



Policy

Title:	Non-Discrimination and Anti-Harassment Policy
Effective Date:	May 21, 2018
Approved By:	Board of Trustees
Responsible Party:	Board of Trustees
History:	9/01/1998; 11/01/2001;10/29/2007;10/31/2011;11/05/2013; 5/19/2014; May 28, 2018

I. PURPOSE

Salus University (“the University”) is committed to maintaining a fair and respectful environment for work and study. To that end, and in accordance with federal and state law and University policy, the University prohibits any member of the board of trustees, faculty, staff, administration, student body, volunteers or visitors to campus, whether they be guests, patrons, independent contractors, or clients, from harassing and/or discriminating against any other member of the Salus University community because of that person’s race, sex (including sexual harassment and sexual violence), sexual orientation, ethnicity or national origin, religion, age, genetic information, disabled status, or status as a disabled veteran or veteran of the Vietnam era. Incidents of harassment and discrimination will not be tolerated and will be met with appropriate disciplinary action, up to and including dismissal from the University.

Non-Discrimination and Equal Opportunity

Consistent with federal and state law and University policy, Salus University restates its commitment to the concepts of affirmative action and equal opportunity.

Salus University complies with Title IX of the Education Amendments of 1972, the Americans with Disabilities Act of 1990, Section 504 of the Rehabilitation Act of 1973, Title VII of the Civil Rights Act of 1964, and all other applicable federal, state, or local laws regarding unlawful discrimination. Salus University prohibits discrimination on the basis of race, color, religion, national origin, sex, sexual orientation, age, genetic information, veteran status, disability and any other characteristic protected by state law, federal law, or local ordinance in hiring, employment opportunities, education programs, and any other activities sponsored by the University. Furthermore, the University does not tolerate or condone any form of sex discrimination, sexual harassment or sexual violence. Any unlawful employment discrimination, sexual harassment or sexual violence perpetrated by trustees, administrators, faculty, staff, students, employees, independent contractors, vendors, or any other third-parties involving members of the Salus University Community is a violation of this Policy. Salus University will continue in its efforts to maintain an institutional environment free of unlawful discrimination and restates its stance against unlawful discrimination in institutional processes.

Every member of the Salus University community is expected to uphold this Policy as a matter of mutual respect and fundamental fairness in human relations. Every student of this institution has a responsibility to conduct himself/herself in accordance with this Policy as a condition of enrollment. Further, every University employee has an obligation to observe University policies in implementation of federal, state, and local law as a term of employment. In addition, one aspect of performance appraisal for University personnel at all levels of supervision and administration will include the qualitative evaluation of their leadership in implementing the University's Non-Discrimination and Anti-Harassment Policy and in seeking resolution of problems in this area at the point nearest their origin.

Merit and productivity, free from prohibited bias, will continue to guide decisions relating to employment and enrollment. Accordingly, once the University has notice of an incident involving unlawful discrimination, the University will take prompt and appropriate steps to investigate the incident. Thereafter, the University will take remedial action to address confirmed incidents of unlawful discrimination, and will use measures reasonably calculated to end any harassment, eliminate a hostile environment (if one has been created), and prevent any future harassment.

No person will be penalized for good faith utilization of channels available for resolving concerns dealing with prohibited bias.

II. DEFINITIONS

Sex Discrimination

Sex discrimination is conduct that discriminates against another person on the basis of sex. Sex discrimination can be manifested by:

- Unequal access to employment or educational programs and activities on the basis of sex; or
- Unequal treatment of another on the basis of sex in the course of conducting those programs and activities; or
- The existence or implementation of a program or activity that has a disparate impact on participation, improperly based on the sex of participants.

Sex discrimination is illegal under federal and state law. Furthermore, the University strictly prohibits any conduct that discriminates on the basis of sex.

Sexual Harassment

Sexual harassment under this Policy includes unwelcome sexual advances, requests for sexual favors, sexually motivated physical contact, and other verbal, non-verbal or physical conduct of a sexual nature, when:

- Submission to such conduct is made either implicitly or explicitly a term or condition of an individual's employment or status in a course, program or activity;
- Submission or rejection of such conduct by an individual is used as the basis for employment or educational decisions affecting such individual; or
- Such conduct has the purpose or effect:
 - of interfering with the individual's work or educational performance;
 - of creating an intimidating, hostile, or offensive working and/or learning environment; or

- of interfering with or limiting one's ability to participate in or benefit from an educational program or activity.

For the purposes of this definition, communication may be oral, written, or electronically transmitted. Without limiting the foregoing, use of audio, computer, or visual equipment in violation of the University's policy on such use may constitute sexual harassment.

Examples of sexual harassment may include, but are not limited to the following:

1. Stalking another member of the Salus University community. Stalking may include persistent attempts to contact the person by phone, electronic communication, or regular mail; vandalizing the person's property or leaving unwanted items for the person; and/or constantly appearing at the person's classroom, residence, or workplace without permission.
2. Direct or implied threats that submission to sexual advances will be a condition of employment, work status, compensation, promotion, grades, or letters of recommendation.
3. Sexual advances, physical or implied, or direct propositions of a sexual nature. This activity may include inappropriate/unnecessary touching or rubbing against another, sexually suggestive or degrading jokes or comments, remarks of a sexual nature about one's clothing and/or body, preferential treatment in exchange for sexual activity, and the inappropriate display of sexually explicit pictures, text, printed materials, or objects that do not serve an academic purpose.
4. A pattern of conduct, which can be subtle in nature, that has sexual overtones and is intended to create or has the effect of creating discomfort and/or that humiliates another.
5. Remarks speculating about a person's sexual activities or sexual history, or remarks about one's own sexual activities or sexual history that do not serve a medical or academic purpose.

Sexual harassment can occur regardless of the relationship, position or respective sex of the parties. Sexual harassment can be committed by a man, a woman, or a group of people against a person or persons of the same or opposite sex. Same sex harassment violates this Policy as does harassment by a student of a faculty member or a subordinate employee of his/her supervisor.

Sexual harassment can be committed by friends, acquaintances, supervisors, co-workers, administrators, faculty members, and/or any other person. Keep in mind that a person may commit acts of sexual harassment even if the person's conduct is not directed at a specific person.

Sexual harassment is unlawful and is strictly prohibited by the University. The University will not tolerate any form of sexual harassment carried out by administrators, faculty, staff, employees, students, or other third-parties involving members of the Salus University community.

Sexual Violence

In general, sexual violence is any sexual physical contact (intercourse, penetration of the genitals or indecent contact) by a person, without the consent of the complainant (the individual to whom the contact is directed). It includes sexual physical contact that involves any of the following:

- Forcible compulsion
- Threat of forcible compulsion that would prevent resistance by a complainant of reasonable resolution;
- The complainant is unconscious or the person knows that the complainant is unaware that the intercourse, penetration or indecent contact is occurring;

- The person has substantially impaired the complainant’s power to appraise or control his or her conduct by administering or employing, without the knowledge of the complainant, drugs, intoxicants or other means for the purpose of preventing resistance; or
- The complainant is unable to consent due to temporary or permanent incapacity or impairment, mental or physical. “Incapacity” or “impairment” may include, but is not limited to, being under the influence of alcohol or drugs to a degree which renders the person incapable of consent.

Sexual violence is a form of sex discrimination that is illegal under both federal and state law and is strictly prohibited by the University. The University will not tolerate any form of sexual violence carried out by administrators, faculty, staff, employees, students, or other third-parties involving members of the Salus University community.

Discriminatory Harassment

At Salus University, discriminatory harassment is defined as:

Unwelcome verbal or physical conduct based on race, color, religion, national origin, sex, sexual orientation, age, genetic information, veteran status, or disability, when:

1. Such conduct has the purpose or effect of unreasonably interfering with the individual’s work or educational performance.
2. Such conduct creates or has the intention of creating an intimidating, hostile, or offensive working and/or learning environment; or
3. Such conduct unreasonably interferes with or limits one’s ability to participate in or benefit from an educational program or activity.

Discriminatory harassment is unlawful and is strictly prohibited by the University. If certain conduct does not rise to discriminatory harassment, the conduct may nonetheless be unprofessional in the workplace, disruptive in the classroom, or violate other University policies and could warrant remedial and/or disciplinary action.

Reporting: Title IX Coordinator; Deputy Title IX Coordinator; Compliance Officer; Hotline

The University’s Title IX Coordinator and Deputy Title IX Coordinator, as supervised by the University’s Compliance Officer, are tasked with educating, training, investigating and responding to matters relating to unlawful discrimination and harassment in accordance with this Policy.

Any incident pertaining to any student who has been subjected to or has been involved in any unlawful discrimination, sexual harassment or sexual violence should be promptly reported to the University’s Title IX Coordinator:

Dean of Student Affairs
 Room W-103K
 Salus University
 8360 Old York Road
 Elkins Park, PA 19027
 jcaldwell@salus.edu
 215-789-1306

Any incident of unlawful discrimination, sexual harassment or sexual violence that does not involve students should be promptly reported to the University’s Deputy Title IX Coordinator:

Director of Human Resources

Salus University
8360 Old York Rd
Elkins Park, PA 19027
mkeen@salus.edu
215-780-1267

Incidents may also be reported directly to the University's Compliance Officer:

Chief of Staff and Counsel
Salus University
8360 Old York Road
Elkins Park, PA 19027
bzuckerman@salus.edu
215-780-1281

or through the University's Compliance Hotline (which allows for confidential reporting):

safewhistle.com/report code: 1QJkNA
844-570-7233 code: 791755

The Title IX Coordinator, Deputy Title IX Coordinator and Compliance Officer are authorized to designate other appropriately trained individuals (including the engagement of outside professionals) to investigate incidents involving unlawful discrimination and harassment as deemed appropriate. Such individuals are referred to as "Investigators" in this Policy.

Notwithstanding anything to the contrary contained herein, for allegations against:

1. a member of the University's President's Council (other than the President or Compliance Officer), the Compliance Officer shall serve as the Investigator and shall render a decision in the matter;
2. the President or a member of the Board of Trustees, the Compliance Officer shall serve as the Investigator and a committee (the "Board Committee") consisting of the Chairperson of Board, the Vice Chair Person of the Board and the Chairperson of the Committee on Trustees (if any one of these individuals is the subject of the allegation or unable to serve, the remaining committee members shall appoint an alternate trustee to serve) shall render a decision in the matter, which shall be final and not subject to appeal; or
3. The Compliance Officer, the President shall appoint an Investigator and the President shall render a decision in the matter, which shall be final and not subject to appeal,

III. POLICY

The University's Non-Discrimination and Anti-Harassment Policy applies to all trustees, faculty, staff, administration, supervisors, employees, the student body, volunteers and visitors to campus. This includes, but is not limited to, guests, patrons, independent contractors, or clients of the University. This Policy prohibits sexual harassment and discrimination in any University education program or activity, which means all academic, educational, extracurricular, athletic and other programs.

Trustees, faculty, staff, administration, supervisors, employees, volunteers and students who believe that they have witnessed or been subjected to unlawful discrimination and/or harassment should immediately report such incidents in accordance with this Policy. Unlawful discrimination that occurs during University-sponsored off-campus

programs are covered by this Policy and should be reported, including but are not limited to, incidents that occur in: community outreach programs, internships, student teaching, and applied learning experiences.

The University will pursue sanctions, including possible criminal action, against non-University visitors, guests, patrons, independent contractors or clients who commit acts of unlawful discrimination, including but not limited to, sex discrimination, sexual harassment or sexual violence, against members of the Salus University community.

This Policy is not meant to address differences in opinion regarding matters that are unrelated to unlawful discrimination, including but not limited to, validity of employment determinations such as salary recommendations, promotion and tenure decisions, performance evaluations, hiring decisions, job classification decisions, transfers or reassignments, termination or layoff because of lack of work or elimination of a position, and normal supervisory counseling. Furthermore, this Policy does not intend to address behaviors that do not constitute discriminatory harassment. Offensive workplace behavior that does not violate this Policy should be addressed to the appropriate supervisor or office.

Academic Freedom and Freedom of Expression

The University is committed to protecting, maintaining and encouraging both freedom of expression and full academic freedom of inquiry, teaching, service, and research. However, these freedoms come with a responsibility that all members of the education community benefit from these freedoms without intimidation. In recognition and support of academic freedom for faculty in the pursuit of teaching, academic freedom and freedom of expression shall be considered in investigating and reviewing complaints and reports of discrimination and/or harassment. However, raising issues of academic freedom and freedom of expression will not excuse behavior that constitutes a violation of the law or the University's Non-Discrimination and Anti-Harassment Policy.

Supervisory/Authority Relationships

No individual who is in a position of authority over another, either in the employment or educational context, has the authority to discriminate against or harass others by virtue of his or her role. The University does not in any way condone discrimination or harassment by a person in a position of authority, an administrator, or a supervisor. Furthermore, a supervisor, administrator, or person in a position of authority who does not appropriately handle reports or incidents of discrimination and/or harassment, or who does not report incidents about which he/she becomes aware in accordance with this Policy may be subject to disciplinary action.

Consensual Relationships in regard to sexual harassment

When one party has a professional relationship toward the other, or stands in a position of authority over the other, even an apparently consensual sexual relationship may lead to sexual harassment or other breaches of professional obligations. The University prohibits all trustees, faculty and staff, including graduate assistants, from pursuing or engaging in dating or sexual relationships with students whom they currently supervise, teach, or have authority over.

Anyone involved in or who commences a dating or sexual relationship with someone over whom he or she has supervisory power or authority (employment or academic) must immediately disclose the existence of the relationship to his/her immediate supervisor. Anyone involved in or who commences a dating or sexual relationship with someone over whom he or she has supervisory power (employment or academic) or authority cannot participate in any decisions that affect the compensation, evaluation, employment conditions, instruction, and/or the academic status of the subordinate involved.

IV. PROCEDURE

Processing of Discrimination and Harassment Reports and Complaints Reports and Complaints

Timeline for Reporting and Confidentiality

Complaints and reports of discrimination and harassment should be reported in accordance with this policy as soon as possible after the incident(s) in order to be most effectively investigated. All reports and complaints of discrimination and harassment will be promptly investigated and appropriate action will be taken as expeditiously as possible. The University will make reasonable efforts to protect the rights of both the complainant and the respondent (the person against whom the complaint is brought). The University will respect the privacy of the complainant, the individual(s) against whom the complaint is filed, and the witnesses in a manner consistent with the University's legal obligations to investigate, to take appropriate action, and to comply with any discovery or disclosure obligations required by law.

An informal complaint may be investigated without identifying the complainant, if in the judgment of the Investigator(s) this would increase the likelihood of satisfactory resolution of the complaint. While confidentiality cannot be guaranteed, care will be taken to keep investigation discussions sufficiently broad to protect the complainant's identity when requested.

The University reserves the right to investigate and resolve a complaint or report of discrimination and/or harassment regardless of whether the complainant ultimately desires the University to pursue the complaint. In such cases, the parties shall be informed of the status of the investigation at reasonable times until the University's final disposition of the investigation.

Responsibility of Individuals

Any incident pertaining to an individual who has been subjected to or has been involved in any unlawful discrimination, sexual harassment or sexual violence should be promptly reported in accordance with this policy. The University strongly encourages any individual who feels he or she has been discriminated against or harassed to promptly report the incident.

No individual should assume that an official of Salus University knows about a particular situation.

Responsibility of supervisors, administrators, and those in positions of authority

Any administrator, supervisor, or person in a position of authority who knows of, receives a complaint of, or witnesses any prohibited discrimination or harassment must promptly report the incident in accordance with this policy. The failure to do so is subject to appropriate disciplinary action, up to and including termination.

Filing a complaint

If a complainant is able and feels safe, he or she should clearly explain to the alleged offender that the behavior is objectionable and request that it cease. If the complainant is not able or does not feel safe confronting the alleged offender, or the behavior does not stop, or if the complainant believes some adverse employment or educational consequences may result from the discussion, he or she should adhere to the formal complaint procedures outlined below. The University's complaint process, outlined herein, is the procedure used to end inappropriate behavior and prevent any recurrence; to investigate the factual situation; and to facilitate resolution of complaints involving allegations of discrimination and/or harassment.

The University strongly encourages any member of the Salus University community who has suffered sex discrimination, harassment or violence to file a complaint in accordance with this Policy. Employees may also file a complaint with the next higher level of supervision to document the complaint and, thereafter, the supervisor must report the complaint in accordance with this policy. The Investigator(s) will immediately work with the supervisor to facilitate a resolution of discrimination and/or harassment complaints.

A formal complaint should be brought as soon as possible after the most recent incident. Members of the Salus University community should keep in mind that an untimely filed complaint may adversely impact the University's ability to respond and take appropriate action to redress unlawful discrimination. The University expects timely reporting of any complaint so that prompt and appropriate action can be taken.

False accusations

The University prohibits any complainant from knowingly or maliciously filing a false or baseless complaint. The University treats all allegations of unlawful discrimination seriously; thus, any deliberate false accusations of discrimination or harassment violate this Policy. If an investigation results in a finding that the complainant falsely accused another of discrimination, harassment or sexual violence, the complainant will be subject to disciplinary action, including the possibility of dismissal from the University.

Responding to a complaint

In response to a formal complaint, the Investigator(s) will:

- Promptly determine whether the complaint is one which should be investigated or should be processed through another University dispute resolution procedure, such as mediation or grievance hearing. If appropriate, the complainant may be referred to an alternative dispute resolution procedure(s) as soon as possible.
- Inform the complainant of the provisions of the discrimination/harassment complaint procedures and provide a copy of the complaint procedure.
- Inform the complainant of the University's counseling and support services and assign a counselor, if necessary.
- Inform the respondent of the existence of the complaint, the provisions of the discrimination/harassment complaint procedures, and provide a copy of the complaint procedure.
- Obtain information and evidence, including the identity of any witnesses, from the complainant and the respondent.
- Attempt to obtain information from the identified witnesses.
- Maintain appropriate documentation.
- Disclose appropriate information to others only on a need-to-know basis consistent with state and federal law.

With respect to University employees, the Investigator(s) may seek input from the appropriate supervisor/administrator when implementing corrective action.

Investigation procedures

If alternative dispute resolution procedure(s) are not appropriate, an investigation will be conducted as thoroughly and expeditiously as possible and normally shall be completed within sixty (60) days from the initiation of the complaint, except where circumstances require a longer period.

It is important to keep in mind that the scope of the investigation will not be limited to information provided by the parties in their formal statements or to the violations alleged in the complaint. In all cases, the complaint

coordinator will conduct an adequate and impartial investigation into the allegations of the complaint and prepare a written investigative report. Once the investigative report is complete, the Investigator(s) will prepare and submit the report to the Title IX Coordinator or Deputy Title IX Coordinator, as appropriate. Thereafter, the Title IX Coordinator or Deputy Title IX Coordinator will review the investigative report and render a decision. The complainant and the respondent will be notified in writing of the results of the investigation and the University's decision.

Investigative Data

During the investigation, the Investigator(s) will keep private the information gathered during the investigation to the extent permitted by state and federal law. The Investigator(s) shall exercise due care in sharing identifiable information about students, staff or faculty. Confidentiality will be maintained throughout the investigation process to the extent that it is practical and appropriate under the circumstances.

Summary Action

The President or his/her designee may impose a summary suspension prior to the completion of the investigation and resolution of a complaint. However, a summary suspension may be imposed only when, in the judgment of the President, or his/her designee, the respondent's presence on campus would constitute a threat to the safety and well-being of members of the Salus University community. Before implementing the summary suspension, the respondent shall be given written notice of the intention to impose the summary suspension and shall be given an opportunity to present oral and written arguments against the imposition of the suspension. If the respondent is summarily suspended, the formal process should be completed within the shortest reasonable time period possible, not to exceed ten (10) working days. During the summary suspension, the respondent may not enter the campus without obtaining prior written permission from the Investigator(s).

University Action

The amount of time needed to conduct an investigation will depend in part on the nature of the allegation(s) and the evidence to be investigated (e.g., the number and/or availability of witnesses involved). Within sixty (60) days of receipt of the complaint, the Investigator will provide notice of the outcome of the investigation or will advise the parties of the additional estimated amount of time needed for the investigation. Upon conclusion of the investigation, the complainant and the respondent will be notified in writing of the results of the investigation and the University's decision.

In the event the investigation reveals that unlawful discrimination or other inappropriate or unprofessional conduct (even if not unlawful) has occurred, disciplinary action may be taken by the University. Written notice to parties relating to discipline, resolutions, and/or final dispositions is deemed to be official correspondence from the University.

Moreover, the University is committed to taking any and all steps to prevent the recurrence of any discrimination, sexual harassment, sexual violence and/or retaliation. The University will take the appropriate remedial action based on results of the investigation and will follow up as appropriate to ensure that the remedial action is effective. Complainants are encouraged to report any reoccurrences of conduct that were found to violate this Policy.

Right to appeal

Either party shall have the right to appeal the outcome of the investigation and the University's decision in response to the complaint, pursuant to this Policy. In exercising the right of appeal to the President, as provided by this procedure, a written appeal must be received by the Office of the President within ten (10) working days after the date of the written notification of the outcome of the complaint. The President or his/her designee may in his/her

sole discretion extend the time for an appeal. The President or his/her designee may receive additional information if he/she believes such information would aid in the appeal. The President or his/her designee will determine, based upon the facts, whether the University's policies and procedures have been fairly and properly applied. A decision by the President or his/her designee will be made within a reasonable time and the Investigator(s), the complainant, and the respondent will be notified in writing of the decision on the appeal. During the time of appeal and review, disciplinary action, if any, taken as a result of the original complaint, may be implemented and enforced.

Prohibition against retaliation

The University strictly prohibits any form of retaliation against any person who raises or reports an allegation of sex discrimination, sexual harassment, sexual violence, or other forms of prohibited discrimination. Anyone who, in good faith, reports what s/he believes to be discrimination or harassment, or who participates or cooperates in any investigation, will not be subjected to retaliation. Anyone who believes he or she has been the victim of retaliation for reporting discrimination or harassment or participating or cooperating in an investigation should immediately contact the Compliance Officer. Any person found to have retaliated against a person who has participated or cooperated in an investigation will be in violation of this Policy and will be subject to disciplinary action

Violations of this policy

The University will not tolerate unlawful discrimination and will investigate all allegations of unlawful discrimination against its faculty, staff, administrators, supervisors, students, visitors, employees, volunteers, or other members of the Salus University community. Where unlawful discrimination is found, including but not limited to, sex discrimination, sexual harassment, sexual violence, or retaliation, steps will be taken to end it immediately. In those instances where it is determined that an individual has discriminated against another or harassed another, that individual will be subject to appropriate discipline. The level of discipline will depend on the severity of the discrimination or harassment and may include, but is not limited to, probation, suspension, expulsion or termination.

Other violations of this Policy may include, but are not limited to, the following:

1. Retaliation against a person who has made a report or filed a complaint alleging discrimination or harassment or participated as a witness in a discrimination or harassment investigation.
2. Disregarding or delaying an investigation of allegations of discrimination or harassment, when responsibility for reporting discrimination or harassment are part of one's duties as a supervisor, administrator, or person in position of authority.
3. Making deliberate false accusations of discrimination or harassment.