

Policy Title: Non-Discrimination and Discriminatory Harassment Policy

Policy Summary: University Response to Discrimination, Discriminatory Harassment, Abusive and Bias-Motivated Conduct

Policy Category: Administration and Operations

Policy Owner: Chief Administration Officer

Policy Summary

This Policy establishes Drake University's response to allegations of discrimination, discriminatory harassment, abusive and bias-motivated conduct in its educational programs and activities, and in employment.

Purpose

There is no place in the Drake community for discrimination, discriminatory harassment, abusive, and bias-motivated conduct. Drake University condemns discrimination in all its forms. Drake University believes in the importance of inclusion, diversity, and mutual respect. This belief is rooted in our Mission Statement, embedded in our Core Values, and emphasized in our commitment to Equity and Inclusion. Drake University will take immediate and appropriate corrective action when it determines that these values have not been upheld.

Drake University strives to create an environment that fosters respect and recognizes and nurtures the dignity and worth of all members of the University community. Providing an educational and work environment free of discrimination and harassment is fundamental to Drake University's excellence and success as an institution. Discrimination and harassment impede the mission of the institution, stifle the realization of victims' full potential, and betray the community's commitments to diversity, equity, and inclusion in redressing historic injustices. As such, the purpose of this Policy is to advance these goals and address all forms of discrimination, discriminatory harassment, abusive and bias motivated conduct within its educational programs, activities, and employment.

The University seeks to create an environment that recognizes, values, and respects a variety of differences among its faculty, students, staff, and guests; to encourage appreciation and tolerance for such differences; and to hold to account those who would act out violently against people or otherwise abuse, harass, or discriminate against others because of those differences, categories of which have been drawn from local, state, and federal laws.

Scope

In accordance with applicable law, this Policy prohibits discrimination, discriminatory harassment, abusive, and bias-motivated conduct within the purview of Drake University's programs, activities, and employment. This Policy governs all University trustees, officers, faculty, staff, students, and visitors.

Drake University's policies on sex-based discrimination and sexual harassment that are covered

by Title IX of the Education Amendments of 1974 fall within the scope of Drake's [Sexual Harassment Policy](#).

Definitions

Bias-Motivated Incidents: A person engages in a bias-motivated incident if that person commits a violation of any Drake University conduct code or policy targeted against an individual or group of individual due to, in whole or in part, their actual or perceived protected characteristic as defined in Drake University's [Non-Discrimination Statement](#).

Discrimination: Discrimination is the unlawful negative treatment of an individual or group, including adverse action, because of a protected characteristic as defined in Drake University's [Non-Discrimination Statement](#).

Examples of discrimination could include, for example:

- Denying an employment promotion because of a protected characteristic; or
- Adverse grading for reasons of a student's protected characteristic.

Evidence of discrimination can be "direct," meaning a decision or action is explicitly based on a protected characteristic. However, discrimination can also be found based on indirect evidence, meaning circumstances, words, conduct, or other information creating an inference of discrimination that cannot otherwise be rebutted by legitimate, non-discriminatory reasons for the action taken.

Discriminatory Harassment: Unwelcome conduct on the basis of actual or perceived membership in a protected class as defined in Drake's [Non-Discrimination Statement](#), when such conduct has the purpose or effect of unreasonably interfering with an individual's work or educational performance or of creating an intimidating, hostile, or offensive environment for working or learning.

Examples of harassing conduct could include the following, when aimed at another person because of a protected characteristic:

- Conduct that would denigrate, distress, or humiliate a reasonable person;
- Name-calling, jokes, disparaging or negative comments;
- Physical intimidation, vandalism, or pranks;
- Displays of reading materials or pictures containing negative material about these characteristics, including electronic materials;
- Using social networking or other internet sites for the purpose of exhibiting, distributing, posting, or communicating matter in any form (text, image, audio, or video) which denigrates another person based on a protected characteristic;
- Putting oneself in proximity to another person with the intent to threaten, intimidate, or alarm that other person; or

- Any other physical, non-verbal, or verbal conduct that has the purpose or effect of creating an intimidating, hostile, or offensive work or academic environment based on a person's protected class status.

Good Faith Report: A good faith report is a report made with the honest and reasonable belief that a violation of law or University policy may have occurred based on available information.

Retaliation: Retaliation occurs when materially adverse action is taken against a person because that person has sought guidance, filed a complaint, participated in an investigation into a complaint, or objected to or resisted conduct prohibited under this Policy.

Examples of retaliation include, but are not limited to:

- Harassment or intimidation;
- Threatening violence or damage to property;
- An adverse employment action, such as consequences to an employee's compensation, non-justified disciplinary action, or an adverse adjustment to work assignments;
- An adverse academic action, such as lowered grades, denied class selection, or any other matter pertaining to the student's participation at the University; or
- Ridicule, taunting, or ostracism.

Policy

Drake University expressly prohibits discrimination, discriminatory harassment, abusive and bias-motivated conduct in its educational programs and activities, and in employment.

Reporting Allegations of Misconduct

Any person with questions about this Policy or who believes they may have experienced or witnessed discrimination, discriminatory harassment, abusive, and/or bias-motivated conduct within Drake University's educational programs, activities, or employment as defined within this Policy are encouraged to file a complaint with the University. Individuals are also encouraged to attempt to preserve any information or evidence relating to the alleged misconduct as preserving evidence may be useful for participating in a criminal or University complaint or for obtaining protection orders.

Complaints regarding misconduct prohibited by this Policy may be filed with the University as follows:

- For student-related complaints, contact the University's Dean of Students at (515) 271-3246 or hannah.clayborne@drake.edu;
- For employee-related concerns, contact Drake University's Executive Director of Human Resources at (515) 271-3133 or drakehr@drake.edu; or
- All conduct prohibited under this policy can also be reported to Drake University's Title IX Coordinator at (515) 271-4956 or titleix@drake.edu.

Reporters can also submit anonymous complaints to the University using EthicsPoint, a third-party organization that Drake has contracted with to provide an alternative reporting option to the campus community. While EthicsPoint complaints may be made anonymously, reporters should be aware that it may not be feasible for the University to fully investigate and follow-up on certain types of reports if they are made anonymously. Individuals interested in reporting complaints via EthicsPoint can do so at (877) 295-7490 or at <http://drake.edu/ethicspoint>.

Emergency Reporting

In case of emergency, members of the Drake University community are directed to dial 911 to contact local law enforcement or 811 to contact Drake Public Safety. The University also strongly encourages all members of its community to report any discrimination, discriminatory harassment, abusive or bias-motivated conduct that constitutes a crime to law enforcement by contacting any of the following offices and/or individuals:

Department	Emergency Contact	Non-Emergency Contact	Other Contact
Des Moines Police	911	(515) 283-4864 (515) 283-4811	25 East First Street Des Moines, IA 50309
Drake Public Safety or Scott Law, DPS Director	811	(515) 271-2222	scott.law@drake.edu

Investigation of Complaints

In cases where the accused is a student or the complainant is a student and the accused is a third party, the Dean of Students or their designee will exercise due diligence in conducting a prompt and impartial investigation into the complaint under the policies outlined in [Drake University's Student Code of Conduct](#).

In cases where the accused is a staff employee or where the complainant is an employee and the accused is a third party, the Executive Director of Human Resources or their designee will exercise due diligence in conducting a prompt and impartial investigation into the complaint.

In cases where the accused is a faculty member, a prompt and impartial investigation into the complaint will be conducted in accordance with the processes and procedures outlined in any applicable faculty policies, or by the Executive Director of Human Resources or their designee.

As part of the investigation, the parties, as well as any witnesses, will be interviewed and asked to provide relevant information, including documentation and other tangible evidence relevant to the investigation to the assigned investigator. The parties will be informed of the status of the investigation as deemed appropriate and absent extenuating circumstances; the investigation will generally be concluded within sixty (60) days of the filing of the complaint, or longer for good cause. A confidential record of the investigation will be kept on file in the Office of Human Resources, with the Dean of Students Office, or the Provost's Office, as applicable.

Discipline, Remedial Action, and Sanctions. Those found responsible for engaging in conduct

prohibited under this Policy may be subject to disciplinary/remedial action in accordance with applicable University policies and procedures, including the [Code of Student Conduct](#), [Student Handbook](#), [Staff Handbook](#) and/or the [Faculty Manual](#) or [Faculty Misconduct and Corrective Action Policies](#).

Based on the nature and severity of the conduct, sanctions or remedial action may also include reparative, restorative, and educational measures in order to avoid recurrence and meet the educational goals of the institution for its campus constituencies.

Sanctions may range in severity from reprimand to suspension, expulsion and/or termination of employment. In addition, if the circumstances warrant, the Dean of Students or University President may recommend the filing of a civil and/or criminal complaint where appropriate.

Prohibition Against Making False Statements

Making false statements or knowingly submitting false information during an investigation process is prohibited by the University and may constitute an independent basis for disciplinary sanctions against any student or employee, up to and including suspension or expulsion of a student or termination of an employee's employment. A finding in favor of an individual accused of misconduct does not, independent of additional evidence that an individual submitted false information, warrant a finding that the complaint was not made in good faith.

Prohibition Against Retaliation

Retaliation against a person who makes a good faith report of conduct prohibited under this Policy (or a person who is believed to have made a good faith report) is strictly prohibited in accordance with this Policy and [Drake University's Non-Retaliation Against Persons Reporting Misconduct Policy](#).

Retaliation against those who cooperate in formal and informal investigations and serve as witnesses in formal legal proceedings is also prohibited.

Retaliation is a separate form of misconduct that must be investigated, and which could justify independent sanctions against any person involved in retaliatory acts, including third-parties, friends or other persons acting on behalf of or in cooperation with an individual engaging in retaliatory behavior toward another person.

Additional Resources

The following resources are available to students and/or employees who may want to talk to someone about their experiences with discrimination, harassment, discriminatory harassment or bias-motivated incidents. Although these resources are not able to accept complaints of misconduct, and do not replace the reporting procedures set forth in this Policy above, they do provide students and/or employees with resources for emotional and mental health support.

Employee Assistance Program

The Employee Assistance Program (EAP) is a free, confidential benefit for Drake employees and their families. Confidentiality is the cornerstone of the EAP program and use of the EAP is strictly confidential within the limits of state and federal regulations. Employee job security and

promotional opportunities will not be jeopardized by participating in the program. The EAP is offered through Employee and Family Resources and is available to employees and their families 24/7 through the EAP hotline at (800) 327-4692.

Student Counseling Center

The Student Counseling Center works with students on a wide variety of issues and concerns. All information obtained in counseling is confidential within the limits of state law and will not be released without the written consent of the student. The Student Counseling Center is located at 3116 Carpenter Ave., Des Moines, IA 50311 and is open Monday through Friday from 8 am to 5 pm. Students can schedule appointments by calling (515) 271-3864.

Last Review Date: March 2023

Effective Date: May 2006

Resources and Related University Policies:

- [Code of Student Conduct](#)
- [Sexual Harassment Policy](#)
- [Resolution on the Use of Racial Epithets](#)
- [Guidance for Resolution on the Use of Racial Epithets](#)
- [Drake University's Faculty Manual](#)
- [Non-Retaliation Against Persons Reporting Misconduct Policy](#)
- [Drake University Student Handbook](#)
- [Drake University Staff Handbook](#)
- [Faculty Manual](#) and/or [Faculty Conduct, Corrective Action, and Discipline Policy](#)