

ADM 180 – McPherson College Policy Against Discrimination, Harassment, and Retaliation and Complaint Procedure

I. Commitment to Non-Discrimination, Non-Harassment and Non-Retaliation

The purpose of this policy is to uphold McPherson College's mission in preserving the fundamental dignity and rights of all individuals involved in campus activities.

Discrimination, harassment and retaliation on the basis of a protected category (see the Nondiscrimination/Equal Employment Opportunity Statement for an explanation of protected categories) are strictly prohibited. Persons who engage in such conduct are subject to discipline up to and including termination or dismissal.

Preventing prohibited discrimination, harassment and retaliation is the responsibility of all members of the College Community. Faculty, staff, and third parties should report a potential violation of this policy as soon as possible to the Director of Human Resources:

Director of Human Resources

1600 East Euclid
Human Resources
McPherson College
McPherson KS 67460
(620) 242-0454

hr@mcpherson.edu

Students and prospective students should report a potential violation of this policy as soon as possible to the Associate VP for Student Affairs/Dean of Students listed below:

Dan Falk

Associate VP for Student Affairs/Dean of Students
McPherson College
1600 East Euclid
McPherson KS 67460
(620) 242-0503

falkd@mcpherson.edu

McPherson will respond to reports of perceived prohibited conduct in a reasonable, thorough, and prompt manner, as set forth below. If the College determines that discrimination, harassment, or retaliation has occurred, appropriate corrective and remedial actions will be taken.

II. Scope

This policy applies to reports of discrimination, harassment, and retaliation on the basis of a protected category, other than harassment and retaliation on the basis of sex, which are governed exclusively by the College's ADM #150 Sexual Harassment Policy And Title IX Grievance Procedures. This policy governs reports of discrimination, harassment, and retaliation in all the College's programs and activities and applies to all members of the College Community. It applies to discrimination, harassment, and retaliation that occurs on campus, during or at an official College program or activity (regardless of location), and to off campus conduct when the conduct could deny or limit a person's ability to participate in or benefit from the College's programs and activities.

III. Prohibited Conduct

a. Discrimination

Discrimination is adverse treatment of an individual based on a protected category. It is a violation of this policy to discriminate on the basis of a protected status in any of the College's programs and activities. A list of protected categories is located in the Nondiscrimination/Equal Employment Opportunity Statement.

b. Harassment

Harassment consists of unwelcome verbal, non-verbal, or physical conduct that denigrates or shows hostility or aversion toward an employee, student, or other members of the College Community, including third-parties, because of a protected category. Harassment constitutes a form of prohibited discrimination if it denies or limits a person's ability to participate in or benefit from the College's programs and activities ("discriminatory harassment").

Examples of conduct prohibited by this policy may include, but are not limited to, jokes or pranks that are hostile or demeaning with regard to a person's protected status or have the purpose or effect of creating an intimidating, hostile, abusive or offensive working or academic environment.

c. Retaliation

The College prohibits retaliation against anyone for reporting discrimination or harassment, assisting in making a report, cooperating in an investigation, or otherwise exercising their rights or responsibilities under this policy and applicable federal, state, and local laws. Retaliation prohibited by this policy consists of materially adverse action, such as disparaging comments, uncivil behavior, or other negative treatment of an employee, student, or other member of the College Community because a report has been made pursuant to

this policy or because an individual otherwise cooperated with the College's investigation.

d. Sexual Harassment

The College's Sexual Harassment Policy and Title IX Grievance Procedures govern the reporting, investigation, and determination of reports of sexual harassment and related retaliation. All reports of sexual harassment, sexual assault, dating violence, domestic violence, stalking, and related retaliation will be investigated and resolved pursuant to the College's Sexual Harassment Policy And Title IX Grievance Procedures.

IV. Investigation and Resolution Procedures

a. Reports Alleging Misconduct By A Student

If a report of discrimination, harassment, or retaliation alleging misconduct on the part of a student is received, the report will be referred to the Dean of Students for investigation and resolution pursuant to the process for handling other types of student misconduct as contained in the Campus Judicial Procedure, available at:

<https://www.mcpherson.edu/wp-content/uploads/2020/01/1920StudentHandbook.pdf>

b. Reports Alleging Misconduct By Any Other Person

When a report of discrimination, harassment or retaliation alleging misconduct on the part of any other person is received, a College official will be designated to investigate the report. During the investigation, both the complainant and respondent will have the opportunity to identify witnesses and evidence. Investigations will be handled discreetly, with

information shared only with those persons who need to know the information in order for there to be a full and fair investigation. The investigator may impose interim measures during the pendency of the investigation to protect and separate the parties.

The investigator will prepare a written report summarizing the results of the investigation and deliver it to the Director of Human Resources. The Director of Human Resources will review the report, consult with other College administrators and officials as the Director of Human Resources deems appropriate, and issue a determination as to whether or not the report of misconduct is substantiated and, if so, what remedial measures will be taken to address the misconduct, including discipline for the respondent or initiation of disciplinary proceedings pursuant to other applicable College policies (including, for example, initiation of disciplinary proceedings under Section FAC 490 of the Faculty Handbook). Substantiated incidents of conduct prohibited by this policy can lead to discipline up to and including termination or dismissal. The Director of Human Resource's determination is not subject to appeal or further review.