

GENERAL PROCEDURES SUPPORTING THE SACRED HEART UNIVERSITY ANTI-DISCRIMINATION AND DISCRIMINATORY HARASSMENT POLICY

If there is an imminent threat or danger, please contact SHU Public Safety Emergency line at 203-371-7911 or local law enforcement by dialing 911. SHU Public Safety

If there is a threat of imminent danger to our community, SHU reserves the right to respond to issues of harassment and discrimination without the cooperation of those reporting.

I. INTRODUCTION

Any person who believes they have experienced discrimination or harassment in violation of the [Sacred Heart University Anti-Discrimination and Discriminatory Harassment Policy](#) may file a complaint under these procedures.

No Retaliation

Retaliation against anyone who, in good faith, files a complaint or cooperates in the investigation of a complaint is strictly prohibited.

Sacred Heart University will address reported complaints promptly and equitably as discreetly and confidentially as possible consistent with applicable laws, regulations and legitimate SHU interests. If you have questions about the confidentiality of a report, please ask SHU's Director of Institutional Equity Compliance and Support listed below.

II. REPORTING A CLAIM

SHU has procedures providing for prompt and equitable resolution of complaints alleging any act prohibited by the [Sacred Heart University Anti-Discrimination and Discriminatory Harassment Policy](#).

Consistent with SHU Human Resources guidance, Faculty and Staff are encouraged to raise concerns over conduct with their immediate supervisor first when possible.

- A. Complaints of Discrimination or Harassment based on a protected characteristic except sex or disability can make a report using the [SHU's Discrimination, Discriminatory Harassment or Bias Incident Reporting Form](#) or contact SHU's Director of Institutional Equity Compliance and Support at burmeistera@sacredheart.edu or call 203-396-8067.

- B. Complaints of Discrimination or Harassment based on sex including but not limited to gender or sexual orientation, or sexual misconduct, including sexual violence, sexual harassment, sexual assault, stalking and relationship violence, are addressed by [SHU's Title IX Policy and Procedures](#). Please visit [SHU's Title IX Website](#) for further information or contact SHU's Title IX Coordinator, at TitleIXCoordinator@sacredheart.edu or call 203-396-8392.
- C. Complaints of discrimination based on disability are addressed by the [SHU 504/ADA Accommodation Grievances and Discrimination Complaint Procedures](#). For questions, contact SHU's ADA/504 Coordinator at burmeistera@sacredheart.edu or call 203-396-8067.

In accordance with the requirement of 504 of the Rehabilitation Act of 1973 and Titles I and III of the Americans with Disabilities Act of 1990 (ADA) Sacred Heart University will not discriminate against qualified individuals with disabilities on the basis of disability in its services, programs or activities. SHU does not discriminate on the basis of disability in its hiring or employment practices and complies with all regulations promulgated by the U.S. Dept. of Education, the U.S. Dept of Justice, and the U.S. Equal Employment Opportunity Commission.

Additional Rights

Persons may, at any time, file a complaint with the [State of Connecticut Commission on Human Rights and Opportunities](#), the [Department of Education Office of Civil Rights](#), or the [Equal Employment Opportunity Commission](#), or other civil rights agencies.

III. PROCEDURES*

*These Procedures apply to allegations of Discrimination and Discriminatory Harassment except those allegations addressed by Title IX and 504/ADA complaint procedures respectively.

These procedures provide for a prompt and equitable resolution of complaints alleging conduct prohibited by this Sacred Heart University Anti-Discrimination and Discriminatory Harassment Policy. If it is determined that Discrimination or Discriminatory Harassment has occurred, SHU will take action to stop the violation, prevent a reoccurrence, and correct any discriminatory effect. Such action may include counseling, education, warning, disciplinary action, termination of employment or expulsion.

Timing

Persons should submit their complaint within sixty (60) days of the incidents giving rise to the complaint. This filing period may be extended for good cause.

A. Written Complaint

A person must submit a written complaint by using this [Discrimination, Discriminatory Harassment or Bias Incident Report](#) or by other writing clearly stating (1) the alleged discriminatory conduct (2) all specific facts supporting the claims made in the complaint (3) the remedies and/or resolution sought. Anyone having difficulty completing a written complaint may ask for assistance from the Office for Inclusive Excellence.

B. Initial Assessment

Upon receipt of a Complaint, the Sacred Heart University Director of Institutional Equity Compliance and Support in the Office for Inclusive Excellence or their designee (OIE) will:

- promptly arrange a meeting with the person who filed the Complaint;
- assess the nature and circumstances of the complaint to determine whether the reported conduct is within the scope of the Anti-Discrimination and Discriminatory Harassment Policy or is otherwise bias in nature and the appropriate manner of resolution under these Procedures; and
- work with individuals involved to facilitate appropriate supportive measures and make appropriate referrals to University resources.

Based on this initial assessment, OIE will:

- Present Complainant with recommendations based on initial assessment and
- Begin informal resolution under these Procedures;
- Begin an Investigation under these Procedures;
- Refer matters to a department, school or office to address concerns that do not fall within the scope of the Anti-Discrimination or Discriminatory Harassment Policy but that may be appropriately addressed under another policy or procedure; or
- Close the matter.

C. Informal Resolution

Some circumstances where biases are expressed do not rise to the level of a Policy violation and some complaints alleging conduct that does falls under this Policy may be addressed and resolved by an informal resolution process. Informal resolution may include direct and/or facilitated communication between the people involved, educational interventions or other informal resources and engagement. The Office for Inclusive Excellence provides appropriate opportunities and resources to support

informal resolution. It is important to note that no findings of responsibility are made in the informal resolution process.

Informal resolution will be initiated at the discretion of the Office for Inclusive Excellence, taking into consideration the desire of the Complainant and the University's interest in maintaining a discrimination and harassment free environment. Informal resolution will only be undertaken with the voluntary consent of those participating after receiving written notice of the alleged concerns to be addressed and how OIE is offering to address it.

D. Investigation

Where informal resolution is not pursued, or was pursued but did not yield a resolution, and OIE's initial assessment determined the conduct alleged is conduct prohibited by the Anti-Discrimination Policy and Discriminatory Harassment Policy, OIE (or its University designee) may initiate an Investigation. Please note, references to OIE in this Section D. imply OIE's designee if employed.

Initiation of Investigation

- OIE will send Respondent(s) a written Notice of Investigation.
- In instances where the Complainant(s) and/or Respondent(s) are faculty or staff of SHU, the Office of Human Resources will be notified and will participate in the investigation. The Respondent's immediate supervisor will also be notified of the investigation but will not be provided details of the allegations nor the names of the people involved beyond their direct report.
- In instances where the Respondent is a SHU student, the Office for Student Conduct and Community Standards will be notified and will participate in the investigation.
- The Notice of Investigation will state the allegations with specificity and will include the procedures of the investigation.
- OIE will discuss and implement supportive measures with individuals involved as appropriate.

Investigation

- OIE will attempt to collect all relevant information and evidence. While OIE will have the burden of gathering evidence, it is crucial that the parties present evidence and identify witnesses to OIE so that all relevant information may be considered during the investigation.

- The Respondent is presumed not responsible when an investigation is initiated. OIE has the burden of establishing a preponderance of facts that support a finding of responsibility for each allegation.
- OIE will attempt to interview Complainant and Respondent and any other individuals OIE deems necessary to determine facts. OIE may seek to clarify certain information and expects individuals will be reasonably available to OIE in this process.
- OIE will offer reasonable opportunity for a hearing to the Respondent where OIE will present all relevant evidence gathered in the investigation and provide Respondent an opportunity to respond.
- After Respondent has had reasonable opportunity for a hearing, OIE will prepare an Investigation Report. The Report will make findings of fact and determinations of responsibility under the Anti-Discrimination and Discriminatory Harassment Policy. The Investigative Report is the property of the University and shall remain in the custody of the Office for Inclusive Excellence.
- OIE will issue a Letter of Findings and Determinations to University Human Resources or the Office of Student Conduct and Community Standards as appropriate. Those Departments will be responsible for determining appropriate responses to the findings and determinations and will communicate with the Respondent accordingly.
- Where violations of the Policy are found, Sacred Heart University will take action to stop the violation, prevent a recurrence and correct any discriminatory effect. Such actions may include supportive measures, education, counseling, warning, disciplinary action, termination of employment, withdrawal of admission offer and expulsion.
- OIE will notify Complainant when OIE has closed the matter.
- A confidential record of the investigation will be maintained in a private file in the Office for Inclusive Excellence subject to SHU record retention policy.
- **Standard of evidence:** Sacred Heart University applies the preponderance of the evidence standard in making findings of fact under these Anti-discrimination and Discriminatory Harassment Policy Procedures. This standard is met when it is “more likely than not” that the conduct or incidents occurred as alleged.
- **Determination of Responsibility Standard:** Determinations of responsibility for Policy violations are only made where there is sufficient evidence to make a finding of fact.

- **Presumption of Not Responsible:** The Respondent is presumed not responsible when an investigation is initiated. OIE has the burden of establishing a preponderance of facts that support a finding of responsibility for each allegation.

ADDITIONAL RIGHTS AND PROCEDURES

Free Speech

The Anti-Discrimination and Discriminatory Harassment Policy is not intended and will not be implemented or invoked to inhibit or restrict free speech or the expression of ideas. SHU places great value on freedom of expression and vigorous debate. SHU also recognizes the importance of mutual respect and civil discourse, and SHU does not tolerate hatred directed against any person(s).

No Retaliation

Retaliation against any person who files a complaint, participates in an investigation, or opposes a discriminatory employment or education practice or policy is prohibited by University policy and federal and state law. Please immediately report complaints of retaliation to the Director of Institutional Equity Compliance and Support.

Self-Representation

Individuals involved in the informal resolution process or in an investigation under these procedures is expected to represent themselves directly in the process but is free to request the attendance of a support person. If an individual would like a support person to attend a meeting with them, they must give written notice to OIE at least twelve (12) hours in advance. OIE reserves the right to decline such a request in its reasonable discretion. The support person may be present solely to advise or support the Complaint or Respondent and may not speak on their behalf in the interview or other investigation communications.

Appeals

If a Complainant or Respondent has discovered material evidence not reasonably available during the investigation, or believes, in good faith, that investigation was not conducted according to these Procedures they may appeal the findings or determinations to the [Chief Diversity and Inclusion Officer](#).

This Appeal must be made in writing within ten (10) business days of the Letter of Determination. The review by the CDIO will be completed within thirty (30) business days of the Appeal and submitted in writing either sustaining the investigation result or reopening the investigation for further consideration if the investigation was not conducted as described above or due to the discovery of evidence not reasonably available during the investigation. The decision on the appeal will be final.

DEFINITIONS

Terms have the following meanings when used in these Procedures:

Discrimination is adverse or less favorable treatment of a person(s), based on perceived or actual protected characteristic which adversely affects their access to or full participation in SHU programs, activities, services or employment.

Discriminatory Harassment is (1) unwelcome conduct (2) based on a person(s)' perceived or actual protected characteristic where (3) (a) enduring the conduct becomes a condition of participation in a SHU program, activity, service or employment or (b) the conduct, determined by a reasonable person to be severe, pervasive or objectively offensive, such that it affects their access to or full participation in SHU programs, activities, services or employment or (c) a reasonable person in the same position as the individual would consider the conduct intimidating, hostile or abusive.

Unwelcome conduct that could constitute Discriminatory Harassment under this Policy includes, but is not limited to, epithets, derogatory comments or slurs, lewd propositions, assault, impeding or blocking movement, offensive touching or any physical interference with normal work or movement, and visual insults such as derogatory posters, cartoons and social media posts.

Even when Harassment is not based on a protected characteristic, Sacred Heart University has an interest in knowing and addressing such instances of Harassment in the University community. Harassment is in violation of the Student Code of Conduct and the Employee Handbook. Please use to report such behavior.

Retaliation is intentional adverse action taken by a responding individual or allied third party, absent legitimate nondiscriminatory purpose, against any member of the SHU community who (1) files a report, complaint or grievance under this Policy; (2) opposes, in a reasonable manner, actions or policies believed to be in violation of this Policy; or (3) participates in any investigation or resolution process, at Sacred Heart University or with the Equal Employment Opportunity Commission, the State of Connecticut Commission on Human Rights and Opportunities, or other human rights agencies.

Bias is the tendency of a person to favor or disfavor people, things or ideas. Identity bias is based on the identity characteristics of a person or group of people. Identity bias can lead to Discrimination or Discriminatory Harassment.

Even when identity bias does not lead to Discrimination or Discriminatory Harassment, Sacred Heart University has an interest in knowing and addressing such instances of identity bias in the SHU community. Please complete the Discrimination, Discriminatory Harassment or Bias Incident Reporting Form to report instances of identity bias even if it did not lead to Discrimination. Persons may also contact SHU's Director of Institutional

Equity Compliance and Support [Anne Burmeister](#) at burmeistera@sacredheart.edu or call 203-396-8067.

SHU's Bias Education and Support Team (BEST) may be able to assist in transformative dialog or other equitable resolution of such claims.

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