cases where a student or employee would like to report a violation of this policy, both student and employee can report anonymously through the online anonymous reporting form. The online anonymous reporting form can be utilized by both complainants, respondents, witnesses, and concerned community members. The online reporting form can be found [here](#).

B. Private Reporting for Students and Employees: In cases where a student or employee would like to report a violation without being anonymous, the following individuals can provide information about reporting options, procedures, and assist in facilitating support.

For Student Reports:
Campus Safety and Security
Rutherford Campus:
Elliott Terrace, 1st Floor
Phone: (201) 559-3561

**Lodi Campus:
Obal Hall
Phone: (201) 509-0306**

**Onya Brown
Title IX Coordinator
Student Center
One Felician Way
Rutherford, NJ 07070
Phone: (201) 355-1431
Email: brownno@felician.edu; TitleIX@felician.edu**

In an emergency, go to a safe place and call 911.

C. Reporting to Law Enforcement: For all criminal acts of discrimination and/or harassment, the University encourages individuals to make a report to law enforcement in addition to and/or separate from reporting to the above entities.

Rutherford Police Department: (201) 939-6000
Lodi Police Department: (973) 473-7600
Bergen County Sheriff's Office: (201) 336-3500

D. Cooperation: All members of the University community have an obligation to cooperate in achieving the University's goal of an environment free of unlawful discrimination and harassment. This cooperation includes participating in investigations of alleged discrimination and/or harassment.

VI. Complaint Procedure

Felician University has two options for resolving complaints which allege discrimination and/or harassment: (1) informal resolution; and (2) formal grievance process. These processes are not mutually exclusive; therefore, an informal resolution may be ended at any time in order to initiate the formal grievance process. Community members who believe they have been victims of harassment and/or discrimination can contact the Associate Dean of Equity, who will meet with them to hear their concerns and review available options for informal and formal resolution. Discussing concerns with the Associate Dean of Equity or her designee does not commit one to file a formal grievance. However, an individual reporting discrimination and/or harassment should be aware that the University may decide that it is necessary to take action to address the discrimination and/or harassment with or without the Complainant's participation.

A. Informal Resolution: An "Alternative Resolution Process" (ARP) generally involves a facilitated resolution that is acceptable to the Complainant and Respondent. This resolution may be facilitated by an outside mediator. A full investigation of the allegation(s) is not conducted in the alternative resolution process; however, the details of the allegation(s) may be gathered to allow the University to engage in an assessment of risk. An alternate resolution can be used as a full and final resolution for a complaint of discrimination and/or harassment.

An alternative resolution can be requested by the Complainant or Respondent at any time up until the final resolution is decided by the Associate Dean of Equity. Generally, alternative resolutions are pursued when the Complainant and Respondent, having been fully informed of all available options, have explicitly and voluntarily made that choice. An ARP is voluntary for both the Complainant and the Respondent. Engaging in the ARP is not an admission of responsibility for the allegation. Engaging in the ARP is also not an admission of the falsehood of the allegations. The existence of an alternative resolution is not viewed as a finding against the Respondent. The Complainant or Respondent may withdraw from the ARP at any time before its completion. If the ARP is ended prior to its completion, any information obtained will not be used in a subsequent investigation if the Complainant then decides to pursue the formal grievance process.

If a grievance is resolved through the ARP, the matter will be closed. This means allegations resolved through the ARP will not advance through the formal grievance process unless the terms of the ARP are violated. If a term of the alternative resolution is violated, the information obtained during the ARP may be submitted as evidence in a subsequent formal grievance process, involving the Complainant and Respondent.

In all cases, the Associate Dean of Equity, or her designee, has the discretion to determine whether an alternative resolution process is an inappropriate option, based on the specifics of the complaint.

- i. **Notice of Allegations:** The Associate Dean of Equity will provide the Complainant and Respondent written notice of the other party's interest in resolving a grievance through an ARP. Written notice will include a copy of the alleged prohibited conduct at issue, a summary of the guidelines to an alternative resolution, and the participant's rights in the process. The Complainant or Respondent will have five (5) business days to respond to the alternative resolution request, indicating their interest in participating in the alternative process. In the instance when a party does not reply to the notice or a party does not voluntarily agree to participate in the ARP, the alternative resolution process will end, and the University will begin the formal grievance process if the Complainant is willing to participate.
- ii. **Privacy of Alternative Resolution:** The existence of an alternative resolution and the agreed upon terms are considered private information maintained by the Office of Equity. The existence of an alternative resolution and/or the agreed upon terms may be shared with a limited circle of individuals on a "need to know" basis. The existence of an alternative resolution and/or the agreed upon terms may not be shared by the parties, witnesses, support persons, or advisors, unless first approved by the Associate Dean of Equity, or her designee.
- iii. **Developing Terms of the Alternative Resolution:** The Complainant and Respondent may propose terms for the alternative resolution. The terms should be designed to remedy the adverse effects the alleged prohibited conduct has on the Complainant and/or to restore the Complainant's equal access to the University's programs and activities. Alternative resolutions involving faculty and staff will include a Supervisor, Vice President, and/or a Human Resource designee, who may also suggest proposed terms. The Associate Dean of Equity will review the proposed final terms and will remove those terms that are not permissible under university and federal or state law. The Associate Dean of Equity may also consult with the relevant University officials such as a Supervisor, Vice President, or Human Resource designee when determining the permissibility of a proposed term(s).
- iv. **Term Implementation:** The resolution is complete when both parties independently and voluntarily come to an agreement on the proposed terms. Upon agreement and signature (in hard copy or electronically) by both the Complainant and Respondent, the complaint is considered resolved and closed. If both parties cannot independently and voluntarily come to an agreement, the Complainant may file a formal complaint. If the Complainant does not wish to file a formal complaint, no further action will be taken by the Office of Equity.
- v. **Right of Appeal:** The alternative resolution is grounded in the voluntary participation of the Complainant and Respondent. For this reason, there is no right of appeal associated with the ARP.

Formal Resolution: A formal grievance process may be initiated by meeting in person with the Associate Dean of Equity, by writing to the Office of Equity via letter or email to brownno@felician.edu or TitleIX@felician.edu, or by calling (201) 201-5633.

- i. **Privacy:** The privacy of all parties to a complaint (Complainant, Respondent, witnesses, and support persons alike) will be respected, except insofar as it interferes with the University's investigative, grievance, and appeal processes as described in this document. Dissemination of information and/or written materials to persons not involved in the complaint procedure is not permitted, except as determined by the Associate Dean of Equity.
- ii. **Initial Investigation:** The Office of Equity will investigate any reported grievances regarding discrimination and/or harassment promptly and impartially. The investigation may include, but is not limited to, individual interviews with the parties involved and, where necessary, with individuals who may have observed the alleged conduct or may have other knowledge relevant to the investigation. Based on the investigation, the Associate Dean of Equity will decide whether a responsible finding can be determined by a preponderance of the evidence. The Associate Dean of Equity will inform the Complainant and Respondent of the outcome of the investigation and provide a summary of the investigative process and determination. The Associate Dean of Equity will then send the Complainant and Respondent's direct supervisors a full investigatory report and any recommendations.

At this point, both parties may accept or reject the outcome and determination(s) of the investigation. If both parties accept a determination that there is insufficient evidence to support reasonable cause, the case is closed. If both parties accept a determination that a responsible finding is proven by a preponderance of the evidence, the Associate Vice President for Student Affairs (students), or a Human Resource designee in conjunction with the employees' Vice President (employees), will assign outcomes and take corrective action designed to end the discrimination and/or harassment, prevent its recurrence, and remedy its effects on the Complainant and the University community. A finding of the Office of Equity that is accepted by both parties is final. Either the Complainant or the Respondent may reject the determination of the initial investigation, in part or entirely, and request an appeal within five (5) business days of receiving the written decision. The preferred mode of delivery for an appeal is via email to brownno@felician.edu or TitleIX@felician.edu.

iii. **Corrective Action:** The University will impose prompt remedial and/or disciplinary action against any respondent found to have violated this policy. Responsive action may include, for example, beginning or following the performance improvement process, targeted educational and training programs; the development and enforcement of contractual agreements about future conduct; changes in the working or living environment; reassignment or removal from an appointed position; suspension or termination of employment; or other measures as the University believes will be effective.

The University may refer non-members of the University community to law enforcement, ban/limit their entrance on the campuses, or limit their participation in university activities.

iv. **Time Frame/Grounds for Filing a Request for Appeal:** Either party (Complainant or Respondent) may appeal the determination and/or outcomes of the formal grievance determination within five (5) business days of receiving the written decision by emailing brownno@felician.edu or TitleIX@felician.edu, describing the reasons for requesting an appeal. Note that dissatisfaction with the outcome of the investigation is not grounds for appeal. The only grounds for appeal are as follows:

- a. Procedural irregularity that affected the outcome of the matter (i.e., a failure to follow the institution's own procedures);
- b. New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter;
- c. The Associate Dean of Equity, investigator(s), or sanctioning officer had a conflict of interest or bias for or against an individual party, or for or against complainants or respondents in general, that affected the outcome of the matter;
- d. The outcomes imposed are disproportionate to the severity of the violation or outside the parameters set by the University. The appeal body will return the complaint to the Associate Vice President for Student Affairs (students), or the Human Resource designee in conjunction with the employees' Vice President (employees), who may then increase, decrease, or otherwise modify the outcomes.

In any request for an appeal, the burden of proof lies with the party requesting the appeal, as the original determination and outcome are presumed to have been decided reasonably and appropriately. Outcomes will take effect immediately, notwithstanding an appeal.

The Office of Equity will provide a copy of the appeal to the non-appealing party, who may file a response within five (5) business days. All appeals and responses are then forwarded to the appropriate appeals officer for initial review. If the appeals officer determines that the appeal meets the limited grounds and is timely, the documentation is taken under consideration.

v. **Determination by Appeals Officer:** The appeals officer, Vice President for Student Affairs and Dean of Students (students) and Director of Human Resources (employees), ordinarily will render a written decision within seven (7) business days from the hearing of the appeal. The appeals officer may take the following actions:

- a. Determine that new evidence raised on appeal should be considered and return the complaint to the Associate Dean of Equity to reconsider in light of the new evidence only;
- b. Determine that a material procedural or substantive error occurred and return the complaint to the Associate Dean of Equity with instructions to address the error. In rare cases, where the procedural or substantive error cannot be addressed, the appeals officer may request a new investigation from an outside contractor;
- c. Determine that the outcomes imposed are disproportionate to the severity of the violation and substantially outside the parameters set by the University. The appeals officer will return the complaint to the Associate Vice President for Student Affairs (students), or the Human Resource designee in conjunction with the employees' Vice President (employees), who may then increase, decrease, or otherwise modify the outcomes; or
- d. Deny the request for appeal.

C. Resources: Notwithstanding the aforementioned information, students, employees, and faculty may also use the resources below to file a complaint of discrimination and/or harassment. Such resources can be used in lieu of, or in conjunction to, the Felician University policy against discrimination and harassment.

U.S. Department of Education (OCR)

New York Office
Office for Civil Rights
32 Old Slip, 26th Floor
New York, NY 10005-2500

Telephone: 646-428-3800
FAX: 646-428-3843; TDD: 800-877-8339
e-mail: OCR.NewYork@ed.gov

Equal Employment Opportunity Commission (EEOC)

Newark Area Office
Two Gateway Center
Suite 1703

283-299 Market Street
Newark, NJ 07102

Telephone: 1-800-669-4000
FAX: 973-645-4524
Public portal: <https://publicportal.eeoc.gov/portal/>
Website: www.eeoc.gov

New Jersey Division on Civil Rights

31 Clinton Street, #3
Newark, New Jersey 07102
Telephone: 973-648-2700
FAX: 973-648-4405

**Felician Services Inc.,
Corporate Responsibility Help Line (CRP)**
Telephone: 1-866-225-3253