



BLESSING-RIEMAN
*College of Nursing
& Health Sciences*

Origination 05/2013
Last 11/2023
Approved
Last Revised 11/2023
Next Review 11/2025

Owner Reta Richmond:
EXECUTIVE
ASSISTANT-
BRCN
Area Student
Development
Committee
References Husch-
Blackwell

Non-Discrimination/Equal Opportunity Policy

PURPOSE

To define the guidelines and procedures regarding discrimination that may create a hostile learning environment.

POLICY

The College is committed to the principle of equal opportunity in education and employment. The College prohibits discrimination against and harassment of any student, employee, applicant for employment, third party or community member because of race; color; national or ethnic origin; age; religion; disability; sex; sexual orientation; gender; gender identity and expression; including a transgender identity; genetics; veteran status; and any other characteristic protected under applicable federal or state law, herein called "protected categories."¹

The College expects all employees, students, and community members to join with and uphold this commitment.

The College also prohibits retaliation based on a protected activity, such as the filing of a complaint of discrimination or participation in the investigation of such a claim. Any witness, complainant or respondent involved in an investigation ought not to be retaliated against for their participation in the fact-finding process.

The College has designated the Title IX Coordinator to coordinate its compliance with Equal Opportunity and to receive inquiries regarding Equal Opportunity:

Jenna Crabtree, MBA

Dean of Enrollment Management/Business Manager
Blessing-Rieman College of Nursing & Health Sciences
3609 N. Marx Drive
Quincy, IL 62305
www.brcn.edu
crabtreej@brcn.edu
217-228-5520, ext. 6961

BRCN Confidential Compliance Hotline
1-888-495-4387

A person may also file a complaint of discrimination with the United States Department of Education's Office for Civil Rights regarding an alleged violation of Equal Opportunity by visiting: www2.ed.gov/about/offices/list/ocr/complaintintro.html or calling 800-421-3481.

DEFINING AND RECOGNIZING DISCRIMINATION

Regardless of other language in this policy, Sexual Harassment (including Sexual Assault, Domestic Violence, Dating Violence, and Stalking), as defined in the Sexual Harassment Policy, will be governed exclusively by the Sexual Harassment Policy and processes provided in it. All other forms of sex-based discrimination are governed by this policy, including sex-based discrimination and harassment, as defined in this policy, that does not rise to the level of Sexual Harassment as defined in the Sexual Harassment Policy.

Conduct that is initially raised through a formal complaint under the Sexual Harassment Policy may also be addressed under this policy, in the College's discretion, when: (i) the conduct, or some part of it, may amount to a violation of this policy regardless of whether it meets the definition of Sexual Harassment under the Sexual Harassment Policy; (ii) the formal complaint, or some part of it, has been dismissed under the Sexual Harassment Policy; or (iii) a final determination of a formal complaint has been made under the Sexual Harassment Policy and separate or additional action may be necessary to enforce this policy.

Discrimination is material, adverse treatment of an individual based on a protected category.

Unlawful discrimination occurs when a person is harassed or treated arbitrarily or differently because of their real or implied membership in a "protected category" such as race; color; national or ethnic origin; age; religion; disability; sex; sexual orientation; gender; gender identity and expression; including a transgender identity; veteran status; genetics; and any other characteristic protected under applicable federal or state law.

Personality differences; personal conflicts; general mistreatment not related to the above protected categories; or a response to poor performance are usually employee relations issues, not discrimination matters.

Harassment consists of unwelcome conduct on the basis of a Protected Category that explicitly or

implicitly affects an individual's employment, unreasonably interferes with an individual's work performance, or creates an intimidating, hostile, or offensive work environment.

A person's subjective belief that behavior is intimidating, hostile, or offensive does not make that behavior harassment. The behavior must create a hostile environment from both a subjective and objective perspective and must be so severe, persistent, or pervasive that it unreasonably interferes with, limits, or deprives a member of the community of the ability to participate in or to receive benefits, services, or opportunities from the College's education or employment programs and/or activities. In determining whether a hostile environment exists, the College examines the context, nature, scope, frequency, duration, and location of incidents, as well as the relationships of the persons involved.

COMPLAINTS OF DISCRIMINATION

This Policy and accompanying Complaint Resolution Procedures are meant to address complaints of Discrimination based on Protected Categories, as listed above.

Making a Complaint

Employees

All College employees have a duty to file a complaint with the Title IX Coordinator (see contact information above) when they believe or receive information indicating that a member of the College Community may have been subjected to conduct that constitutes prohibited Discrimination on the basis of a Protected Category.

Students and Other Persons

Students and other persons who believe they or another member of the College Community may have been subjected to conduct that constitutes prohibited Discrimination based on a Protected Category are encouraged to file a complaint with the Title IX Coordinator (see contact information above). Students and other persons may also file a complaint with the United States Department of Education's Office for Civil Rights at:

www2.ed.gov/about/offices/list/ocr/complaintintro.html or by calling 1-800-421-3481.

Content of the Complaint

So the College has sufficient information to investigate a complaint, the complaint should include: (1) the date(s) and time(s) of the alleged Discrimination based on a Protected Category; (2) the names of all person(s) involved in the alleged Discrimination based on a Protected Category, including possible witnesses; (3) all details outlining what happened; and (4) contact information for the complainant so the College may follow up appropriately.

Conduct that Constitutes a Crime

Any person who believes they have been subject to Discrimination that also constitutes a crime is encouraged to make a complaint to local law enforcement as well as to the College's Title IX Coordinator. If requested, the College will assist the complainant in notifying the appropriate law

enforcement authorities. If the situation is an emergency or if a person believes he or she is in imminent danger, the person should dial 911.

Vendors, Contractors, and Third-Parties

This policy applies to the conduct of vendors, contractors, and third parties. Persons who believe they have been discriminated against or harassed in violation of all the College's non-discrimination policies should make a complaint in the manner set forth in this section.

Retaliation

It is a violation of this policy to retaliate against any member of the College community who reports or assists in making a complaint of Sex Discrimination or a complaint of Discrimination based on a Protected Category. It is also a violation of this policy to retaliate against any member of the College Community who participates in the investigation of a complaint in any way. Retaliation includes any act of revenge or negative or otherwise unwarranted treatment. Persons who believe they have been retaliated against in violation of this Policy should make a complaint.

Protecting the Parties

Pending final outcome of an investigation in accordance with the complaint resolution procedures, the College will take steps to protect the parties from further Discrimination based on a Protected Category or retaliation. This may include allowing the parties to change his or her academic, transportation, dining, work, or living situation if options to do so are reasonably available and upon request.

Timing of Complaints

The College encourages persons to make complaints of Discrimination based on a Protected Category as soon as possible because late reporting may limit the College's ability to investigate and respond to the conduct complained of. College employees must forward any report or observation of Discrimination based on a Protected Category against a student within three (3) business days to the Title IX Coordinator. All complaints of Discrimination based on a Protected Category should be made within 180 days of the alleged misconduct.

Investigation and Confidentiality

All complaints of Discrimination based on a Protected Category will be promptly and thoroughly investigated in accordance with the Complaint Resolution Procedures (see below), and the College will take disciplinary and remedial action where appropriate. The College will make reasonable and appropriate efforts to preserve an individual's privacy and protect the confidentiality of information when investigating and resolving a complaint. However, because of laws relating to reporting and other state and federal laws, the College cannot guarantee confidentiality to those who make complaints. In the event that the complainant's confidentiality cannot be ensured, the College will notify the complainant.

In the event a complainant requests confidentiality or asks that a complaint not be investigated, the College will take all reasonable steps to investigate and respond to the complaint consistent with the request for confidentiality or request not to pursue an investigation. If a complainant insists that his or her name not be disclosed to the alleged perpetrator, the College's ability to respond may be limited. The

College reserves the right to initiate and proceed with an investigation despite a complainant's request for confidentiality in limited circumstances involving serious or repeated conduct or where the alleged perpetrator may pose a continuing threat to the College Community.

Resolution

If a complaint of Sex Discrimination or Discrimination based on a Protected Category is found to be substantiated, the College will take appropriate corrective and remedial action. Students, faculty, and employees found to be in violation of this policy will be subject to discipline up to and including written reprimand, suspension, demotion, termination, or expulsion. Affiliates and program participants may be removed from the College programs and/or prevented from returning to campus. Remedial steps may also include counseling for the complainant, academic, work, or living accommodations for the complainant, separation of the parties, and training for the respondent and other persons.

Good Faith Complaints

While the College encourages all good faith complaints of Sex Discrimination or Discrimination based on a Protected Category, the College has the responsibility to balance the rights of all parties. Therefore, if the College's investigation reveals that a complaint was knowingly false, the complaint will be dismissed and the person who filed the knowingly false complaint may be subject to discipline.

Academic Freedom

The College strongly supports and protects principles of academic freedom. All members of the College community have the right to use the academic forum provided by the College to discuss controversial subjects and express ideas germane to the academic forum, with which some or most of the members of the College community disagree. Sex Discrimination or Discrimination based on a Protected Category, however, is not about voicing unpopular ideas. Sex Discrimination or Discrimination based on a Protected Category is neither legally protected expression nor the proper exercise of academic freedom.

Education

Because the College recognizes that preventing Discrimination based on a Protected Category is an important issue, it offers educational programming to a variety of groups such as: campus personnel; incoming students participating in orientation; and members of student organizations. To learn more about educational resources, please contact the Title IX Coordinator.

COMPLAINT RESOLUTION PROCEDURES: COMPLAINTS OF DISCRIMINATION

General Principles

For purposes of these complaint resolution procedures, "Investigating Officer" means the Title IX Coordinator or his/her designee. The Investigating Officer shall have responsibility for administering these complaint resolution procedures.

Fairness and Impartiality

The Investigating Officer shall discharge his or her obligations under these Complaint Resolution Procedures fairly and impartially. If the Investigating Officer determines that he or she cannot apply these procedures fairly and impartially because of the identity of a complainant, respondent, or witness, or due to any other conflict of interest, the Investigating Officer shall designate another appropriate individual to administer these procedures.

Investigation and Resolution of the Complaint

Once a complaint is made, the Investigating Officer will commence an investigation of it as soon as practicable, but not later than seven (7) days after the complaint is made. The purpose of the investigation is to determine whether it is more likely than not that the alleged behavior occurred and, if so, whether it constitutes Discrimination based on a Protected Category. During the course of the investigation, the Investigating Officer may receive counsel from the College's administrators, the College's attorneys, or other parties as needed.

In certain narrow circumstances, the Investigating Officer may commence an investigation in cases where the complainant requests that the matter not be pursued. In such a circumstance, the Investigating Officer will take all reasonable steps to investigate and respond to the matter in a manner that is informed by the complainant's articulated concerns.

Content of the Investigation

During the investigation, the complainant will have the opportunity to describe his or her allegations and present supporting witnesses or other evidence. The respondent will have the opportunity to respond to the allegations and present supporting witnesses or other evidence. The Investigating Officer will review the statements and evidence presented and may, depending on the circumstances, interview others with relevant knowledge, review documentary materials, and take any other appropriate action to gather and consider information relevant to the complaint.

During the investigation and resolution of a complaint, the complainant and respondent shall have equal rights. They include:

- Equal opportunity to identify and have considered witnesses and other relevant evidence.
- Similar and timely access to all information considered by the Investigating Officer.
- Equal opportunity to review and comment, in writing, on any statements or evidence provided by the other party.
- Equal access to review and comment, in writing on any information independently developed by the Investigating Officer.

All parties and witnesses involved in the investigation are expected to cooperate and provide complete and truthful information.

Support Person for Cases Involving Students

During the investigation process, both a student complainant and a student respondent may ask a person to accompany him or her to meetings with the Investigating Officer. In cases involving multiple student complainants or student respondents, the support person cannot be another complainant or respondent. The support person does not serve as an advocate on behalf of the complainant or

respondent, and he or she must agree to maintain the confidentiality of the process. Non-student complainants, and non-student respondents, are not entitled to have a support person present during the investigatory process.

Interim Measures

At any time during the investigation, the Investigating Officer may determine that interim remedies or protections for the parties involved or witnesses are appropriate. These interim remedies may include separating the parties, placing limitations on contact between the parties, suspension, or making alternative class-placement or workplace arrangements. Failure to comply with the terms of these interim remedies or protections may constitute a separate violation of this policy.

Pending Criminal Investigation

Some instances of Discrimination may also constitute criminal conduct. In such instances, the complainant is also encouraged to file a report with the appropriate law enforcement authorities and, if requested, the College will assist the complainant in doing so. The pendency of a criminal investigation, however, does not relieve the College of its responsibilities. Therefore, to the extent doing so does not interfere with any criminal investigation, the College will proceed with its own investigation and resolution of the complaint.

Resolution

At the conclusion of the investigation, the Investigating Officer will prepare a written report. The written report will explain the scope of the investigation, identify findings of fact, state whether any allegations in the complaint were found to be substantiated by a preponderance of the evidence, and recommend one of the three determinations specified below. The written report will be submitted to both the Academic Dean and the Dean of Enrollment Management/Business Manager. Both parties will be provided a copy of the draft written report and allowed to respond to the written investigation report, in writing.

In the case of a complaint against a faculty member or student, the Academic Dean, in consultation with the Dean of Enrollment Management/Business Manager, may accept the Investigating Officer's report, request to review additional information, including summaries of party/witness statements or other information, or return the report for further investigation.

In the case of a complaint against any person other than a faculty member or student, the Dean of Enrollment Management/Business Manager, in consultation with the Academic Dean, may accept the Investigating Officer's report, request to review additional information, including summaries of party/witness statements or other information, or return the report for further investigation.

After the review of the Investigating Officer's report is complete, the Academic Dean or Dean of Enrollment Management/Business Manager, as the case may be, will for both the complainant and respondent, prepare and deliver a written determination of the complaint. The determination will be one of three outcomes.

The outcome of the investigation will be conveyed to the parties, simultaneously, in writing. The complainant and the respondent will receive a copy of the written report within three (3) days of its

completion. If necessary, the version of the written report provided to the complainant and/or respondent will be redacted to ensure that information concerning any remedial and/or disciplinary measures is disclosed in a manner consistent with the Family Educational Rights and Privacy Act ("FERPA").

1. *Finding "No Violation"*

If there is a determination that the behavior investigated did not violate the Non-Discrimination/Equal Opportunity Policy, both parties will be so informed.

2. *Finding "Inappropriate Behavior Not Rising to the Level of a Violation"*

There may be a determination that the behavior investigated did not violate the Non-Discrimination/ Equal Opportunity Policy but was inappropriate, unprofessional, or violated some other College policy. The Academic Dean or Dean of Enrollment Management/Business Manager may determine that such inappropriate behavior merits discipline, ongoing monitoring, coaching, or other appropriate action. If so, the Academic Dean or Dean of Enrollment Management/Business Manager may initiate further proceedings or impose disciplinary measures consistent with College policy.

3. *Finding "Violation"*

If there is a determination that the behavior violated the Non-Discrimination/Equal Opportunity Policy, the Academic Dean or Dean of Enrollment Management/Business Manager, in consultation with any appropriate supervisor, will determine appropriate corrective and disciplinary action to be taken. In addition, the Academic Dean or Dean of Enrollment Management/Business Manager will implement reasonable and appropriate measures to ensure that the complainant is not subject to further discrimination or harassment and to remedy the effects of any discrimination or harassment that may have occurred. Remedial steps may include, but are not limited to, counseling or training, separation of the parties, and/or discipline of the respondent, including written reprimand, suspension, demotion, termination, or expulsion in accordance with College policy. Remedial steps that do not directly affect the respondent shall be redacted from the respondent's copy of the written determination.

The written report shall be final subject only to the right of appeal set forth below.

Special Procedure Concerning Complaints against the President and Certain Other Administrators

If a complaint involves alleged conduct on the part of the College's President, the College's Board of Trustees will designate the Investigating Officer. Based on the information gathered by the investigation, the Board of Trustees will prepare and issue the written report determining the complaint. The determination of the Board of Trustees is final and not subject to appeal.

If a complaint involves alleged conduct on the part of the Title IX Coordinator, a Dean, or other administrator, the President will designate an appropriate person to conduct the investigation

required by these procedures. The written report of the investigation shall be presented to the President, who will prepare and issue the written determination. The determination issued by the President is subject to appeal to the Board of Trustees consistent with the appeal procedure set forth below.

Informal Resolution

Informal means of resolution, such as mediation, may be used in lieu of the formal investigation and determination procedure. However, informal resolution may only be used with the complainant's voluntary cooperation and the involvement of the Title IX Coordinator. The complainant, however, will not be required to work out the problem directly with the respondent. Moreover, the complainant may terminate any such informal resolution at any time. In any event, informal resolution, even on a voluntary basis, will not be used to resolve complaints alleging any form of violence.

Timing of the Investigation and Resolution

The College will endeavor to conclude its investigation and resolution of the complaint within a timely and prompt manner, approximately sixty (60) calendar days of receiving it. Both the complainant and the respondent will be given periodic updates regarding the status of the investigation. If either the complainant or respondent needs additional time to prepare or to gather their witnesses or information, they shall notify the Investigating Officer in writing explaining how much additional time is needed and why it is needed. The Investigating Officer shall respond to any such request within three (3) days.

Rights of the Parties

During the investigation and resolution of a complaint, the complainant and respondent shall have equal rights. They include:

- Equal opportunity to identify and have considered witnesses and other relevant evidence
- Similar and timely access to all information considered by the Investigating Officer
- Equal opportunity to review any statements or evidence provided by the other party
- Equal access to review and comment upon any information independently developed by the Investigating Officer

APPEALS

Grounds of Appeal

The complainant or respondent may appeal the determination of a complaint only on the following grounds:

- The decision was contrary to the substantial weight of the evidence
- There is a substantial likelihood that newly discovered information, not available at the time evidence was presented to the Investigating Officer, would result in a different decision
- Bias or prejudice on the part of the Investigating Officer, or

- The punishment or the corrective action imposed is disproportionate to the offense

Method of Appeal

Appeals must be filed with the College's President within ten (10) days of receipt of the written report determining the outcome of the complaint. The appeal must be in writing and contain the following:

- Name of the complainant
- Name of the respondent
- A statement of the determination of the complaint, including corrective action if any
- A detailed statement of the basis for the appeal including the specific facts, circumstances, and argument in support of it, and
- Requested action, if any.

The appellant may request a meeting with the President, but the decision to grant a meeting is within the President's discretion. However, if a meeting is granted, then the other party will be granted a similar opportunity.

Resolution of the Appeal

The President will resolve the appeal within fifteen (15) days of receiving it and may take any and all actions that he/she determines to be in the interest of a fair and just decision. The decision of the President is final. The President shall issue a short and plain, written statement of the resolution of the appeal. The written statement shall be provided to the complainant, respondent, and the Title IX Coordinator within three (3) days of the resolution.

DOCUMENTATION

Throughout all stages of the investigation, resolution, and appeal, the Investigating Officer, the Title IX Coordinator, and the President as the case may be, are responsible for maintaining documentation of the investigation and appeal, including documentation of all proceedings conducted under these complaint resolution procedures, which may include written findings of fact, transcripts, and audio recordings.

INTERSECTION WITH OTHER PROCEDURES

These complaint resolution procedures are the exclusive means of resolving complaints alleging violations of the Non-Discrimination/Equal Opportunity Policy. To the extent there are any inconsistencies between these complaint resolution procedures and other College grievance, complaint, or discipline procedures, these complaint resolution procedures will control the resolution of complaints alleging violations of the Non-Discrimination/Equal Opportunity Policy.

Nothing in these complaint resolution procedures, the Non-Discrimination/Equal Opportunity Policy, or associated materials should be interpreted so as to limit the College's right to resolve, investigate, and/or take disciplinary action against any improper conduct of a discriminatory nature, even though such conduct is not of the type, severity or pervasiveness that constitutes Discrimination based on a Protected Category as defined in the Non-Discrimination/Equal Opportunity Policy. The College, in its

reasonable discretion, may interpret and adjust these procedures in light of particular circumstances.

¹ Complaints of Sexual Misconduct, including complaints of sex discrimination, will be investigated and resolved through the College's Sexual Misconduct Policy and Complaint Resolution Procedures. For complaints involving sexual misconduct, please refer to the Sexual Misconduct Policy, located in the College Student Handbook.

Approval Signatures

Step Description	Approver	Date
Approval by College Senate	Reta Richmond: EXECUTIVE ASSISTANT-BRCN	11/2023
Approval by Student Development Committee	Andrew Griesbaum: STUDENT SERVICE OFFICER-BRCN	10/2023