Non-Discrimination Policy (Not including Gender-based discrimination)

Organizational Part: Butler University Human Resources
Chapter: One
Policy Type: University Policies
Responsible Office: Butler University Human Resources
Effective Date: 07/20/2017

POLICY STATEMENT
Butler University makes equal opportunity available to all persons without regard to race, color, religion, national origin, age, disability, citizenship status, military service status, genetic information, sex* or any other legally protected category.

*The University’s policy prohibiting discrimination based on sex, including sexual orientation and gender identity or expression, and the process for reporting and addressing complaints of sex/gender discrimination are found in the University’s separate Title IX Policy, the Policy on Sex Discrimination, Sexual Harassment, Sexual Misconduct and Domestic Violence: [https://www.butler.edu/titleix/about](https://www.butler.edu/titleix/about).

REASON FOR POLICY
This policy, in compliance with legal obligations, identifies prohibited conduct and outlines procedures for reporting, investigating, and addressing complaints of discrimination based on race, color, religion, national origin, age, disability, citizenship status, military status, or genetic information. All complaints involving discrimination based on those protected classes will be governed by this Policy, which supersedes all other student and employee conduct policies and procedures. Because this policy is to satisfy compliance obligations, all decisions made under this policy are final and are not subject to additional review, appeals or governance under any other policy or procedure.

ENTITIES AFFECTED BY THIS POLICY
This Policy protects students, employees, and applicants for admission or employment and applies to all aspects of education and employment.

This policy applies to conduct on campus and other University property, conduct in the context of any University program or activity, and conduct anywhere that has the effect of creating a hostile educational environment for students or work environment for employees.

POLICY APPROVAL
The person responsible for implementing this Policy is the highest official in Human Resources, (“HR Executive Director”).
PROCEDURES

PROHIBITION AGAINST DISCRIMINATION

No student or applicant for admission will be excluded from participation in, denied the benefits of, or subjected to discrimination in any educational program, opportunity, or activity on the basis of race, color, religion, national origin, age, disability, citizenship status, military status, or genetic information.

No employee or applicant for employment will be subjected to discrimination with regard to hiring, firing, advancement, compensation, or other term or condition of employment because of race, color, religion, national origin, age, disability, citizenship status, military status, or genetic information.

PROHIBITION AGAINST UNLAWFUL HARASSMENT

Butler University is committed to providing an educational and work environment free of inappropriate and unwelcome conduct based on race, color, religion, national origin, age, disability, citizenship status, military status, or genetic information. To be unlawful, such conduct – verbal, graphic, physical, electronic, or otherwise – must be so severe or pervasive that it unreasonably interferes with a student’s ability to benefit from educational opportunities or an employee’s ability to work or take advantage of the benefits of employment. Butler is committed to protecting students and employees from such conduct whether by other members of the University community or third parties.

Discrimination that is alleged to have occurred in a teaching or classroom setting may present different issues from those occurring in other environments. For the handling of those complaints see: Appendix A.

PROHIBITION AGAINST RETALIATION

It is a violation of this Policy for anyone to take significant adverse action against a person for making a good faith report of a violation of this Policy or participating in the investigation of alleged discrimination or harassment.

REASONABLE ACCOMMODATION

Butler takes appropriate steps to provide, upon request, reasonable accommodations to qualified individuals with disabilities so long as an accommodation does not cause an undue hardship. Employees can find a description of the accommodation process along with relevant forms at https://www.butler.edu/disability/faculty-resources. Students can contact Student Disability Services at sds@butler.edu or 317-940-9308 and can learn about disability accommodations at https://www.butler.edu/disability/for-students.

Butler also takes appropriate steps to provide, upon request, reasonable accommodations to students and employees whose religious beliefs or practices create a conflict with University policies or procedures so long as an accommodation does not cause an undue hardship. Requests for religious accommodation should be directed (a) by faculty and staff, to Anila Din, Associate Vice President of Human Resources, adin@butler.edu (b) by students, to Frank E. Ross, Vice President, Student Affairs, feross@butler.edu.
REPORTING PROCEDURES

If you have reason to believe you or someone else is being subjected to behavior that violates this Policy, you need to report the matter to ONE of the following:

Students, Report to: Sally Click, Dean, Student Affairs; sclick@butler.edu; 317-940-9570;

Faculty and Staff Report to: Tammy Pressler, Human Resources Consultant; tpressler@butler.edu;
317-940-2056; or
Michelle Jarvis, Associate Provost, mjarvis@butler.edu; 317-940-8056.

No action will be taken against anyone for making a good faith report of a violation of this Policy.

INVESTIGATION

The person who receives the report of violation will immediately forward the information to the HR Executive Director, who will appoint an Investigator to conduct a thorough and impartial investigation of the reported violation. The Investigator will prepare a report summarizing the investigation, including the Investigator’s finding regarding whether the evidence substantiates each reported violation, and submit the report to the HR Executive Director.

If anyone with decision making responsibility in the case is implicated in the reported violation, one of the two Appeal Officers not involved in the case will assume those responsibilities.

DECISION AND SANCTIONS

The HR Executive Director will review the investigation report and may request the Investigator to provide additional information or documentation or to conduct additional investigation. The HR Executive Director may accept, modify, or reject the Investigator’s finding on each reported violation.

The HR Executive Director will determine the appropriate sanction(s) for the substantiated policy violation(s)

In collaboration with Student Affairs if the accused is a student;

In collaboration with the Dean of the College or Libraries if the accused is a faculty member.

The HR Executive Director will advise the accused of the outcome of the investigation and any sanction(s) imposed and will advise the person who made the initial report that the matter has been investigated and appropriate action taken.
APPEAL

The person determined to have committed a violation of the Policy may, within five business days of being notified of the outcome, submit an appeal, in writing, to the appropriate Appeals Officer identified below. The grounds for appeal are limited to (1) procedural error that could have materially affected the outcome and (2) new evidence unavailable during the investigation that could have materially affected the outcome. The appeal submission must explain the basis for the appeal and state the desired outcome.

A student should submit the appeal to Frank E. Ross, Vice President, Student Affairs, feross@butler.edu.

A faculty member should submit the appeal to Kathryn Morris, Vice President of Academic Affairs and Provost, kmorris@butler.edu.

A staff member (employees other than faculty) should submit the appeal to Bruce Arick, Vice President of Finance and Administration, barick@butler.edu.

The Appeal Officer will review the appeal submission, the investigation report, and the determination and may accept, modify, or overturn that determination relating to violation and/or sanction. The Appeal Officer will notify the person submitting the appeal of the decision on appeal, which is final and is not subject to any additional grievance process as articulated in the Faculty Handbook, Staff Handbook or Student Handbook.

CONTACTS

- Anila Din, Associate Vice President of Human Resources
  - adin@butler.edu
  - 317-940-6683

FORMS/RESOURCES

For more information, please visit:
https://www.butler.edu/non-discrimination-notice

https://www.butler.edu/respect/off-campus-resources

https://www.butler.edu/respect/campus-resources

HISTORY/REVISION DATES

Issue Date: 07/20/2017